

A regular meeting of the Keene City Council was held on Thursday, January 16, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:01 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Bryan J. Lake, Catherine I. Workman, and Thomas F. Powers were present. Michael J. Remy and Bettina A. Chadbourne arrived at 7:04 PM. Having declared that a quorum was physically present in the Council Chamber, Mayor Kahn recognized that Councilor Mitchell H. Greenwald requested to participate remotely per the Council's Rules of Order due to travel; he was calling alone from his location. Mayor Kahn recognized that Councilor Jacob R. Favolise also requested to participate remotely due to family travel; he was calling alone from his location. Hearing no objections from the Council, the Mayor granted the remote participation for both Councilors. Councilor Roberts led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

The Deputy City Clerk pointed out a correction that had been made to the January 2, 2025, minutes suggested by Councilor Favolise on page 15 to read: "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." Hearing no further suggested corrections, a motion by Councilor Bosley to adopt the January 2, 2025, minutes as amended was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ANNOUNCEMENTS

The Mayor reminded the Council of a workshop on its Rules of Order on January 28, 2025, at 6:00 PM. His intent was for this to be an educational opportunity, so he asked Councilors to submit any specific topics of interest they wanted to focus on at the workshop by Tuesday, January 21. At the workshop, the Council would review the Rules and the City Charter about how meetings are structured. Comments from Councilors and Committee Chairs were being incorporated and the agenda would be sent out in advance.

The Mayor explained that the review and release of non-public minutes that was scheduled for this meeting has been rescheduled to take place during the February 20, 2025, meeting.

Mayor Kahn shared that the Human Rights Committee would be hosting an event in honor of Dr. Martin Luther King Jr., at 5:00 PM on January 20, 2025, at Heberton Hall. He said it was always a good event and that the Committee did a good job of planning. School kids were engaged to contribute art, dance, and music to the event. The Mayor invited all to join.

Lastly, the Mayor noted that Councilors were provided with a Comprehensive Master Plan memorandum: Vision Keene 20-Forward Update & Task Force Overview. Any Councilor that wanted to participate in one of the Task Forces that would provide input on the Master Plan were encouraged to contact the Community Development Department for further details. In this second phase of the Master Planning, six Strategic Pillars were identified, and the public was asked to participate in a focus group on each of those six topics: livable housing, thriving economy, connected mobility (transportation and recreation networks through the region),

vibrant communities, adaptable workforce, and flourishing economy. The Mayor noted that the memorandum listed approximately 90 names of those who had signed up for the Task Forces to date, calling it a good response. Still, he noted that there might have been some in the community missing from the list who could add valuable contributions, so he encouraged recommending those individuals to the Community Development Department as soon as possible.

PUBLIC HEARING - MINIMUM LOT SIZES - ORDINANCE O-2024-17-A

Mayor Kahn opened the public hearing at 7:13 PM and the Deputy City Clerk read the notice of hearing. Copies of the Ordinance and the staff report for Ordinance O-2024-17-A were provided to Councilors for reference. Mayor Kahn welcomed Senior Planner, Mari Brunner, on behalf of the Community Development Department.

Ms. Brunner explained that this Ordinance proposed to amend the minimum lot area in three districts—High-Density District (residential), Medium-Density District (residential), and the Downtown Transition District—by removing the minimum lot area that is required for each additional dwelling unit, which is essentially a density factor. For each of these three districts, she said there was a minimum lot size required for any use to have a lot. Then, if a residential use was proposed with more than one dwelling unit, for each additional dwelling unit, an extra amount of lot area would be required. This Ordinance proposed to eliminate that extra lot area requirement. Ms. Brunner explained that the public workshop for this Ordinance was held on November 12, 2024. She said there was an excellent discussion with the Joint Planning Board and Planning, Licenses & Development Committee. Many public members spoke on this Ordinance: some spoke in favor of it in general, and a couple of people who lived in the Downtown Transition District expressed concerns about the historic character of that neighborhood. As a result, the Joint Committee voted to amend the Ordinance to create an “A” version that would require structures in the Downtown Transition District to be attached. The reason for that change was because the Medium Density and High Density Districts are residential, where Keene’s Zoning Ordinance only allows one primary structure per lot in a residential district. That provision does not apply to the Downtown Transition District, and there could be multiple structures or multiple primary uses on the same lot. So, to ensure that any new units that are built go through a review process with the Historic District Commission in order to make sure they are in keeping with the historic nature of the neighborhood, the Joint Committee recommended ensuring that all of the units would have to be attached in the Downtown Transition District. Ms. Brunner said that was the only change from the public workshop.

Mayor Kahn opened the floor to public comments.

Josh Meehan of Langley Road spoke in favor of the Ordinance, particularly as someone whose job includes addressing the very long waiting list for people in Keene looking for a place to live that they can afford. He said that one of the few levers that a community like Keene has are zoning, density, and land use. While the City Council cannot come up with the millions of dollars needed to build, Mr. Meehan said it could address land use and zoning to help those in the community who are trying to address the housing crisis, and he thought this Ordinance was a good way to do so.

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Andy Holt of Forest Street supported this Ordinance, stating that it would make it easier to build more housing, especially in the dense urban core. He said it would be more cost-effective because the City already has infrastructure and utilities available, so it would be better than building further away. Mr. Holt thought the City could and should go even further in reducing the minimum and applying it to even more districts.

Hearing no further comments, the Mayor closed the Public Hearing at 7:19 PM, except that written comments would be accepted up until 1:00 PM on Tuesday, February 11, 2025.

A true record, attest:



Deputy City Clerk

PUBLIC HEARING - RESIDENTIAL PARKING REQUIREMENTS - ORDINANCE O-2024-20-A

Mayor Kahn opened the public hearing at 7:20 PM and the Deputy City Clerk read the notice of hearing. Copies of the Ordinance and the staff report for Ordinance O-2024-20-A were provided to Councilors for reference. Mayor Kahn welcomed Senior Planner, Mari Brunner, to address the Council.

Ms. Brunner explained that this Ordinance proposed to modify the on-site parking requirements for all residential uses throughout the City. She said the impetus for this Ordinance was twofold. First, there was a change in NH law that put limits on restrictions that local communities could place on residential parking spaces. So, the City had to amend its local parking regulations to comply with State law. Second, a consultant hired through the InvestNH Housing Opportunity Planning (HOP) Grant program completed a neighborhood parking study for the City and a part of that effort was to create a list of zoning recommendations to support additional housing development. Based on the changes to NH law and the consultant's recommendations, City staff drafted this Ordinance for a public workshop on December 9, 2024. As introduced originally, the Ordinance would have changed the parking space requirement from a per unit to a per bedroom calculation. Previously, throughout the entire City, the requirement was two parking spaces per residential dwelling unit, with some exceptions; for example, in the Downtown Core, where there are no parking requirements, or reduced requirements in other downtown districts. However, Ms. Brunner explained that at the public workshop, many members of the public encouraged the Committee to consider reducing the requirement even further, and some even spoke in favor of getting rid of all parking requirements. So, she said there was definitely strong support for modifying the parking requirement, and the Committee amended the Ordinance to simplify the new requirement to essentially a maximum of one space per unit. However, Downtown Growth and Downtown Limited Districts would be less than one space—0.9 spaces per unit—and housing for older persons and studios that qualify for workforce housing would have slightly reduced requirements as well. The Downtown Core District would continue to not

require parking. Ms. Brunner referred to a table in the “A” version of the Ordinance and reviewed the proposed numbers therein:

- Residential Uses:
 - Dwelling – Above Ground Floor, Manufactured Housing, Multifamily, Two-Family/Duplex: 1 space per unit required, 0.9 spaces per studio in Downtown Growth and Downtown Limited.
 - Housing for Older Persons (as defined by RSA 354-A:15): 0.9 spaces per unit in general (0.75 spaces per unit in the Downtown Growth and Downtown Limited Districts).
 - Workforce Housing (as defined by RSA 674:58, IV): 0.9 spaces per studio (0.75 spaces per unit in the Downtown Growth and Downtown Limited Districts).

Ms. Brunner reiterated that these proposed changes were to comply with NH law and promote more housing development by removing a barrier that could be costly to developers.

Councilor Favolise asked about the rationale for 0.9 spaces. He imagined the public listening and thinking about 0.9 vs. 1 space, so he asked about the difference. He wondered if it would be a difference at scale for larger projects to make it easier for developers, or if there was another rationale. Ms. Brunner said it was a good question and that it was a matter of scale. For a small project of only two or three units, she said it would not make a difference, but for a 30-unit project, she said it would start to add up. Keene’s Zoning Ordinance treats fractions of parking spaces by rounding 0.5 up to the nearest whole number. So, Ms. Brunner explained that if a developer calculated 5.4 parking spaces, they would be required to have 5, but if they calculated 5.5, they would be required to have 6. Thus, she said the fraction would add up for larger projects but for smaller ones, it basically comes out to one space per unit.

Mayor Kahn opened the floor to public comments.

Jared Goodell of 39 Central Square echoed earlier comments about the “Housing Champion” award that the City was awarded by the New Hampshire Department of Business and Economic Affairs (BEA), acknowledging the City’s leadership in expanding housing opportunities for residents of all income levels honors the Planning Board, the Community Development Department, and Public Works Department. He cited Councilor Greenwald’s comments of the past that it would help the City get closer to “yes” on projects rather than finding ways to say “no,” which Mr. Goodell called a good thing, so he wanted to recognize everyone’s work on the housing issue. Mr. Goodell said he was present because he advocates for removing parking requirements from all of the downtown districts specifically. He was glad that Councilor Favolise asked about the 0.9 spaces because Mr. Goodell thought this proposal would be good for larger development, stating that a 30-unit development could, for example, need three less parking spaces. However, Mr. Goodell said that a lot of the development that could take place in downtown would be infill development or in line with the Cottage Court District, which would not have large 15-unit or 30-unit buildings, so he thought that removing parking requirements in the Downtown Core would be appropriate. He said that doing so would move the needle and create new housing stock, particularly at the new studio and one-bedroom area in the City. He thought the odds of developers coming into the City and creating many 30-, 40-, and 50-unit

developments was much lower than someone like him, creating smaller 6-, 7-, or 10-unit developments. Mr. Goodell encouraged the Council to remove the parking requirements in all downtown districts for at least the studio and one-bedroom levels, which he thought would have a quick impact on creating housing in the City.

Josh Meehan of Langley Road echoed sentiments about parking minimums downtown and said he supported the notion of reducing them more generally. He cited completing a census of parking a few years ago when he came before Council for a special exemption. He found that parking for age-restricted units for people with disabilities that fewer than half of the spots that they were required to build were actually used, so anyone who visited that Court Street location would find a giant, empty parking lot. Mr. Meehan said it would be nice if there could be more housing right there, which might be possible with the proposed changes.

Toby Tousley of Washington Street said he could not agree more with Mr. Goodell and Mr. Meehan. Mr. Tousley thought that for years, the City had regulated things like parking, which he said in his opinion, was a dumb way to do it. Having been a landlord in Keene for 40 years, he had hands-on experience of how things work in Keene and said it had nothing to do with hiring a fancy consultant from the Midwest to come tell the Keene community how things should be done. He said the reality for decades is as Mr. Meehan described—unused parking spaces. Mr. Tousley added that people of particularly limited means often do not have vehicles. He said it was extremely important to enhance affordable practices to increase density and remove parking restrictions to increase housing.

Andy Holt of Forest Street said he was in favor of reducing the parking requirement to zero and he thought this Ordinance was a great step. He was glad to see the reduction from what was proposed initially, but he still thought it should be reduced further. He cited the example of Buffalo, NY, which he said had recently updated its Code to no minimum parking requirement for any land use throughout the city. Mr. Holt did not think there was a good reason for Keene to mandate a minimum number of parking spaces and said there were many good reasons to eliminate the mandate. He said every reason that had already been discussed in favor of the Ordinance was a reason to go all the way and remove the mandate entirely. He cited benefits, like development projects being less expensive and faster, noting that even simple surface parking could cost \$5,000 per space and those costs add up if in a garage or something more complicated. Most land used for parking could be used for living space. He said fewer parking requirements would mean less need to jump through hoops for variances. Mr. Holt said it would save taxpayer dollars because the City administration would be easier and faster. He continued that the tables within the Ordinance were complicated with a lot of information to track. He said that most obviously, eliminating the parking requirement would address the severe housing crisis by increasing the number of housing units. Mr. Holt said it was critical to remember that this would not be saying that one could not have parking spaces but that there is no need for the government to mandate that one has at least an arbitrary number of spaces to be able to build housing. He said developers could choose what is best for their specific projects, budgets, and future residents without the mandate. For many projects, he thought there would continue to be just as many parking spaces developed. However, in cases where land is limited or parking is

less needed, Mr. Holt thought that eliminating the parking requirement would be vital. He thought the Roosevelt School project was a perfect example. Mr. Holt continued, recalling that at a previous meeting he cited examples of larger cities that eliminated their parking minimums, and some Committee members countered that Keene is a small City, which he said was fair because it was not necessarily a perfect comparison. He referred the Council to The Parking Reform Network (www.parkingreform.org), which he said has an excellent map with cities that have made this type of reform and it can be filtered by size—5,000 to 50,000 residents. It returned 29 cities in North America that had removed these parking minimums, including Dover, Seabrook, Burlington, VT, and Hanover. He said those four cities had also added parking maximums, which Mr. Holt said was great and he thought Keene should consider too. He provided an example of an ordinance mandating a specific amount of space for gardens when developing new housing projects, which he thought would be a better use of space than parking, but he said no one would support that. He said that if the City would not mandate space for gardens, it should not mandate space for parking.

Lastly, Mr. Holt addressed concern from the previous meeting, when he said there was overwhelming support for reducing the minimums but fear about removing them entirely. While he said that a small-steps approach is often necessary and voters might not like significant changes, Mr. Holt did not think this would be a significant change. He said the City had been in a housing crisis and did not have time to wait on these things because people are sleeping on the streets and in the forest. Housing is critically unaffordable. He said that eliminating parking minimums would not change anything overnight, it would not harm the City's ability to park cars, and there would not be any actual harm for residents to complain about. He said eliminating the minimums would allow more projects to be approved, meaning more housing sooner to help residents. Mr. Holt asked: why take half measures when there is no downside to going all the way?

Bradford Hutchinson of Marlboro Street addressed something he felt was serious. He provided the example of the seven-unit apartment building he is living in, with six residential units and one commercial beauty salon. He said it was a single person with the beauty salon so there were not multiple cars trying to park at once. Of the six residences, only one person has a vehicle and occasionally they have a family member visit with a vehicle. At this small corner property, Mr. Hutchinson tried to imagine if the requirement was two parking spaces per unit—the property would need 12 to 14 spaces—which the property size cannot accommodate. He mentioned the potential of a property like that being grandfathered. He thought about development in other neighborhoods of the City. Mr. Hutchinson said the heart of his question was whether City staff knew the true parking situation in the City. For example, the parking for his building works well because only one tenant has a vehicle, but he cited poor on-street parking for deliveries. So, he wanted to know whether—throughout the City's neighborhoods—parking adequacy had been studied based on the number of residences and whether people own cars, if they were to suddenly get cars, and cause traffic congestion. He asked how to assess the reality of the situation. He recalled various issues with parking over the years in different parts of the City. When questioning whether staff understood the parking situation, he said he was referring to the fact that in many areas with dense apartments, most residents did not own motor vehicles.

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Whereas, he said that for the new four-story apartment building behind City Hall, most residents own cars, so the parking seems to be working well. He talked about the importance of requiring developers to have the appropriate number of parking spaces for the particular property and not having requirements that are too onerous for some developers or not onerous enough. Mr. Hutchinson emphasized the need to know the actual need for parking in terms of who in the City owns motor vehicles and where they live. Hearing no further comments, the Mayor closed the Public Hearing at 7:40 PM except that written comments would be accepted up until 1:00 PM on Tuesday, February 11, 2025.

A true record, attest:



Deputy City Clerk

NOMINATION - ASHUELOT RIVER PARK ADVISORY BOARD

Mayor Kahn re-nominated Kelly Cook to change from an alternate to a regular member of the Ashuelot River Park Advisory Board, with a term to expire December 31, 2027. Mayor Kahn tabled the nomination until the next regular meeting.

Mayor Kahn invited other members of the public to participate on City committees, as there were vacancies on the Heritage Commission, Historic District Commission, and the Human Rights Committee.

COMMUNICATION - GREATER MONADNOCK COLLABORATIVE - REQUEST FOR DATE CHANGE - *JUMANJI* 30TH ANNIVERSARY CELEBRATION

A communication was received from Cathy Bergstrom and the Greater Monadnock Collaborative Board of Directors, requesting that the date of the previously approved license to host the *Jumanji* 30th Anniversary Celebration on Downtown City property be changed to June 20–22, 2025.

The Mayor tabled this item until after the vote on the Downtown Renovation Project because this date change request is contingent upon the City Council approving a delay in the bid process for the Downtown Renovation Project.

COMMUNICATION - COUNCILOR WILLIAMS - REQUEST FOR LETTER OF SUPPORT - HB250 ENABLING LOCAL GOVERNING BODIES TO REGULATE THE MUZZLING OF DOGS

A communication was received from Councilor Robert Williams, requesting that the City Council direct the Mayor to write a letter to the appropriate House and Senate Committees in support of HB250. Further, Councilor Williams requested that the City Council empower the City Attorney to testify in support of this bill. Mayor Kahn referred the communication to the Planning, Licenses & Development Committee.

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Mayor Kahn also complimented Councilor Williams for following through with the Council's previous conversation on this topic now that a proposed House Bill had been introduced.

PLD REPORT - KEENE DOWNTOWN GROUP - REQUEST TO USE CITY PROPERTY - ICE AND SNOW FESTIVAL - FEBRUARY 1, 2025

A Planning, Licenses & Development Committee report read, unanimously recommending that the Keene Downtown Group be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Church Street, Commercial Street, Gilbo Avenue, Main Street, Railroad Street, and designated parking spaces on Central Square and Main Street to conduct the Ice and Snow Festival on Saturday, February 1, 2025, from 10:00 AM to 4:00 PM, and reserving an inclement weather date of Sunday, February 2, 2025. In addition, the applicant is permitted to close off a portion of Railroad Street from Main Street to the exit of the Wells Street parking structure, Church Street from Main Street to Hannah Grimes back parking lot, and Commercial Street from Main Street to Commercial Street parking lot. The petitioner is further granted permission for two small outdoor campfires in enclosed firepits on City property adjacent to Railroad Square subject to obtainment of a burn permit from the Fire Prevention Bureau. This permission is granted subject to the signing of a revocable license and indemnification agreement, submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as additional insured, submittal of signed letters of permission from the owner for any use of private property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 25 Community Events Budget.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

PLD REPORT - RULES OF ORDER - SECTION 15. - VOTING AND CONFLICT OF INTEREST

A Planning, Licenses & Development Committee report read, unanimously recommending that the City Attorney introduce for first reading the revisions to Rule 15, Voting and Conflicts of Interest, as proposed by the Committee.

Mayor Kahn noted that this would be a continuing conversation with the PLD Committee after this first reading by the Council. The Council had this Conflict of Interest Rule for many years but this would clarify it for other members of a Councilor's household. The definitions presented were assisted by the State of NH's recently updated Conflict of Interest rules, which clarified what it means to be a household member, meaning someone who contributes to the economic interest of the household. The Mayor reminded the Council that any change to the Rules of Order would require a 2/3 vote of the Council to approve it.

Mayor Kahn referred this back to the Planning, Licenses & Development Committee for their continued discussion and recommendation.

FOP REPORT - PROPOSING THAT THE CITY COUNCIL CONSIDER A DELAY IN THE DOWNTOWN INFRASTRUCTURE PROJECT

A Finance, Organization & Personnel Committee report read, unanimously recommending that the City Manager be authorized to bid the downtown infrastructure project in the fall of 2025 with construction in 2026 and to pursue funding for all phases of the project through the Federal RAISE GRANT. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Powers summarized the Committee report, noting that the FOP Committee met about this twice, and recalled that Councilor Filiault brought this question to the Council. He said that many members of the public expressed their opinions on both sides of the issue and a number of ideas were raised within the Committee, so it was put on more time. In the meantime, Public Works and Finance staff worked together on the possibilities. At the second meeting, he thought the public opinions were equally split on the matter again. The Committee heard from the City Manager about what the financial impact would be from delaying. In the end, Councilor Powers said the FOP Committee unanimously recommended to delay starting the project in Summer 2025 and to earnestly work toward a bid process in the Fall 2025.

Councilor Filiault gave a lot of credit to the FOP Committee for taking the time to listen to the two dozen business owners who came to speak, as well as for putting the matter on more time and not rushing through a vote. He called it a very well-thought-out decision. He also said kudos to the City Manager and staff for taking a step back and realizing that delaying the project would not just aid the downtown merchants but would also give staff more time to look at the project. Councilor Filiault added that he happened to be talking to an out-of-town contractor, who asked him how the City would go to bid in May, noting that his company wanted to bid but could not before May. Councilor Filiault called it a wrinkle in the equation. In addition to FOP, the Councilor also thanked the PLD Committee and Councilor Bosley for their part in this; all Standing Committees ultimately had a part in this

Councilor Haas said there had been a lot of talk about how everyone was understanding the risks around this project. He said that in the insurance industry, risks are calculated very exactly and evaluated to develop real economic judgments; and in politics there are models for calculating risk. These considerations of risk are complicated and there is a lot of uncertainty. The Councilor reviewed the potential risks with delaying this project for everyone to consider the uncertainty of their judgments on each point. (1) Construction cost uncertainty if the project is delayed. He said that there seemed to be a lot of confidence that costs would go up. (2) Applying for and getting more grants. He noted that the City was not successful in the original grant it applied for. He recalled that the application had massive support from all elected officials except for Senator Shaheen. He asked if Governor Ayotte would be writing a letter of support for the next grant application. He also mentioned that there were different elected officials, and the application could be received differently in Washington, D C, this time. The Councilor recalled that in the

last grant application, this was not deemed a project of merit either, so the City would be back in line competing with the rest of the nation and other cities in NH. That said, he knew that City staff had been working with the Department of Transportation (DOT) to improve the application and understand their requirements. (3) Potential damage to the downtown environment.

Councilor Haas asked how well the businesses, merchants, and building owners would be supported by the City and citizenry who make the downtown environment happen. He said that if everyone still participates—continuing to have festivals as usual—the City might be able to make something out of the situation. He said he has a lot of confidence in this City. Councilor Haas said that the Council had been trying to plan construction details in Committee meetings that would be more appropriately specified by contractors in the months leading up to construction. Councilor Haas reiterated that his colleagues should judge in terms of how confident they are however they assessed this. (4) The impetus of the project was the poor condition of the underground utilities. Councilor Haas said delaying the project would put them further at risk of a failure in the meantime.

Councilor Haas concluded by explaining that most significantly, to him, delaying the project would be arbitrary and have nothing to do with the design or getting bids. He said it would be the Council making a judgment to put it off for some reason that the City should have been prepared for. He thought that made the Council look pretty indecisive. He anticipated that someone would raise the question: What else is this City going to do? He thought that delaying the project now would be the wrong decision at the wrong time. Councilor Haas reiterated that his colleagues should judge in terms of how confident they were, in how they assessed this. Councilor Haas' opinion was that the City should go out to bid as planned because if the project had stayed on the plan, it would have been 2/3 finished by now. He suggested putting the project out to bid and then making a decision whether or not to postpone based on the bids; then, the City would know where it stands and how to restructure it. Until going out to bid, Councilor Haas said the City only has an arbitrary sense that would be perceived as more waffling and indecision by this Council. Councilor Haas suggested that this Council should get focused for once and get on with this. He recommended not voting to delay and proceed with the project as planned, making a decision whether to delay or not after going out to bid.

Councilor Workman said she shared a lot of Councilor Haas' sentiments. Councilor Workman called this a really tough decision that she had contemplated, having watched both FOP meetings and listened to all the public comments and the City Manager's comments. One thing that stayed with Councilor Workman was the City Manager's emphasis that regardless of a delay or not, City staff are ready. So, Councilor Workman was reassured again that City staff would not feel rushed, and the Council would not be changing the projected timeline. This timeline had been in place since 2022. She said she empathized with the businesses as she knew there was a lot of fear, anxiety, and uncertainty. However, she said this plan had been in place for two years, which was a solid time to plan. Councilor Workman noted that a lot of businesses had established downtown within those two years knowing that construction was pending. She referred to Mr. Sterling's comments from the FOP meeting that she agreed with. At this point, Councilor Workman said this project had been delayed for nearly a decade. The only guaranteed benefit she saw to delaying would be more time to develop a rapport with a contractor. Still, Councilor

Workman did not think that City staff would have proposed the existing timeline if they did not think it was realistic and feasible. So, she hoped her fellow Councilors would support moving forward as planned and not vote to delay.

Councilor Greenwald wanted to refocus the conversation back to the beginning, recalling that this was an infrastructure project for the benefit of the current merchants and building owners, and the future. However, he said there are not pipes breaking daily and we are not in a disaster; so, he wanted to take away some urgency. He also mentioned that when the MSFI Committee took control of the project design, it met all of the deadlines and was tasked with all of the surface feature designs. He added to the best of his knowledge, the MSFI Committee has still had not received any of the underground designs. Councilor Greenwald was unsure that those underground designs were even finished. So, he felt that the project was being rushed without any review of the underground though perhaps Public Works was more involved. Still, he said that the Council needed to see that. He wondered in his opinion—stating no real basis in fact—whether the undefined surface and underground features impacted the City not being awarded the RAISE GRANT. He said the City did not have much more than a hope and a prayer of what it was going to do when it applied for the grant. Now that the City had all of the necessary information, he thought the City had a better chance of receiving the grant, especially with a lot of support from elected officials. He noted that one individual would not campaign against the City for the RAISE GRANT as in the last round. Councilor Greenwald was unsure the public had known that all of those factors impacted the grant award, and he thought the downtown merchants understood more now. He said the merchants knew the project would happen and that the City would need to prepare them in any way to weather the storm of the project, which would not be easy. The Councilor cited his past experiences living through these projects as a retailer. So, he suggested that the Council should listen to the merchants and give them the opportunity to prepare, stating that there was no great urgency to get the project done this year. He added that the whole bidding process was fraught with the possibility that the City could not attain a contractor right away. Councilor Greenwald urged the Council to delay so the City could be fully prepared.

Mayor Kahn noted that a Senator Shaheen staff member commented that there would be support from the Senator if Keene submitted another RAISE GRANT, so there should be full Congressional support from the NH Delegation.

Councilor Bosley spoke from the perspective of the PLD Committee's interactions with the City Clerk's office over the outdoor dining license Ordinance change. The Committee heard that there was not a lot of preparation or information from City staff to those business owners and the Committee said that was not acceptable and wanted a plan for things like safety attributes, surface materials, and how businesses would access their building entrances. She said the businesses were asking for those details. Councilor Bosley said the Clerk's office had indicated their intent to withdraw the Ordinance. In addition, she has heard the City Manager's plan to hire an ombudsman to be a liaison with the downtown businesses and create a successful environment for everyone. However, she said the ombudsman had not yet been hired and the job had not been posted, and she said there was no plan for where that person was to be able to work

from. She said there were also concerns expressed from the City businesses—she had heard directly from some—that this was their first year coming out of Covid and they are in the black, paying back the debt they incurred during the pandemic. She said the project was terrifying them and without the confidence of City support, they were nervous about what their future looked like. Councilor Bosley said the Council had the resolve to make this project happen, and she had advocated for a compromised plan and for the downtown businesses. She thought the Council could see that there were some benefits to a slight delay. She remembered what it looked like hanging out on Main Street as a kid in the 90s, stating that the businesses were not like today; all of the tchotchke businesses and nice, upscale shops were in the Colony Mill and she said the downtown was a bleak place that a teenage girl should not have been hanging out. However, when the Colony Mill closed, the downtown became this beautiful gem, and she said that real value was at risk now. The City was at risk of losing the image that people consider relocating to or opening a business in Keene. Councilor Bosley said that if you ask anyone who did not grow up in Keene, they are captivated the first time they drive up Main Street and want to live here. She is not willing to risk that over six months and a lot of planning and good will. So, she wants to vote to delay.

Councilor Williams said he agreed with everything Councilor Haas said. Councilor Williams said that time is money, and more time would cost the City more money, so he would not vote to delay. He said another issue came up when the FOP Committee discussed this, which was he noticed that none of the financing for this project was coming from the Parking Fund. Considering how much of a priority it was to maintain all 167 parking spaces in this project, Councilor Williams thought that it would only be fair that the Parking Fund be used to pay for some of this project. Councilor Madison said that he honestly debated this, even while listening to this conversation. He thought that Councilors Filiault and Workman both made very good points. On one hand, this had been ongoing since 2022, so he said people have had a lot of time to prepare. On the other hand, he said the Council has just finalized the design plans, and construction was scheduled to start in three months, which was not a lot of time to prepare. So, Councilor Madison was torn. Ultimately, he decided to vote to delay the project because he thought more time would be good. Although he was heartened to hear that there might be more support from Senator Shaheen's office, he added that he was concerned about the ethics behind the previous lack of support, the Senator's local staff's involvement in the opposition to the project, and the Senator's sudden support tied to the delay of the project. He was concerned about the optics of the ethics and concerned about the Senator dictating policy to the City and tying the use of funds to the way the City governs itself. He said Representatives in Washington, DC, are to provide resources not to dictate policy. Councilor Madison stated his intention to reach out to Senator Shaheen's office in Washington, D C, to seek clarification on the comments made by her local office in Keene. Councilor Madison encouraged his fellow Councilors, the Mayor, and the City Manager to do the same.

Councilor Favolise echoed Councilor Madison's initial comments about feeling torn on this. Councilor Favolise said this was one of those votes that no matter which way he would end up voting, he felt a pit in his stomach about it. He did not feel great about either of the options. Before stating his position, Councilor Favolise reiterated a couple of things other Councilors had

highlighted. First, he thought it was great for the City to have another opportunity to go after the RAISE GRANT for all three phases of this project; the City had received feedback and knew where the weaker points of its application were, so he knew City staff would do a good job incorporating that feedback into the new application. Still, he said the Council needed to be really honest and transparent that the Grant would not be a 100% guarantee if the Council voted to delay. Second, Councilor Favolise said he wanted to be clear that there would be no getting around the disruption that this project would cause to downtown businesses. Whether it occurs in May 2025 or 2026, there would be sidewalks torn up, construction crews and rigs downtown, and parts of the street blocked off for parts of the year. This is how major infrastructure projects have to happen. The Councilor stated that delaying this project would not be a silver bullet solution so that everyone could say there would be no impacts to downtown businesses. He said it would be incumbent upon the City and the community—as other Councilors had mentioned—to support the downtown and help them through this project no matter what the Council’s decision.

Councilor Favolise also wanted to highlight and reiterate for his fellow Councilors and the public—given the recent almost unanimous vote of the Council on the final project design—that this would be a vote about the details of the process, not about the details of the project. Councilor Favolise thought that the integrity of the design that this Council had worked on and approved needed to be maintained whether breaking ground in May of 2025 or 2026. All that said, he had wrestled with this decision, watched the FOP meetings, listened to the arguments, and listened to City staff. He said it was not lost on him that this was a unanimous recommendation from the FOP Committee that he has great respect for. Councilor Favolise was unsure he could confidently say that the City could go to bid now, get shovels in the ground by May 2025, and feel like the City would have the time needed to build the kind of relationship and rapport with a contractor that a project of this scale requires. He recalled Councilor Greenwald’s reminder to the MSFI Committee when reviewing the final design that the City would only be doing this project once, and it would cost more later if it were not completed correctly because there would only be one shot. Even though Councilor Favolise did not feel good about this, it was frustrating, and he was not happy to vote this way, he was going to support the Committee’s recommendation and vote yes on the delay. He hoped the City could use the additional time to build a strong relationship with a contractor and make sure to get questions answered so things do not slip through the cracks and this project could be the best it can be. Councilor Favolise reiterated that he did not feel great about this vote—he did not think anyone did—but he thought it was the right one for the City.

Councilor Roberts asked the official name of the RAISE GRANT. The Public Works Director, Don Lussier, said the Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity Grant. Previously, it was called the BUILD GRANT: Better Utilizing Investments to Leverage Development. Before that, it was the TIGER GRANT: Transportation Investment Generating Economic Recovery. Mr. Lussier said that the acronyms described the review criteria and that each administration puts its own spin on the grant. Councilor Roberts said he asked because in looking at the Federal Registry, he saw a \$2 million economic

development grant specifically tied to rural communities that had a certain number of low-income residents.

Councilor Workman pointed out—since the Council was talking about the likelihood of attaining grants—that the RAISE GRANT would be a nationwide application process. Keene would be competing with other states like CA that just had wildfires that would probably need infrastructure projects, or parts of the south that had hurricanes, for example. She wanted to highlight that the City was putting a lot of stock in the possibility of getting this grant and getting increased grant money, but the competition would be steep. Councilor Workman stated that she was not calling this a vanity project, but when the Federal administration would look at it and compare it to others with natural disasters or those that need bridges or roads rebuilt, she thought this project would be low on the priority list. The Councilor said her understanding was that the City was still going to apply for the RAISE GRANT for Phases 2 and 3 of the project, regardless of when Phase 1 starts, and she asked City staff for clarity. Mr. Lussier replied that staff had a conference call with Stantec the day of this meeting. Depending on this vote, they would either finish the Grant application for all three phases or refine the application to describe Phases 2 & 3 only as the project scope—everything south of Lamson and Church Streets. The scope would be determined by the timing of the project.

Mayor Kahn reiterated that this vote was about project execution not funding.

Councilor Tobin said she had heard everyone's valuable perspectives and considered how to share her thoughts. She was very uncomfortable delaying the project. While she appreciated the concerns that she heard the businesses express—and she shared concerns—she also felt it was her responsibility to set up Main Street to be successful. She remembered when the Colony Mill closed, and businesses moved to Main Street, and it came to life. She spoke about how the past few years had not been the same thriving period downtown; she felt like there had been a lot of instability and she had seen turnover in different places that left her concerned. A large part of Councilor Tobin's concern was because she did not feel that Main Street could be a stable environment until this project was completed. Regardless of what happens, she said she would hate living in a construction site, but she was also really excited for the day after it is completed; to spend time with people outside, in businesses, and in walking around downtown. Councilor Tobin thought that getting there would be a challenge regardless of when the project starts. When she re-read the grant application, one thing that stood out to her was a line in the letter of support from the Chamber of Commerce that said, "the time is now." She did not think that next year would be better. Based on what the Council had heard, it sounded like construction costs would continue to increase, and she was concerned about the impact of that afterward. She said one year did not sound long, but asked how that would impact Phase 3 or other projects to follow that could then be pushed back. Assuming everything was to go well—with no rainy seasons, for example—she said the last section of Main Street would not be replaced for four years with a delay. Councilor Tobin said her understanding was that City staff were ready to start the project and that the ombudsman position was ready to be posted, pending this decision. She thought there was often a tendency to think that more time would allow for more communication that would somehow make things work out better, but in hindsight she thought that was rarely the

case. She thought there was still plenty of time to communicate, and she did not think that lengthening the time would necessarily change a lot of information or cause any new information to arise in that time. Councilor Tobin thought the project should move forward now.

Councilor Greenwald made a couple of observations. First, he said that proceeding now would mean no RAISE GRANT money for Phase 1, which he called very simple. He said that there would be no money without a delay; maybe the City would get money, maybe not. However, he said it was a pretty good certainty that if the City did not reapply, it would not have any funding. He was told that now that there was a surface design, there was much more enthusiasm and a lot more information available, so he thought there was a much better chance of actually getting the RAISE GRANT. Councilor Greenwald encouraged his fellow Councilors to delay, citing good logic for taking the year to get better relationships with the contractor, noting that no one had seen the underground plans, and stating that many details needed to be exposed to the Council about who would be paying what and what services were being supplied. He knew Stantec was working on some of it. Councilor Greenwald thought it was premature to do anything other than delay so that was what he urged his fellow Councilors to do.

Councilor Haas pointed out that it sounded as if the Council was voting on the project, which was not the case. The Council was voting on whether to move forward getting bids—City staff, Stantec, and the MSFI Committee had led the Council to this point of being ready to go out to bid. He said things had come up that would have to be dealt with moving forward, but the City would deal with them. He reiterated that this was only a vote to continue down the path of getting bids and see if there are contractors, not a vote to accept any bids. He said this would only lead to more information.

On a roll call vote of 11–4, the motion to carry out the intent of the Committee report to delay the downtown project carried. Councilors Tobin, Williams, Haas, and Workman voted in the minority.

COMMUNICATION - GREATER MONADNOCK COLLABORATIVE - REQUEST FOR DATE CHANGE - *JUMANJI* 30TH ANNIVERSARY CELEBRATION

The Mayor reintroduced this tabled communication.

A motion by Councilor Bosley to suspend Section 26 of the Rules of Order to introduce and act on the request was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

A motion by Councilor Bosley to grant the Greater Monadnock Collaborative's request to reschedule the 30th Anniversary Celebration of the film *Jumanji* from the weekend of April 11th through 13th to June 20th to 22nd was duly seconded by Councilor Jones.

Councilor Bosley reported on her conversation with the Clerk's office. Councilor Bosley explained that the Greater Monadnock Collaborative had approached the Council several months prior to hold their event in late June 2025, but during the protocol meetings they were advised that it would behoove them to move the event to April to use Central Square because of the downtown project. Now that the project was delayed to the fall of 2025, the applicant had

requested to hold their event on the original proposed dates of June 20–22. Aside from the date change, Councilor Bosley said the scope of the event would remain the same as previously described. The applicant appreciated having this expedited to provide them with ample time to work with staff on event safety plans and to coordinate and to promote the date change to any participating downtown businesses, invited guests from outside the area, and members of the public wishing to attend. Councilor Bosley said the applicant offered their thanks for the Council’s consideration.

Councilor Haas said he was worried this event would be impacted by the downtown project delay, so he was glad to be able to have this in June. He complimented Ms. Bergstrom and the Greater Monadnock Collaborative for being flexible to move the date. Councilor Haas was glad it turned out this way and to have *Jumanji* in June.

Councilor Favolise said he would vote in support of this and defer to what he thought the original plan for this group was, which was to have this in the summer. He wanted to point out that he thought it was too bad that some of the college community—who is not necessarily in town all summer—would not have an opportunity to participate in this event; he thought that was one benefit of holding it earlier. Still, he would support the request, and he looked forward to joining in the celebration himself in June.

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM - 2024

A Finance, Organization & Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend \$6,259 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Powers pointed out an arithmetic Scrivener’s correction in the background notes. The Department budgeted \$3,950 and along with the grant it would total \$10,209, not \$12,000. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

The Mayor called a brief recess from 8:43 PM–8:46 PM.

FOP REPORT - 2025 KEENE PD HIGHWAY SAFETY GRANT

A Finance, Organization & Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and to expend the grant from the New Hampshire Highway Safety Agency to fund the Highway Safety Grant - Keene. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - ANNUAL REPORTS OF BOARDS AND COMMISSIONS

A Finance, Organization & Personnel Committee report read, unanimously recommending that the City Council request that City Boards and Commissions submit an annual report to the City Council on or about July 1st, 2025. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Madison asked if these reports would be prepared by the committee members or staff. Mayor Kahn said the intent was for the City Manager to come up with guidance, so he did not think that was the debate at this meeting.

Councilor Favolise asked a clarifying question. He saw that the motion was a recommendation to submit an annual report to the City Council on or about July 1, 2025. The Councilor was looking to clarify if the intent was to try a report this year and see how it goes and then bring it back potentially in the future, or if the goal was to do this indefinitely as a new process and policy. If the latter, he was not sure why 2025 was specifically in the motion. Councilor Favolise asked the intent. Mayor Kahn clarified that this was to be on a fiscal year basis, which was the logic for the July 1 date, but he asked for input from Councilor Powers, who said that the intent would be to continue. Councilor Powers added that the July 1, 2025, date was listed in particular to get the process started and go from there.

Councilor Haas agreed that his original intent was to give all of these groups the opportunity to brag about themselves and show pride in what they are doing. He did not anticipate any structure and he certainly left it to the City Manager to decide how it should be formatted. Councilor Haas said it should be the committees' chance to advertise what they do, and if they cannot talk about all the good things they do, then he said the Council might need to reconsider things.

Councilor Williams appreciated that this would be a request of the boards and committees and not a requirement, so that if it is too much work for them, they can tell the Council, "No, thanks."

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - CALL VOLUME AND STAFFING NEEDS - FIRE DEPARTMENT

A Finance, Organization & Personnel Committee report read, unanimously recommending accepting the presentation relating to Fire Department call volume and staffing needs as informational. Mayor Kahn filed the presentation as informational. He said the matter would be returning to the FOP Committee.

CITY MANAGER COMMENTS

Deputy City Manager, Andy Bohannon, welcomed the City's new Finance Director, Kari Chamberlain, who would be at the upcoming FOP meetings.

Next, Deputy City Manager Bohannon recalled that last summer at community night, a young man named Walter had the opportunity to name the City's big snow blower. He chose to name it Sasquatch, and the Deputy City Manager said that Sasquatch would be attending the upcoming Ice & Snow Festival.

The Deputy City Manager also reported that the Findings building demolition was nearly completed and the only thing remaining was the safe, which was to be finished the day after this meeting. He said kudos to the Public Works Department for their work on that project.

Lastly, Deputy City Manager Bohannon reported that the weather was cold enough to officially open Robin Hood Park Pond for ice skating the day before this meeting, as well as a small area at Wheelock Park. He asked everyone to be careful at the pond and pay attention to the signs; staff drill daily to measure and they take safety very seriously. So, when the “thin ice” signs are put out it means the ice is not safe for skating, and Deputy City Manager Bohannon asked the public to please pay attention.

MORE TIME - SIGN CODE MODIFICATIONS REQUESTED BY MAYOR KAHN TO ALLOW ANIMATED SIGNS IN THE INDUSTRIAL ZONE

A Planning, Licenses & Development report read, unanimously recommending placing the Sign Code Modifications Requested by Mayor Kahn on more time. The Mayor granted more time.

ORDINANCE FOR SECOND READING - RELATING TO BUILDING HEIGHT IN THE COMMERCE DISTRICT - ORDINANCE O-2024-19-A

A Planning, Licenses & Development Committee report read, unanimously recommending the adoption of Ordinance O-2024-19-A. Mayor Kahn filed the report. A motion by Councilor Bosley to adopt Ordinance O-2024-19-A was duly seconded by Councilor Jones.

Councilor Jones said he supported this Ordinance and what it would do to make properties more valuable to developers, who he said would be able to profit more if they could build more. The Councilor was an advocate of smart growth principles and he thought this was a fit to that principle, so he appreciated the Ordinance.

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

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

A Finance, Organization & Personnel Committee report read, unanimously recommending the adoption of Ordinance O-2025-01. Mayor Kahn filed the report. A motion by Councilor Powers to adopt Ordinance O-2025-01 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

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

A Finance, Organization & Personnel Committee report read, unanimously recommending the adoption of Ordinance O-2025-02. Mayor Kahn filed the report. A motion by Councilor Powers to adopt Ordinance O-2025-02 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

01/16/2025

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

A Finance, Organization & Personnel Committee report read, unanimously recommending the adoption of Resolution R-2025-01. Mayor Kahn filed the report. A motion by Councilor Powers to adopt Resolution R-2025-01 was duly seconded by Councilor Remy.

Councilor Chadbourne asked—when these trees are removed—if the City would get to keep them and process them into sawdust, chips, or mulch that residents could take. The Deputy City Manager, Andy Bohannon, said that the contractor would cut the trees, remove them, and take them away as a clean operation unless the City requested something like the Councilor described.

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 9:08 PM.

A true record, attest:

Handwritten signature of William S. Dow in cursive script.

Deputy City Clerk