

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, October 25, 2023

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Kate M. Bosley, Chair
Michael Giacomo, Vice Chair
Philip M. Jones

Members Not Present:

Raleigh Ormerod
Ward 4 Council Seat Vacant

Staff Present:

Elizabeth A. Dragon, City Manager
Amanda Palmeira, Assistant City Attorney
Rebecca Landry, Assistant City
Manager/Communications and Marketing
Director
Jesse Rounds, Community Development
Director
Steve Stewart, Police Chief

Chair Bosley called the meeting to order at 6:00 PM.

1) Kiwanis Club of Keene – Request to Use City Property – 2023 Tree Lighting Ceremony

Chair Bosley welcomed the applicant, Peg Bruce of the Kiwanis Club of Keene. Ms. Bruce stated that she is Co-Chair of the Tree Lighting Ceremony, which began in 2013. Ms. Bruce went on to describe the plans for this year, noting they hoped to have the Cheshiremen Chorus sing along and share song sheets with the crowd. She also hoped some other local bands would participate. Mrs. Claus would read *The Night Before Christmas* before the Fire Department brings Santa to Central Square. Ms. Bruce said the Club was requesting a few new things this year: porta potties, hopefully placed in parking spaces in front of Bank of America (Vice Chair Giacomo offered to advise her on how to go about this), and some free parking for volunteers when they are putting lights on the bandstand, the day of the event, and the day after the event.

Chair Bosley requested comments from the City Manager, Elizabeth Dragon, who said the protocol meetings had occurred. As Ms. Bruce said, one new factor this year would be the porta potties, which the Kiwanis Club is responsible for organizing, and while the City could not recommend vendors, they could share some contact information for different providers. The second new factor is the free parking request; the suggested motion would provide the flexibility to work with the Parking Department for some free parking during the event set-up.

Given that the Council had already adopted the budget for community activities, Councilor Jones asked whether there would be funds available to support porta potties. The City Manager

confirmed that the Kiwanis Club is responsible for that cost. Councilor Jones wondered whether the City Hall bathrooms could be available during the event. The City Manager said no, because City Hall is closed on the weekend, and it would require someone to both open the building and scan the building to make sure no one is inside at the end of the day. Ms. Bruce said they should have money in their budget to cover these costs.

Vice Chair Giacomo said this event sounded great and he thanked the Kiwanis Club for letting Let It Shine use their lights for the Pumpkin Festival. He saw no issues with the event, and he hoped that the Free Parking Program would help.

Chair Bosley agreed that it is a wonderful event each year. Ms. Bruce added that it is very weather dependent.

There were no public comments.

Vice Chair Giacomo made the following motion, which was duly seconded by Councilor Jones.

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on Friday, November 24, 2023, to conduct the annual Tree Lighting Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square, Roxbury Street from west of the Hannah Grimes Parking lot to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the Petitioner is permitted to place porta-potties in City parking spaces located at the base of Washington Street from Wednesday, November 23, 2023, to Monday November 27, 2023, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 5:00 PM to 8:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for the following: use of spaces with dates, times and locations to be determined in coordination with the Parking Division for volunteer parking during set-up activities; use of up to four spaces on Washington Street from Wednesday, November 23, 2023, to Monday

November 27, 2023 for placement of materials; and spaces within the event footprint on the day of the event.

Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

Councilor Jones commended the work and effort to make this a great event each year.

In response to Ms. Bruce, the City Manager clarified that the motion provided the flexibility for the Kiwanis Club to work with the Parking Department on the dates needed for set-up.

2) **Keene Sno-Riders – Requesting Permission to Run Snowmobiles in the Right-of-Way Along Krif Road from the Ashuelot Rail Trail to Winchester Street**

A representative of the Keene Sno-Riders was not present. Chair Bosley requested comments from the City Manager, Elizabeth Dragon, who said the protocol meetings had occurred for this event as well and there were no concerns or changes. This permit had been granted each year for approximately 10 years.

Councilor Jones said he had known the Sno-Riders for a long time, and he commended all they do for the community and trail users, so he supported this.

There were no public comments.

Councilor Jones made the following motion, which was duly seconded by Vice Chair Giacomo.

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the Keene SnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 116/040/000/000/000, 214/003/000/000/000 and 118/001/000/000/000; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, (“Premises”) for the following purpose: for a snowmobile trail, and under the following conditions: Said use shall commence on December 15, 2023, and expire on March 30, 2024, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured. In addition, the Keene SnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/markings, which will be in accordance with Snowmobile Trail Standards published by NH Department of Business and Economic Affairs; that all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor

vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover.

3) **Chuck Redfern – Call For Action – Drug Abuse in Public Spaces**

Chair Bosley welcomed Chuck Redfern of 9 Colby Street, who began by reading the letter he submitted to the City Council addressing a two-pronged approach to drug abuse in public spaces:

Through your good efforts, the City of Keene and its citizens have invested significant funds to keep our youth and adults engaged in healthy and active lifestyles. Such examples include, but are not exclusive to the Patricia Russell Park, Keene Bike Park, bike trails, pathways, and skatepark. Most of these facilities are located near populated neighborhoods.

However, it is also a primary responsibility of the City to keep our youth and citizenry as safe as possible. As a concerned citizen, a call for action will not only help protect the community, but also serve notice for those who peddle or use illegal drugs that it is not in their best interest to loiter where our youth congregate for healthy recreation and enjoyment.

To help accomplish this goal, I propose a two-prong approach to address drug abuse in public spaces. The first approach should be to muster additional resources at the State, County, and City levels to provide drug treatment for those afflicted individuals. Currently, these three entities rely mostly on incarceration to remove the offenders from the community. However, using just this approach does not solely treat the underlying cause of this problem.

A second approach would be to link a designated “Drug Free Zone” to an enhanced sentence to include mandatory mental health services. This approach would generally require a State law to implement enactment of such action and accompanying State, County, and municipal services. This financial structure could be modeled after a standard grant management program, which would include a matching fund formula.

Mr. Redfern recalled the City Council passing a no-smoking zone, which was clearly allowed by State law, but the same was not true for drug-free zones. He felt it was important to distinguish between the various classes of drugs, noting that many states are legalizing marijuana, which he thought of differently than barbiturates, fentanyl, or heroin that threaten the citizenry’s safety. Mr. Redfern sought for the State to write an enabling law for the City of Keene to have a drug-free zone. He thought Senator Fenton was reliable and would call for sponsorship of the proposed bill, calling for a Legislative Service Request (LSR) which is the first step in creating a

bill. Then, a co-sponsor would be needed from the House of Representatives. Councilor Jones noted that he could co-sign a bill, but that the deadline had passed to submit an LSR. Mr. Redfern understood that this could take time, and that Senator Fenton would need to make the request first.

Mr. Redfern thought a first step should be a media public relations campaign to explain what actions can and/or should be taken with the help of the NH Municipal Association. Mr. Redfern called on the City Councilors to express their ideas and a call for action. He hoped for a unanimous vote. He also acknowledged that incarceration is not the only answer and that mandatory mental health services should come first. Mr. Redfern stated that incarceration simply removes the offenders from the streets. He suggested mandatory mental health services as a part of enhanced sentences in circumstances that the courts deem applicable.

Chair Bosley thanked Mr. Redfern for bringing this forward as it would open some discussions between the Council and City Staff.

The City Manager recalled that this topic was first brought to the Council in 2022, when Councilor Greenwald submitted a letter asking for a drug-free zone. At that time, the City Attorney said a drug-free zone was not possible because the City can only do what is within its powers from the State of NH. Officially, there were only a few areas where drug-free zones could be implemented, like the perimeters of schools or public housing authorities, where there are enhanced penalties (jail time or fines). She saw this as a challenge because someone misusing drugs would likely not care about a posted sign indicating a drug-free zone, and the signs might create a false sense of safety for others in the community. The City Manager was unsure this action would have the intended effect of reducing drug use in City parks. Additionally, she said there had been talk about the effectiveness of drug-free zones for many years, because they can essentially lead to further criminalizing someone struggling with addiction. The City Manager was also unsure the City or courts could require Mr. Redfern's suggestion for mandatory mental health services. Senator Fenton had reached out to the City Manager and unfortunately, the time to introduce a bill had long passed. However, Senator Fenton did submit a placeholder because the City Manager was not comfortable moving this forward without the Council's consensus. If the Council wants to pursue changing the law related to drug-free zones, the City Manager would work with Senator Fenton to move it forward. She reiterated her concern that it could lead to a false perception of safety in City parks. Further, this could pose a challenge for the Police Department or make it difficult for a substance user to recover, because it could lead to longer sentences or fines that they might struggle to pay. Often, the City Manager moves legislation forward in clear situations, but because of these nuances, she needed Council input first.

Chair Bosley posed some questions to the Assistant City Attorney, Amanda Palmeira, about the effectiveness of moving this legislation forward and whether it is possible to stipulate a required penalty (e.g., fines, jail time, or mental health services). The Assistant City Attorney did not have the exact provision of the controlled substance law in front of her. However, the current provisions state that municipalities can only create drug-free zones within 1,000 feet of a housing

authority and penalties are set forth by the Controlled Substance Statute. Still, she said nothing is impossible, and the legislature could change both sections to allow this level of nuance for enhanced penalties. Keene's authority comes from the Substance Abuse section of NH RSA 47:17. Councilor Bosley asked about the enhanced penalties in the Substance Abuse section. The Assistant City Attorney was unsure and would have to review the Controlled Substance Act.

Chair Bosley asked the Police Chief, Steve Stewart, to comment. Chief Stewart said that Chapter 318-B, the NH Controlled Drug Act, is extensive and convoluted, with many different sections for the various drugs, weights, and circumstances. He would have to further research the enhanced penalties. Chair Bosley asked if there is a standard penalty that differentiates someone using a narcotic inside a drug-free zone versus outside, for example. Chief Stewart said the only places designated as drug-free zones are within 1,000 feet of schools and he could not recall ever seeing that enhanced penalties provision triggered. Chair Bosley was grateful for that clarification.

Councilor Jones asked whether this meant that someone could enter a drug-free zone under the influence of an illegal drug, but they could not use the drug within the zone. Chief Stewart said that the state defines it as a "drug-free zone", so it can be a misleading term. Chief Stewart thought it would be hard and not cost effective to try to prove someone is under the influence, so he imagined it would be an in-possession offense.

Vice Chair Giacomo thought the crux of Mr. Redfern's recommendation was whether the City could accomplish the non-incarceration goal or not fining users. He thought there was a slight benefit in designated drug-free zones, but he wondered if a drug user would equate drug-free zone signs with enhanced penalties. He thought that actions at the State level would depend on whether Keene could have a non-punitive, restorative option. Otherwise, he thought there was risk in establishing drug free zones that could worsen the problem and create the opposite result if there is not specific language on restorative opportunities.

Chair Bosley thought it was also complicated without understanding the court system, but she thought that a judge would ultimately decide an offender's penalty, and the City would have no say in that end result; she said it was also very difficult to expect that the City could or should decide when someone with addiction should receive treatment. Chair Bosley believed that those treatments are most successful when the individual has decided that they need treatment. She was unsure that forcing someone into treatment would have the intended effect.

Vice Chair Giacomo clarified that he thought enabling legislation is almost never a bad thing, so he would support sending the letter to Senator Fenton. He supported the letter regardless of the result. Chair Bosley said she wanted to ensure that if the Council decides to take this action, that it is very clear about the expectations it shares with Senator Fenton, so this action is effective. Councilor Jones agreed with the Chair and Vice Chair about prioritizing restorative versus punitive penalties, which he thought should be clear in the letter. He did note that sometimes prohibiting something somewhere just serves to move the activity elsewhere; he mentioned

teachers smoking cigarettes just outside school zones. Still, Councilor Jones would support sending the letter, but thought it needed to be discussed by the whole Council, with a decision on whether such a letter should be signed from the City Manager, Mayor, or full City Council.

Mr. Redfern believed that it should be up to judges to decide punitive sentences based on the drug classifications. Regarding medical treatment as a part of the sentence, he was concerned that the majority of the Council would be interpreted as saying that they accept the status quo in Keene, which Mr. Redfern disagreed with. He did not feel the current status quo in Keene was acceptable. Whether drug abusers accept or realize that they need treatment, he said they need help and services for some duration. He commended Senator Fenton for being willing to stand up to this issue. Mr. Redfern said he was only asking the Council to support this letter asking for assistance in providing services for abusive drug use in certain classifications, which he thought was warranted. He stated that he appreciated the support from Councilor Jones and Vice Chair Giacomo. Mr. Redfern also stated that he was appreciative of Chair Bosley wanting to have this discussion, but he did not want anyone to send a message to the full Council that the status quo is acceptable for the citizens of Keene.

Chair Bosley heard what Mr. Redfern was saying. However, she did not agree with her position on this letter being characterized as her not standing up for the community. Chair Bosley has children and frequents the City parks and trails. She is aware of drug paraphernalia being swept off playgrounds and needles needing to be removed daily from her children's elementary school yards. She understood that this is a community issue and that the community needs supportive treatment opportunities. Chair Bosley said everyone had experienced someone they love touched by addiction, herself included. She understands how addiction works and she wants any action taken by the Council to be effective. While it is wonderful to have "token" drug-free signs posted, she thought what she was hearing proposed was something like a drug court, in which those with drug offenses can choose between punitive jail time or an alternative treatment. She asked Chief Stewart to comment on the process of drug courts. The Chief said the process usually offers a suspended sentence contingent upon completing treatment. The current Cheshire County Treatment Court (formerly "Drug Court"), for example, could take someone 18 months to successfully graduate, which includes analysis tests, group therapy, other addiction therapies, and weekly check-ins. Chair Bosley asked who is eligible for this option; does the individual or court choose, and what are the guidelines? Chief Stewart replied that the court has guidelines for who is generally eligible. It used to only be available to non-violent, first-time offenders, though he said the guidelines were shifting to include more high-risk and high-need offenders. Chair Bosley agreed with the goal to see more people moving out of jail cells and into treatment programs. Chief Stewart added that there also needs to be more support for treatment providers to be effective and funded. He said there needs to be a balance between the punitive and restorative aspects, otherwise parks could become better places to use drugs if there is no chance for punishment.

Chair Bosley opened the floor to public comment.

NH State Representative Jodi Newell of 32 Leverett Street loved the compassionate spirit of Mr. Redfern's letter, as so many in the community are also concerned. The goal is for people living a better life and moving forward to be happy, fulfilled, and contributing members of the community. Sitting on the NH House Criminal Justice Committee, she had done a lot of research on effective approaches to this challenge, and she learned a lot about drug courts and other services. However, criminalization had been the general mindset and approach for so long, and she said it had gotten worse over time. She knew Mr. Redfern and so many others were approaching this with good, solution-oriented hearts. Still, Representative Newell thought it was important to understand what a punitive approach means to someone struggling to maintain sobriety. She agreed that it is usually not effective to force someone into treatment. She said all these challenges are compounded by a lack of available services and resources, so if the law was enhanced, she thought it would lead to enhanced punitive penalties. The latest Diagnostic and Statistical Manual of Mental Disorders (DSM-V) of the American Psychiatric Association says that addiction is pursuing substances despite negative consequences, so enhanced punishments could have the opposite effect of helping an individual out of addiction. Representative Newell thought it was important to include those suffering from addiction or directly affected in this ongoing conversation. She recalled Councilor Filiault writing a letter to the Council about this issue that encouraged bringing all the stakeholders together to address this, and Representative Newell knew there were concerned citizens in Keene looking for actions.

Councilor Bobby Williams (Ward 2) was concerned about the concept of a drug free zone or even enabling legislation for it because as it moves through the House and Senate, well-meaning calls for mental health services and restorative justice could lead to more incarceration. He said criminology studies had shown that fear of increased consequences usually does not deter substance abuse. He thought the expectation of getting caught is a deterrent. The approach proposed would require resources and increased Police patrols in City parks, which was already occurring at the Patricia Russell Park, which Councilor Williams appreciated. While well-intentioned, Councilor Williams did not think the letter to Senator Fenton was the best approach.

There were no further public comments.

Chair Bosley echoed Representative Newell's comments about Mr. Redfern's intent being wonderful and appreciated. Chair Bosley wondered if an ad hoc committee appointed by the Mayor would be an appropriate way to determine what would be responsible legislation because she thought the proposal of what to send to Senator Fenton needed more work. The City Manager said the time for legislation had passed. While there is a placeholder from Senator Fenton, the City Manager said an ad hoc committee public process would be challenging, with legal requirements like public notice and minute takers, and it would take longer than the time available for action.

Chair Bosley asked what the Council's options were. The City Manager did not want to dive too deeply. She recalled the things the City was doing already to address challenges like homelessness, which is sometimes related to addiction or mental health challenges, but not

always. There are several current initiatives in the City (e.g., the current Section 8 Housing voucher program), but the City's capacity is limited. There had been brainstorming about moving people from homeless encampments or shelters into permanent housing. There had been a lot of frustration with the backlog of Section 8 Housing Voucher holders unable to get housing. The City Manager had several meetings with Senator Fenton on these topics, including the possibility of mobile support services. She mentioned the lack of mental health services throughout the State. Cities like Manchester, Nashua, and Keene are challenged because people from municipalities across the state congregate in these few areas where services exist. There are ongoing conversations with the State about implementing additional requirements in grants to non-profit organizations that provide these services to make them available everywhere. Sitting on the Opiate Abatement Commission, the City Manager had been advocating for additional supported housing options, particularly sober housing for women in the region. She heard challenges with transportation and housing from The Doorway and The Serenity Center. She believed that the Opiate Abatement Commission would be discussing a process to bring forward \$10 million per year to support housing options in rural communities across the state, likely in partnership with NH Housing Finance Authority. The City Manager understood the frustration, but she said it was most important to strategize and prioritize within the limited capacity of the City to move some of these initiatives forward. As opposed to a longer-term ad hoc committee, the City Manager was hoping to create a Homelessness Task Force comprised of Department heads across the organization that would meet twice monthly to brainstorm solutions and how the City is responding to situations. She also posed the idea of community meetings to share ideas. The City Manager said the Council could pursue the placeholder with Senator Fenton, but an ad hoc committee or community conversation would be most likely in 2024. The City Manager concluded that when considering how the City responds and uses its resources, it is necessary to be strategic so there is not a cycle of rehashing the same information and ideas. She also thought there was an opportunity to communicate about these issues and strategies better with the help of the Communications and Marketing Director/Assistant City Manager, Rebecca Landry.

While Chair Bosley felt most of her initial questions were addressed and while she thought the sentiment behind the letter was valid, she agreed that there needed to be a bigger discussion to be clear on what the Council would be asking Senator Fenton to change so it is effective and appropriate for drug users. She agreed that determining what is appropriate should be in partnership with community stakeholders. While Chair Bosley would not support this letter at this time, she was clear that this position did not negate her concern about drug use in Keene.

Councilor Jones recalled attending a summit on addiction by the Monadnock Healthy Alliance a few years ago, when a European addiction specialist, Johann Hari, said a lot of what Representative Newell summarized. Councilor Jones did not believe punishment was the answer. He thought Mr. Redfern was simply asking to expand the geographic area of laws that are in place already. Councilor Jones said he would support the letter, because he wanted the full Council to have an opportunity to debate this. He noted that he did not support the idea of an ad hoc committee.

Vice Chair Giacomo agreed that after sitting on many ad hoc committees, they often just rehash the same things. He said the intent of the letter and what it was trying to accomplish for the community was clear in focusing on restorative over punitive justice and cleaning-up Keene's parks. He said the entire Council had never drafted a letter word-for-word. Vice Chair Giacomo looked forward to having this conversation with the full Council to determine the key goals the Council aligns on to focus on in the letter.

Vice Chair Giacomo made the following motion, which was duly seconded by Councilor Jones.

On a vote of 2–1, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to submit a letter to Senator Fenton requesting that he initiate legislation that would expand the geographical area of a drug-free zone to include public parks, with emphasis on restorative rather than punitive justice. Chair Bosley voted in opposition.

4) Relating to an Amendment to the Zoning Map – 0 Ashuelot Street – High Density to Commerce – Ordinance O-2023-13

Chair Bosley welcomed comments from the Community Development Director, Jesse Rounds, who did not have much to add to what was covered during the public hearing about this proposal to re-Zone 0 Ashuelot Street from High Density to Commerce. Chair Bosley noted that there would be no further public comment because the public hearing occurred already.

Vice Chair Giacomo stated his perspective that re-Zoning from High Density to Commerce would not diminish the ability to have housing in the District, if that is the owner's interest. Other opportunities could arise from this change, so he had no issues supporting this.

Councilor Jones recalled that in the last revaluation, commercial property went down, which caused a burden on residential properties. Councilor Jones had mixed feelings about Vice Chair Giacomo's comments that it might be up to the market to determine what goes there. Councilor Jones sought guidance from Staff. Mr. Rounds said that currently there is a vacant parcel, that could have the potential for development, likely with a higher value. The City Manager agreed and added that the last revaluation saw a shift in overall values, but commercial value is still an important part of the puzzle. The shift in overall taxable value of the City was because the residential market was outpacing the commercial market. There is nothing to say that could not change during the next revaluation.

Chair Bosley agreed with Vice Chair Giacomo that the Commercial Zone was updated recently to allow up to four stories of residential uses above first floor commercial uses. So, if this proposed development was to create a commercial space, some residential use would still be allowed. Chair Bosley supported this proposal.

Councilor Jones made the following motion, which was duly seconded by Vice Chair Giacomo.

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2023-13.

5) Relative to Congregate Living and Social Services License – Ordinance O-2023-18

Chair Bosley asked for comments from the City Manager, who said this was related to the earlier conversation on challenging social issues facing the City. The proposal was to change the applicability of the Congregate Living and Social Service License Section 46-561 of the City Code, adding “*that the licenses would not apply to temporary 120-day or less homeless shelters established by, or operating under, the authority of the State or municipal entity.*” This change was developed as a part of Homelessness Task Force meetings regarding winter capacity. The UCC Church has offered to have an overflow shelter during very cold evenings, and there was no exception for that in the licensing procedure, even if there was a Memorandum of Understanding (MOU) in an emergency situation. This added language provided the flexibility needed as these situations arise. This addition would not waive the Fire and Building Code rules. The City Manager thought this was another tool to help the City to act quicker in partnership with nonprofits like the UCC Church.

Chair Bosley agreed that this provided important flexibility to expand the capacity for residents of Keene in the winter, and she was appreciative this was brought forward.

Vice Chair Giacomo referred to language proposed: “*established by, or operating under the authority of, a State or municipal entity.*” He asked, under NH law, whether every shelter was operating under the City’s authority because the City is responsible for financial support? The City Manager replied that shelters are not under the City’s authority. Rather, the City has MOUs with the two shelters in Keene that the Council votes on annually. There are some expectations in the MOUs, but they do not operate under Keene’s authority, and this proposed addition would be specifically limited to anything created with an MOU through either the State or City. Vice Chair Giacomo said that answered his concern. The City Manager clarified that the church would actually be operating on the City’s behalf versus the City granting the shelter a permit.

In looking at the Ordinance, Councilor Jones said he did not see anything about staffing. He asked if the MOUs negotiated by the City Manager would include something about required staffing; he recalled a past instance of no certified staff on the premises of a shelter. The City Manager said that in her time with the City, there had been overflow capacity created through arrangements with Hundred Nights and their Staff, and there was volunteer staffing at St. James Church. The case at hand with the UCC Church would require volunteers, so she would work with the Church and Southwestern Community Services, which had partnered on the Task Force. The City Manager said those important details would be included in the MOU.

Vice Chair Giacomo made the following motion, which was duly seconded by Councilor Jones.

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2023-18.

6) MORE TIME: Keene Young Professionals Network – Request to Use City Property – 2024 Taste of Keene Food Festival

Chair Bosley recognized Councilor Michael Remy who requested that the Committee call this item forward from more time so he could pose some questions he was unable to ask when this was forwarded from the Council straight to more time.

A motion by Vice Chair Giacomo to pull Item #1 from more time and onto the active agenda was duly seconded by Councilor Jones and the motion carried unanimously.

Councilor Remy had a question about something never done before and wanted to gauge the Committee’s opinions before pursuing it. The event organizers were interested in moving the beer garden that had operated at Hannah Grimes to Central Square. Because that is City property, he thought it would require a Council vote, so he wanted to ask some questions before deciding to pursue the change.

Chair Bosley asked if there had been alcohol vending on City property during the City Manager’s tenure. The City Manager, Elizabeth Dragon, had seen it allowed on City property, but not Central Square. The City Manager was not prepared to comment further without reviewing the specific Central Square rules and regulations.

Vice Chair Giacomo thought that putting all the rules for Main Street aside, he thought that clearly control of the space would be the primary concern. He recalled security that controlled the space at Hannah Grimes effectively last year. Conversely, at Central Square, there would be 360 degrees of nothing preventing people leaving with beverages or getting in. Even as having helped create the event, Vice Chair Giacomo would not vote in support unless there was a good plan for controlling the space.

Chair Bosley thought this could set a precedent for all other festivals and events, with the potential for drinking in the street to get out of hand. If something went wrong, the event might not be viable anymore, and she wanted to protect this well-developed event. She would need to see a very strategic plan to support the concept. Councilor Jones asked if the organizers would need to submit a separate letter requesting this permission or if it would be handled in protocol meetings. Councilor Remy clarified that he was not seeking a binding answer, but to gauge the Committee’s feelings. Personally, Chair Bosley said her gut was telling her it was a bad idea.

The Assistant City Attorney, Amanda Palmeira, noted that since the event request was already submitted, she recommended that Councilor Remy speak with the City Clerk, Patty Little, about any potential changes. Councilor Remy did not want the event’s approval tied to this question.

Councilor Remy and Chair Bosley agreed that there was plenty of time to explore this since the event is not until June 2024.

A motion by Vice Chair Giacomo to place this item back on more time was duly seconded by Councilor Jones and the motion was carried unanimously.

7) Adjournment

There being no further business, Chair Bosley adjourned the meeting at 7:28 PM.

Respectfully submitted by,
Katrnya Kibler, Minute Taker
October 27, 2023

Edits submitted by,
Terri M. Hood, Assistant City Clerk