

A regular meeting of the Keene City Council was held on Thursday, January 2, 2025. 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, Catherine I. Workman, Mitchell H. Greenwald, and Thomas F. Powers were present. Bryan J. Lake & Bettina A. Chadbourne were absent. Councilor Madison led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the minutes of the December 19, 2024, meeting as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor.

ANNOUNCEMENTS

Mayor Kahn reminded the Council of a Workshop on the Rules of Order on Tuesday, January 28, 2025, at 6:00 PM. The Mayor said this is intended to be an educational opportunity and asked Councilors to let him know of any specific topics of interest on the Rules of Order that they would like to focus on at the Workshop.

PRESENTATION OF RETIREMENT RESOLUTION – HARRY MCKELVEY

Mayor Kahn presented a Retirement Resolution to Harry McKelvey, honoring his 37 years of service to the City. Mr. McKelvey said he appreciated the opportunity to work for the City of Keene, calling it awesome and saying that if he had the opportunity to do it all over again, he would.

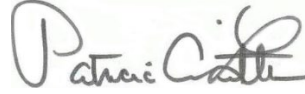
PUBLIC HEARING – AMENDMENTS TO LAND DEVELOPMENT CODE – BUILDING HEIGHTS IN THE COMMERCE DISTRICT – ORDINANCE O-2024-19-A

Mayor Kahn opened the Public Hearing at 7:10 PM and asked the City Clerk to read the notice of hearing. Mayor Kahn welcomed City Planner, Evan Clements, for an introduction.

Mr. Clements explained that the City was the petitioner in this LDC amendment that would increase the opportunity for both commercial activity and residences within the Commerce Zone by increasing the allowed building height “by right” from two stories to three stories. Additionally, the Ordinance acknowledges that many parts of the City were already a part of the urban compact, and the Ordinance would carve out special exceptions for more large-scale multifamily dwellings while still requiring a tenantable commercial space on the ground floor, and allowing residential to exist on that ground floor behind the tenantable commercial space, increasing opportunities for those of differing mobilities. The Ordinance would also increase the flexibility for these types of projects are to be approved and constructed.

Mayor Kahn opened the floor to public comments. Hearing no comments from the public, Mayor Kahn closed the public hearing at 7:13 PM, except that written comments would be accepted up until 1:00 PM on Tuesday, January 7, 2025.

A true record, attest:



City Clerk

**CONFIRMATIONS – 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 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.

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 13 Councilors present and voting in favor. Councilors Lake and Chadbourne were absent.

**COMMUNICATION – KENNETH AND DIANE HITCHCOCK – REQUEST FOR NO
TRACTOR-TRAILER TRAFFIC SIGN – INTERSECTION OF WATER STREET AND
WOODLAND AVENUE**

A communication was received from Kenneth & Diane Hitchcock, requesting a sign to be put up at the corner of Water Street and Woodland Avenue prohibiting tractor-trailers following recent property damage done to property at 100 Woodland Avenue on March 20, July 2, and December 16, 2024. Mayor Kahn referred the communication to the Municipal Services, Facilities & Infrastructure Committee.

**COMMUNICATION – KEENE DOWNTOWN GROUP – REQUEST TO USE CITY
PROPERTY – ICE AND SNOW FESTIVAL – FEBRUARY 1, 2025**

A communication was received from Mark Rebillard & the Keene Downtown Group, submitting the annual request for a license to conduct the 2024 Ice and Snow Festival on City property on February 1, 2025. Mayor Kahn referred the communication to the Planning, Licenses & Development Committee.

COMMUNICATIONS – JON LOVELAND – CONTINUED CONCERNS OVER THE DOWNTOWN INFRASTRUCTURE PROJECT – CONSTRUCTION MANAGEMENT – DURATION, PHASING AND SEQUENCING

Communications were received from Jon Loveland, continuing to raise concerns with the downtown infrastructure project. In the first letter, Mr. Loveland critiqued a communication that the Council received from the Bicycle & Pedestrian Path Advisory Committee. In the second letter, he commented about the schedule for the downtown infrastructure project and the fact that the buried infrastructure replacement project was anticipated to occur in three phases over three years/seasons and suggested that the project could be built in one season. Mayor Kahn accepted both communications as informational.

MSFI REPORT – RECOMMENDATIONS REGARDING INVASIVE SPECIES EDUCATION AND MANAGEMENT – CONSERVATION COMMISSION

A Municipal Services, Facilities & Infrastructure Committee report read, unanimously recommending accepting the recommendations regarding invasive species and education management as informational. Mayor Kahn filed the report as informational.

MSFI REPORT – TIM PIPP/BEEZE TEES SCREEN PRINTING – PROPOSAL TO ADD THE NECESSARY INFRASTRUCTURE TO ACCOMMODATE BANNERS ACROSS MAIN STREET

A Municipal Services, Facilities & Infrastructure Committee report read, unanimously recommending that the communication regarding banners across Main St. be accepted as informational and to have City staff report back to the MSFI Committee on their findings. Mayor Kahn filed the report as informational.

MSFI REPORT – REQUEST FOR A MARKED CROSSWALK AT THE INTERSECTION OF WEST STREET AND PEARL STREET

A Municipal Services, Facilities & Infrastructure Committee report read, recommending that the City Manager be authorized to install a marked crosswalk and pedestrian beacons on West Street, at the intersection of Pearl Street. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Powers felt it was incumbent upon him to speak against this. He understood that the evaluation had been done and it met the criteria of the MUTCD standards, but that did not mean it should be done or had to be done every single time. Based on his training and experience—in this case—Councilor Powers thought this crosswalk would cause more pedestrian accidents than it would prevent, and that it would cause more automobile accidents because he said that clearly that piece of “highway” was a problem when traveling at, above, or below the speed limit because there are four lanes of traffic going in different directions. He continued that the motorists might not act promptly with encountering a traffic light/beacon that means “stop,” at this location and it would be difficult to see people walking across West Street despite the light because of the nature of the roadway. Councilor Powers

said that unfortunately, nobody pays attention to what traffic rules mean. He did not hear a discussion by the MSFI Committee of how many pedestrian accidents there had been at this intersection. He thought that there would be more with this change because it would be harder to see people even with the flashing lights. He also thought the traffic light/beacon could cause more traffic accidents between two cars because drivers would not be looking where they should be when they suddenly need to stop. The Councilor said he observed this traffic on West Street daily, calling it chaos, and while he imagined that the larger project toward the end of the decade would improve it, he did not think this would. Mayor Kahn asked if the Councilor wanted to refer this matter back to Committee and Councilor Powers said no.

Councilor Remy said he had not thought about that, so he appreciated Councilor Powers' comments. Councilor Remy recalled difficulties trying to turn from Pearl Street onto West Street and having to find a gap in the traffic and pay attention to determine when to pull out when there are not cars coming from the light by Starbucks. He said that with this proposed change, there would be added complexity of watching whether there is a person at this crosswalk, which he could see going poorly. He commented about how there could be additional challenges with back-ups on West Street, for example. These concerns made him nervous. He said he understood that pedestrians need a way to cross West Street at Pearl Street—at this time people would just run—but short of a stop light, he was unsure it was the right decision to incentivize adding pedestrian traffic there.

Councilor Filiault said that these questions were asked by the MSFI Committee, which he said was very concerned about this issue. He compared it to the four lanes of traffic in front of the Library, where he said that the flashing yellow light wakes a driver up to the potential for a pedestrian to enter the traffic. The MSFI Committee discussed that heavy pedestrian activity would continue in the Pearl Street area with the nearby apartments and hotel. Councilor Filiault said he asked the Public Works Department about the flashing beacon, which would flash longer at this location than at the Library. He commented on how once a pedestrian is done crossing; most drivers will not wait for the light to stop blinking to start driving again. Councilor Filiault thought this change would increase pedestrian safety; he said it would not change how many people cross there but it would make drivers more alert. He said the flashing lights are a safety feature that cause drivers to slow down, which would be helpful because people drive quickly on West Street. While this would not be perfect, Councilor Filiault thought this was the best the City could do until the reconstruction of West Street, so he hoped his colleagues would vote in favor.

Councilor Bosley hoped that in the future, West Street would have a center median for pedestrians to rest when crossings—like on Main Street—noting that it took an accident for one to be installed on Main Street. She recalled that to get flashing beacons installed, she and Councilor Workman had to ask to have them included in the Winchester Street/Key Road roundabout project. In Councilor Bosley's personal experience, she felt the flashing lights had helped her to avoid accidents when driving because it is difficult to see people dressed in all dark clothing at night. So, she supported this beacons crosswalk but hoped to see the center median in the future. She felt that there were many crosswalks across four lanes of traffic in

Keene, so she thought it could work, and people were already crossing there, so she thought it needed to be as safe as possible.

Councilor Haas said he could not disagree with Councilor Powers, and Councilor Haas liked calling that end of West Street a “highway” because of how fast people drive, which is much faster than by the Library. Councilor Haas was in favor of any sort of traffic calming at this location, which he thought this proposed solution would be. He said this would lead to backups and often make that traffic subject to what he likes to call “the tyranny of the pedestrian” – that is repeatedly pushing the “cross” button even though there are timers, so it introduces more interruptions. He did not think the MSFI Committee discussed the idea of a full stop light at this location, so he asked to hear about that.

Councilor Favolise was inclined to support the Committee recommendation to introduce the crosswalk. He thought the concept of a stop light was discussed but recalled there being a concern from the State of NH about the State having the right to review and approve projects in that area because of its proximity to the highway, but he welcomed the Public Works Director correcting him. So, Councilor Favolise said this recommendation was really the feasible option in response to the complaints and concerns from constituents. For him, the fact remained that this was already a de facto crossing area. He said the City would not be putting a crosswalk in where nobody was crossing and all of the sudden, everybody would be crossing there. He added that he believed the pedestrian beacon aspect of the project would still have to go to the FOP Committee for funding approval. Councilor Favolise thought this crosswalk and beacons would make this intersection safe because pedestrians were already crossing in the area, so he supported the motion.

Councilor Madison agreed with Councilor Favolise that people were already crossing West Street at this location and would continue, with or without this solution, so Councilor Madison agreed that the crosswalk and beacon would make it safer. Councilor Madison wanted to see even more flashing pedestrian beacons installed throughout the City, especially on Washington and Court Streets, noting that he had been hit at low speed on the former and almost hit on the latter. He added his colleagues should anticipate a request from him to address both of those streets in the near future.

Councilor Greenwald agreed with Councilor Favolise that the MSFI Committee was told that this part of West Street involves the State of NH, so a stop light would have to be in the 10-year plan. Councilor Greenwald said that people would still cross the street anywhere they want to and that could potentially be an incremental safety issue. He recalled that many years ago, the Capital Improvement Program included a project for a center median on West Street and limiting left turns but it was mired in the process, which he called unfortunate. So, he called this crosswalk a small step. Councilor Greenwald thought Councilor Powers was right that it could give pedestrians a false sense of security that drivers are looking when they are not. While Councilor Greenwald had worries, he still thought something would be better than nothing.

Councilor Tobin said she does not always have a lot of confidence when she pushes a “cross” button that drivers will stop, but said that on West Street, she pushes them every time because that is the only way she can cross the street. She agreed that this would not be the perfect solution for this intersection, but she did think that until this section of West Street could be redesigned, this solution would help people to get where they need to go as many in that area do not have vehicles and need to get across the street. She intended to support this.

The motion to carry out the intent of the Committee report carried on a vote of 10–3. Councilors Remy, Jones, and Powers voted in the minority.

CITY MANAGER COMMENTS

First, the City Manager reported that the Community Development Department recently received “preliminary” digital Flood Insurance Rate Maps from the Federal Emergency Management Agency. This process began in early 2017, when FEMA held meetings with Connecticut River watershed communities and started collecting data from the City. She said the City did not necessarily agree with all of the changes. The City Engineer, Bryan Ruoff, and GIS Coordinator, Will Schoefmann—had started reviewing the information. This was important because these changes would impact whether or not a property is in the floodway, which would restrict development, and it could impact whether or not a property owner or business owner is required to have flood insurance. The City Manager said it was important for the City to provide its input in this process, and it would be important to engage the public as well, so Community Development was working on a list of potentially impacted properties to share in the near future.

Next, the City Manager shared that there would be additional follow-up related to the Conservation Commission’s presentation on invasive species even though the item was accepted as informational. Staff from Public Works and Parks & Recreation would appear before the MSFI Committee again to discuss what the Conservation Commission raised, who to contact, where to find more information, and additional information to share with the public.

The City Manager added that in 2024, the Conservation Commission requested to purchase 0 Washington Street Extension, and she confirmed that the purchase was finalized in September 2024 on behalf of the Conservation Commission.

Next, the City Manager reported that at the January 2025 FOP Committee meetings, the Fire Department would be presenting on call volumes and staffing needs, which would lead up to a request to submit a SAFER grant to bring on additional personnel. She encouraged everyone to attend and/or watch the recordings and provide comments/questions.

The City Manager also acknowledged the Finance Director/Treasurer, Merri Howe, who received recognition for the Fiscal Year-2023 reports, again gaining the Government Finance Officers Certificate for Achievement of Excellence and Financial Reporting. The City Manager congratulated the Finance Department. The City Manager also announced Ms.

Howe's retirement and invited the Council for pastries and well wishes on January 3 at 11:00 AM.

Lastly, the City Manager shared good news that the contractor for the demolition of the Findings building at 160 Water Street had mobilized and demolition would begin Monday, January 6.

STATEMENT OF INTEREST FILINGS – CITY CLERK

A memorandum was received from the City Clerk, Patty Little, informing the Council of the timing to submit its annual Statement of Interest paperwork. Mayor Kahn filed the memorandum as informational. Copies of the paperwork had been placed on the Councilors desks for their convenience.

ORDINANCE FOR FIRST READING – RELATING TO CLASS ALLOCATION AND SALARY SCHEDULE – ORDINANCE O-2025-01

A memorandum was received from the HR Director/ACM, Elizabeth Fox, recommending that the City Council refer Ordinance O-2025-01 to the Finance, Organization & Personnel Committee. Mayor Kahn referred Ordinance O-2025-01 to the Finance, Organization & Personnel Committee.

ORDINANCE FOR FIRST READING – RELATING TO BOARDS AND COMMISSIONS –ORDINANCE O-2025-02

A memorandum was received from the City Clerk, Patty Little, recommending that the City Council refer Ordinance O-2025-02 to the Finance, Organization & Personnel Committee. Mayor Kahn referred Ordinance O-2025-02 to the Finance, Organization & Personnel Committee.

ORDINANCE FOR FIRST READING – RELATING TO MASTER BOXES – ORDINANCE O-2025-03

A memorandum was received from Richard Wood, Fire Marshal/Building Official, recommending that the City Council refer Ordinance O-2025-03 to the Municipal Service, Facilities & Infrastructure Committee. Mayor Kahn referred Ordinance O-2025-03 to the Municipal Service, Facilities & Infrastructure Committee.

ORDINANCE FOR FIRST READING – RELATING TO INSTALLATION OF A STOP SIGN ON JENNISON STREET ORDINANCE O-2025-04

A Municipal Services, Facilities & Infrastructure Committee report read, recommending that the City Manager be directed to draft an Ordinance adding a stop sign at the northernmost end of Jennison Street at its intersection with Foster Street. Mayor Kahn referred Ordinance O-2025-04 to the Municipal Service, Facilities & Infrastructure Committee.

RESOLUTION – RELATING TO APPROPRIATIONS FOR TREE REMOVAL WORK – RESOLUTION R-2025-01

A memorandum was received from the Public Works Director, Don Lussier, recommending that Resolution R-2025-01 be referred to the Finance, Organization & Personnel Committee. Mayor Kahn referred Resolution R-2025-01 to the Finance, Organization & Personnel Committee.

RESOLUTION – IN APPRECIATION OF MERRI E. B. HOWE UPON HER RETIREMENT – RESOLUTION R-2025-02

A memorandum was received from Elizabeth Fox, HR Director/ACM, recommending the adoption of Resolution R-2025-02. Mayor Kahn filed the memorandum. A motion by Councilor Powers to adopt Resolution R-2025-02 in appreciation of Ms. Howe’s 12 years of service was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors absent.

RESOLUTION – RELATING TO KEENE ROADWAY SAFETY ACTION PLAN OF 2025 –RESOLUTION R-2024-44

A Municipal Services, Facilities & Infrastructure Committee report read, unanimously recommending the adoption of Resolution R-2024-44. A motion by Councilor Greenwald to adopt Resolution R-2024-44 was duly seconded by Councilor Filiault. The motion carried unanimously with 13 Councilors present and voting in favor.

MSFI REPORT – HERITAGE COMMISSION – DESIGN DETAILS IN THE DOWNTOWN INFRASTRUCTURE PROJECT

A Municipal Services, Facilities & Infrastructure Committee report read, unanimously recommending that the Heritage Commission communication regarding Design Details in the Downtown Infrastructure Project be accepted as informational. Mayor Kahn filed the report as informational.

DOWNTOWN BIKE RACK INVENTORY – BICYCLE PEDESTRIAN PATH ADVISORY COMMITTEE

A memorandum read from GIS Coordinator, Will Schoefmann, recommending that the City Council accept the Bicycle & Pedestrian Path Advisory Committee’s Downtown Bike Rack Inventory suggestions as informational. Mayor Kahn accepted the memorandum as informational.

MSFI REPORT – APPROVAL OF FINAL DESIGN DETAILS FOR DOWNTOWN INFRASTRUCTURE PROJECT (EXCLUDES APPROVED ROADWAY, SIDEWALK, AND BIKE LANE PHYSICAL LAYOUTS)

A Municipal Services, Facilities & Infrastructure Committee report read, unanimously recommending that the City Council approve the final design for the Downtown Infrastructure Project, and that the City Manager be authorized to do all things necessary to implement the project with the street furnishing, materials, and design preferences discussed. A motion by

Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Greenwald summarized the Committee report. To begin, he said that he wanted to refocus the discussion away from the important design features, noting that this downtown rebuild was not a matter of if, but when. He recalled the conversation getting a little heated at different times. Councilor Greenwald said this project would be for the betterment of all Keene residents, visitors, merchants, restaurants, and property owners. He said it was not being promoted by City staff or the City Manager or for the betterment of the City Council. He said everyone was in this together. Councilor Greenwald recalled that many meetings brought the Council to this point, and he stated that they had all been open for public comment. He said the Council would be approving design details of the final design of a first-class, but not overly expensive project. He said the MSFI Committee did not choose the cheapest design, but it made the best choices and consistently, he thought the Committee considered the issues as if it was spending its own money. The Councilor reviewed some of the key recommended design features:

- Sidewalks: standard stamped concrete (not pavers), with bike lanes. He called the bike lanes a green (more muted than shown in the meeting packet) stamped brick that would blend with downtown and be functional as a sidewalk.
- Raised crosswalks: stamped concrete (not pavers).
- Bike Racks: the Bicycle & Pedestrian Path Advisory Committee-recommended U-shaped bike racks that could have the City logo on the side depending on the cost.
- Trash cans: to include recycling compactors wherever possible.
- Fire hydrants: basic with reusable standard parts.
- Planters
- Tree wells: to match the existing cast-iron tree grates.
- Traffic signals: with a fluted Washington base light post.
- Railroad Square: simulated rails where the train actually did go, either with brick or metal strips. Public Works thinks those materials could be sourced out-of-state and that some real rails could be sourced to simulate as well. Gateway arches were also recommended. Standard concrete was also recommended for the Central Square in addition to some featured areas with pavers at the center and basic metal benches with wooden slats.
- Central Square: backless benches. The fountain would remain at the center of the Common, but the MSFI Committee did not consider the actual design of the fountain.

Councilor Greenwald said the Committee received a presentation about the project phasing and how the ombudsman would work between the contractor, City, and downtown community. Lastly, the Councilor asked his colleagues—if they had any concerns about any of the recommended design features—to send the project back to the Committee for further consideration instead of getting into a Committee of the Whole.

The City Manager, Elizabeth Dragon, wanted to clarify a few of Councilor Greenwald's comments. The City Manager said that the decision was to have regular trash cans only, *not* recycling compactors due to the high cost of the latter, even though there was a case for emptying them a lot less and better recycling. The City Manager also recalled the Committee discussing that the bike lanes would not be the color green shown in the photos, but more of a muted green actually dyed *into* the concrete and not painted. Councilor Greenwald agreed that it would be dyed concrete. The Councilor and City Manager debated what shade of green the color of the bike lanes was supposed to be, with the Councilor noting his color blindness and the City Manager noting that bike lanes are typically green, which was why it was recommended, but she said it could be a darker green if preferred. The Public Works Director, Don Lussier, said his recollection of the Committee discussion about the bike lane color aligned with the City Manager's. Mr. Lussier reiterated that there is a standard green bike lane color that was suggested. Mr. Lussier suggested an opportunity to pour a few slabs to demonstrate the options for the Council; he felt confident that they would see it is much more muted than the photos showed. Councilor Greenwald said these were the sorts of design debates he did not want to get into on the Council floor. He said no one was giving the City money and dictating the color, so the City could decide. He said he would review the sample bike lane colors.

Councilor Filiault agreed that he did not want to get into every detail on the Council floor. He also did not recall recommending a green paver for bike lanes but said that could have happened at the end of the long meeting and regardless, he thought it seemed like this would be going back to the Committee. He suggested holding off on recommending a color for the bike lanes until the Council could review the physical samples.

Mayor Kahn thought that material recommendations were important. He thought that color was just a footnote in bid specifications, but the materials would be what a contractor would bid on and design around. So, he thought there was room for these sort of color decisions. The Mayor added that this would be a large project, but that the pedestrians' daily experiences would be in these details, so he felt that these were important considerations in this process. He thought the Council should identify any elements of the recommended design that Councilors were questioning for more discussion. The City Manager agreed that for the bike lanes, for example, the decision could still be concrete with integral color to be decided later.

Councilor Workman noted that the MSFI Committee did vote to recommend the integral concrete color for the bike lanes, and she recalled discussing the green, but she was happy to talk about it later.

Councilor Favolise said the MSFI meeting was not just a long one, it was productive, and the Committee got into a lot of issues and asked a lot of questions. He thought they really centered and discussed pedestrian safety. He thought the Committee discussed—as Councilor Filiault said—getting the project done along with cost efficiency and not wasting money, which Councilor Favolise said was top of mind for the Committee. He encouraged his fellow Councilors to support the Committee recommendation as presented or with the change to the

bike lane colors because a lot of thought went into it on the part of the consultants, City staff, and MSFI Committee. He was open to hearing any questions the Committee might not have thought of during the late meeting, but Councilor Favolise hoped to finally put a cap of the heavy lifting Council piece of this project by approving this.

Councilor Bosley thanked the MSFI Committee for their work. She found some of the decisions interesting, like those on the fire hydrants and trash cans, and she was willing to support those Committee recommendations. Regarding the gateway arches, she said it was not clear to her about the decision on the pedestals and style of the posts as well as the writing for the arches, which she wanted to ensure would be clear during different times of the day and night, so she wondered about lighting considerations to ensure that is a prominent feature of the archways. Mayor Kahn thought the minutes of the meeting might not have reflected that the lettering is indented to be solid metal and not punched out.

Councilor Remy wanted to talk more about the recycling because he thought that the larger big belly recycling compactors would make more sense despite costing more upfront because they would save more money long term, especially if waste removal becomes more of a problem in the future. There could be greater return on investment. He thought the larger compactors would be better for recycling sortation, which would become more challenging. Additionally, Councilor Remy recalled the Council being told that physical bollards for events would be a part of the final design, but he did not see that in the plans. Also, for events, he said businesses were told they would not be impacted during the project but now a drastically altered event plan had been introduced, so he wanted to understand why Central Square could not be used. Mayor Kahn thought that safety bollards were a continuing item; Councilor Filiault raised the point, and Councilor Greenwald had asked for the design team to bring something back to the Committee. Councilor Greenwald asked how to handle that. The City Manager said it would be in the recommendation background notes to have that conversation again.

Councilor Williams recalled three options for hanging lights and asked which one was chosen. Councilor Greenwald replied that the Committee chose the bare bulbs with the add alternate for the fixtures. Councilor Williams asked if the Committee chose the option without the cage around the bulbs. Mayor Kahn said that for Railroad Square and Gilbo Avenue, the Committee recommended catenary lighting with bare bulbs with a cage feature as a bid alternate. Councilor Williams was happy with it as a bid alternate.

Councilor Powers referred to the existing Central Square bollards with the chain and asked if that would be maintained or replaced. Mr. Lussier replied that the intent was to retain the granite posts and chains; some would be relocated, and some would be added due to the expanded footprint of Central Square. He said there are three types of bollards: the lighting bollards, the removable security bollards for events, and the granite bollard system around Central Square that would remain. Councilor Powers noted that the flags that are put out on Central Square a few times per year are a part of the bollard system, which he said needed growth, and add that there would need to be more discussion about it because the veterans ask

about it regularly. Mayor Kahn thought that the bollards were in the specifications clearly as recommended but what needed to be further scoped was how the flags would be affixed to those bollards in the future.

Mayor Kahn spoke about three items. First, on the lighting bollards that were selected, he referred to his experience with them at Keene State College, noting that they do not shed much light and suggesting that they be a bid alternate to consider the price vs. effectiveness. Second, the Mayor noted that the City Manager advised him on his concern about the tree wells and the recommendation to use the kind of grates the City had already been using. The Mayor did not suggest using something other than a grate, but he felt that the City could easily consult with horticulturalists to determine the appropriate size of the grates for larger trees that need less root coverage. Third, Mayor Kahn thought that the bench selections were appropriate, but he thought that to avoid overnight sleeping on City benches (whether with a back or backless) that they should have appropriate divisions for seating, which was not shown in the drawings, so they serve the purpose intended.

The Council proceeded discussing whether any amendments to the Committee's recommendation were desired.

Councilor Filiault recalled the MSFI Committee discussion of the three options for the covered structure for Railroad Square and on a 3–2 vote the Committee chose the third option. He noted that he and Councilor Greenwald were in favor of no covered structure because they thought it was an unnecessary expense for the taxpayers. Councilor Filiault recalled that another group wanted to raise funds to build it, which he thought would be fine. He thought some arguments for the structure were to keep snow off bicycles, which Councilor Filiault called an oxymoron. He and Councilor Greenwald did not think it was a wise expense that they could take to their constituents.

A motion by Councilor Filiault to amend the Committee report to remove the covered structure from Railroad Square was duly seconded by Councilor Greenwald.

Councilor Remy wondered if Councilor Filiault was amenable to making the structure a bid alternate instead of removing it from the project. Councilor Remy was unsure about the downside of getting the price for having it if the Bicycle & Pedestrian Path Advisory Committee (BPPAC) or another entity would want to donate it. The City Manager said she did not see the downside of a bid alternate. The concern the City Manager raised at the MSFI meeting was more so related to activity that happens under shaded structures in many of the City's parks that had resulted in the City having to remove the covers so that they did not become permanent gathering locations, so the City Manager had proposed that it at least be semi-open.

Councilor Williams liked the idea of the shade structure because people had asked for one on Railroad Square. He said it is important for people to have shelter during inclement weather so he thought it would be a valuable asset, and he intended to support it.

Councilor Bosley asked for clarification. She saw some renderings with semi-open structures over pedestrians but others with covered structures over bike racks. She did not think bike racks would need to be covered but she did think it would be valuable to cover pedestrians as Councilor Williams suggested. Councilor Bosley shared the example of shelter for pedestrians during a concert on a hot summer day, which she could listen to an argument for, but not for one over bike racks. So, she wanted to be very sure about what was being proposed. The Mayor thought what was being proposed was cover for bike racks, in which case Councilor Bosley stated that she was not in favor.

Councilor Favolise recalled this conversation from the MSFI Committee meeting, when he shared his opinion that it depended on whether this would be—at the very least—a shared usage for pedestrians and bike racks. Really, he said the primary usage should be as a refuge spot for pedestrians. After hearing this discussion, he was unclear on the ultimate outcome of the MSFI conversation because the online Council agenda packet showed option three with a covered structure followed by parentheses that listed “a mix of gathering space and bicycle parking.” The Councilor said that he was opposed to the amendment on the floor but was open to a conversation about a bid alternate. He recalled this structure being a constituent request for shaded spaces downtown, whether for events, for the elderly to take breaks when walking, for shade during hot weather, or for shelter in a storm as Councilor Williams mentioned. So, Councilor Favolise was hesitant to support the amendment given that public demand. He was equally hesitant to have another amendment for a bid alternate lead to fundraising for a cover only for a bike rack, as Councilor Filiault suggested. If there is going to be a shade structure, Councilor Favolise hoped it would be as Councilor Bosley suggested—for shared pedestrian usage, not just a bike cover. Councilor Favolise was not sure the photo chosen in the packet was the best one for clarity at this point. He urged his colleagues to vote against the amendment.

Mayor Kahn asked for clarity on what the MSFI Committee recommended. The City Manager replied that the picture in the meeting packet showed a covered structure over a bike rack, but the MSFI Committee stated that it did not want it to be only for bicycles, they would want it to be shared use, which was why the parentheses in the packet stated: “covered structure with a mix of gathering space and bicycle parking”. Mayor Kahn wondered if the issue of the covered structure needed to be a separate conversation from the rest of the design decision. The City Manager thought that benches should be added to the image along with the bike racks to demonstrate the shared use.

Councilor Workman referred to the bottom of page 131 in the agenda packet, where it discussed the intent for the structure to have “benches, bike racks, or both. All the options for structures are premanufactured products.” The Councilor said that was her background for this conversation. She understood the images to be hypothetical, but it did not fully represent what the MSFI Committee discussed.

The City Manager said that on the design, there was placement of the shade structure with approximate dimensions, and she thought those were final details that could be marked out

but the decision needed to be whether or not the Council wanted the structure, and if yes, whether it should be shared use as the MSFI Committee recommended.

Mayor Kahn stated his concern that he did not recall the structure being located any place other than where the bike racks were and it seemed to him that the location, orientation, and/or dimensions might need to be altered to accommodate some of the additional uses being suggested, and it seemed like they had not really been presented to the Committee.

Councilor Greenwald reiterated that he did not want to debate these fine details on the Council floor. He did not think this was anywhere in any of the discussions or presentations other than when it was presented by Stantec in the slides the Council was reviewing. He said that if his fellow Councilors wanted a structure that he anticipated would cost \$100,000 for people to hang out under all afternoon then they should vote for it. He said it would serve no function other than to keep bikes from getting wet. As an owner of an electric bike, Councilor Greenwald said he would not leave it out in the rain or unattended anywhere downtown, whether locked or not. He said it would be an easy project to add in the future after this downtown project is completed when BPPAC or another group wants to fundraise. Councilor Greenwald did not want to spend taxpayer money on something without any function.

Councilor Haas wanted to correct some statements he heard. He stated that bicycling is a year-round sport. He recalled that one of the things that pushed forward the idea for having a shelter is the expense of modern bikes. Councilor Haas said there are many ways to protect bikes—especially e-bikes—and if people are using them and get caught downtown, they would not want them rained on because they are costly, which was how he said the bike shelter evolved. However, as Councilor Greenwald pointed out, Councilor Haas said that this developed from many different ideas and this covered shelter became convoluted with the solar panel shelter that was originally considered over the Farmers' Market. Now, he said it was being judged based on a photo that was just a symbolic representation without dimensions. He thought the idea should probably be put aside to be considered realistically in the future.

Councilor Filiault said the constituents had put this project in the Council's hands and asked the Council not to spend money unnecessarily. He said that if someone wants to spend \$100,000 to cover some bikes, they should fundraise, because Councilor Filiault said the Council should not be choosing to make the constituents pay for it.

Councilor Tobin remembered constituents talking about wanting something to cover their bikes, which was how she recalled this conversation starting. She said it the structure was located along the bike path specifically for that reason. She was confused at the beginning of the conversation, thinking initially that it was about the structure over cars on Gilbo Avenue. She recalled a point being made that the City would be providing infrastructure for cars, but shelter would also be required for bikes if the City would be encouraging it as a mode of transportation and building infrastructure for it. She recalled that Councilor Greenwald said that he would not leave his e-bike out in the rain, so if he was riding downtown, she wondered

where he would leave it. Councilor Tobin said she still supported a shade structure but would be comfortable with it as a potential add on item.

The City Manager clarified that the Council had discussed two shade structures for a while. The primary purpose of the one on Gilbo Avenue would be to provide solar power for the City's electricity use during the downtown project, and it would cover cars, but it could be used for other purposes like events. She said the second shade structure was shown on the design exactly where Councilor Tobin described near the bike path to serve a variety of multi-use purposes as discussed—bikes, seating, and events.

Councilor Favolise said that as he heard the Council discussing this, he thought it was at less of a consensus point about what the purpose of this shade structure would be. His understanding coming out of the MSFI Committee meeting—which he thought was reflected in the minutes and the Council agenda packet—was that it was to be shared use. He did not want to pull the structure out of the project entirely, so Councilor Favolise again urged a no vote on this amendment. He wondered if making this a bid alternate as Councilor Remy suggested would allow this process to continue moving forward toward some kind of resolution and give the MSFI Committee and any other interested parties—Councilors or otherwise—more opportunity to considered exactly what the use of the structure would be in addition to the dimension questions. So, he thought the best course of action would be a no vote on this amendment. He stated his willingness to support an amendment like Councilor Remy suggested.

On a vote of 7–6, the motion to amend the Committee report to remove the covered structure from Railroad Square carried. Councilors Tobin, Remy, Williams, Madison, Favolise, and Workman voted in opposition.

A motion by Councilor Remy to amend the Committee report to include the covered structure on Railroad Square as a bid alternate and not in the primary design was duly seconded by Councilor Favolise.

Councilor Filiault said he had no problem with this. He said he would not vote it in no matter what would come back, unless it would be community fundraised. He was fine for it to be looked into, but he would never waste \$100,000 of the taxpayers' money on it.

Councilor Williams asked if there would be a fundraiser when the time comes for a parking garage.

Councilor Haas asked to also refer this to BPPAC for its input about what the structure could look like in addition to dimensions and to provide advice to the MSFI Committee (not as a formal part of the amendment).

Mayor Kahn asked if Councilor Remy intended to have a design presented to MSFI to address the thoughts of the Committee and Council. Councilor Remy said his intent was more so to see the cost of the structure and having a roof on it, as well as having bike racks fully or partially under it, and whether that would affect the cost at all. He thought \$100,000 was

probably high, but he said maybe because the City is often overcharged. He referred to the original design of it and the Stantec visual of it in the 3D models, which Councilor Remy said showed 3–4 bike rack spots but the rest of the structure open; he liked that and did not think it would cost \$100,000. He wanted to understand the actual cost to build the structure as an alternate and he hoped it would be closer to \$10,000.

On a vote of 13–0, the motion to amend the Committee report to include the covered structure on Railroad Square as a bid alternate and not in the primary design carried.

Councilor Remy returned to the issue of the big belly trash cans, but he was unsure if it needed to be decided at this time since they would be aboveground and not installed. The City Manager wondered if there should be a bid alternate on those as well to know the cost difference and analyze the time saved vs. the time spent emptying them and recycling and return to the Council with additional information. Mayor Kahn mentioned the difference in size too and whether there could be an obstruction of the pedestrian way. Councilor Remy agreed that more understanding would be useful.

A motion by Councilor Jones to amend the Committee report to maintain the current trash receptacles as the base, bid but seek a bid alternate for the trash compactors was duly seconded by Councilor Remy.

Councilor Filiault warned the Council that despite the due diligence that the MSFI Committee had done over the years and during the four-hour meeting on December 18, the Council seemed to be saying “no, let’s add money back in.” He urged his colleagues to pay attention to the expenses being justified. He said the MSFI Committee took its time and did not recommend the most expensive option, but a project that would be sustainable and not overburden the taxpayers. Councilor Filiault asked his colleagues to remember who would be paying for the project.

Councilor Remy said that at one point in time there was a decision to change to concrete sidewalks and granite curbing because it would be the right decision for long-term maintenance because they would not have to be repaired as often. The Councilor thought this bid alternate would be smart too because the City would be doing its due diligence and math to make the right decision long-term.

On a vote of 12–1, the motion to amend the Committee report to seek a bid alternate on the trash compactors carried. Councilor Filiault voted in opposition.

On a vote of 12–1, the motion to carry out the intent of the Committee report as amended carried. Councilor Jones voted in opposition.

NON PUBLIC SESSION

A motion by Councilor Greenwald was duly seconded by Councilor Bosley to go into a non-public session to discuss land matters under RSA 91-A:3 II (d) and the consideration or negotiation of pending claims or litigation under RSA 91-A:3 II (e) and legal advice under RSA 91-A:3 II (L). The motion carried unanimously on a roll call vote with 13 Councilors

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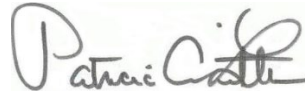
present and voting in favor. Councilors Lake and Chadbourne were absent. The regular session ended at 8:46 PM. A brief recess was called and the session started at 8:51 PM. Discussion was limited to the subject matters. The non-public session ended at 9:40 PM.

A motion by Councilor Greenwald to keep the minutes of the non-public session non-public, as disclosure would render the proposed action ineffective was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 9:42 PM.

A true record, attest:

A handwritten signature in cursive script, appearing to read "Patricia C. Cuthbert".

City Clerk