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A regular meeting of the Keene City Council was held on Thursday, April 18, 2024. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy (arrived at 7:06 PM), Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Bettina A. Chadbourne, Catherine I. Workman, Thomas F. Powers, & Mitchell H. Greenwald were present. Bryan J. Lake was absent. Ward One Council seat vacant. Councilor Madison led the Pledge of Allegiance.

#### MINUTES OF THE PRECEDING MEETING

A motion by Councilor Greenwald to accept the minutes of the April 4, 2024, meeting as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Remy and Lake were absent. Ward One Council seat vacant.

#### ANNOUNCEMENTS

Mayor Kahn reminded everyone about Green Up Keene on Saturday, April 20, as well as the Library book sale from April 19–21. Next, the Mayor reminded the Council that the April 24 regular meeting of the Municipal Services, Facilities, and Infrastructure Committee would start early at 5:30 PM. Also, a Special City Council meeting would be held on April 30 at 6:00 PM for the annual evaluation of a Charter employee. He also announced that the Operating Budget review by the Finance, Organization, and Personnel Committee would start with their first meeting on Thursday, May 9 at 5:30 PM. Additional meetings were scheduled for Tuesday, May 14, and Tuesday, May 21, both starting at 5:30PM. A light meal will be provided in advance of these meeting times.

Mayor Kahn continued, announcing that the next design review workshop on the downtown project would be on May 1 at the Keene Recreation Center, with two sessions: 3:00 PM–4:30 PM and 5:30 PM–7:00 PM. The focus will be Central Square. These workshops will be followed by a special Municipal Services, Facilities, and Infrastructure meeting on Wednesday, May 8, starting at 5:30 PM. The Planning, Licenses, and Development Committee will adjust their start time on May 8 to 7:00 PM that evening.

Lastly, the Mayor announced that the filing period for the Ward One vacancy would close on Friday, April 26, at 4:30 PM. Declarations of candidacy are available in the office of City Clerk, with a \$2 filing fee. At the May 2 City Council meeting, each candidate will have five minutes to address the City Council relative to their candidacy. Immediately following this, the Council will proceed with the process of filling the vacancy. The candidate receiving the votes of a majority of the elected Council will be declared the winner. The oath of office will be administered, and the prevailing candidate will immediately assume office, if elected.

#### RECOGNITION – KATHY COLLINSWORTH – BUSINESS NEW HAMPSHIRE FIRST INAUGURAL NONPROFIT LEADER OF THE YEAR AWARD, 2023

Mayor Kahn welcomed Kathy Collinsworth to recognize her Business NH first inaugural Nonprofit of the Year Award. Mayor Kahn explained that Ms. Collinsworth became the Monadnock Humane Society's Executive Director in 2016, following six years as the executive director of the Monadnock United Way. The Monadnock Humane Society has served the region for 145 years, but in 2016, it was in poor financial condition, facing the very real possibility of closing its doors. Within two years at the Monadnock Humane Society—which is running a surplus budget thanks in large part to Ms.

Collinsworth's leadership—Ms. Collinsworth engaged her staff, cultivated new donors, obtained grant funding, and negotiated lower expenses to turn an annual deficit of \$300,000 into a net profit in each year following, while increasing operating revenues.

Mayor Kahn continued, recognizing that Ms. Collinsworth tapped into her experience working in the nonprofit sector at Cheshire Medical Center, Stonewall Farm, and the United Way in order to expand Monadnock Humane Society's services. Ms. Collinsworth implemented the animal safety net program that takes in animals free of charge for those facing domestic violence, homelessness, drug treatment programs, and long-term illnesses, and cares for the pets until they can be reunited with their owners. Ms. Collinsworth also launched a mobile pet food pantry in partnership with the Community Kitchen to provide pet food to those living in rural areas, where people and their pets are experiencing food insecurity. Further, she doubled the number of feline neuter clinics and hired a humane agent to handle animal cruelty cases, resulting in over 300 animals being removed from difficult home conditions.

Mayor Kahn reported that Ms. Collinsworth's involvement goes far beyond her occupational leadership roles. As a Rotarian, she had served local food pantries, built houses in El Salvador for seven years, and is a past president of the Keene Elm City Rotary. She is a current trustee of Savings Bank of Walpole and is the current president of the New Hampshire Federation of Humane Organizations. Ms. Collinsworth's past awards include a Paul Harris Fellow of the Rotary and Keene State College's President's Outstanding Women's Award. Mayor Kahn said that Ms. Collinsworth is a great contributor to our community, and we can all agree that her statewide recognitions through the New Hampshire Business Review Magazine is remarkable. She was named the first inaugural Nonprofit Leader of the Year in 2023 by Business New Hampshire. Mayor Kahn presented Ms. Collinsworth with a pin of the key to the City as a memento of appreciation for her service and accomplishments.

Ms. Collinsworth thanked Mayor Kahn for this recognition. She said that she has long-term ties to this community, which she cares about a lot. She said that she only achieved what she had because of the incredible partners in the Monadnock region, including the City Council's great work making the City a better place. Ms. Collinsworth said that the Monadnock Humane Society is the place that animals come when they are stray and separated from their family members. The Humane Society keeps them safe until they can be reunited. Further, the Humane Society has low cost spay/neuter clinics and low-cost wellness clinics. 83% of the people said they could not afford veterinary care and so she started the wellness clinics so that people who are on State aid can get pet care at an affordable price. Now, there is a waiting list. Next, the Humane Society will be working on strategic planning to see how services could be expanded. She welcomed input from the Council on how the Humane Society can better serve the community; it is not just about the pets, but the people too. Ms. Collinsworth was proud of the Humane Society's work and appreciated this award.

#### PUBLIC HEARING – COTTAGE COURT – ORDINANCE O-2024-01

Mayor Kahn opened the public hearing at 7:12 PM and the City Clerk read the public hearing notice. Mayor Kahn welcomed Evan Clements, City Planner, and project consultant, Bill Eubanks, Director of Planning and Landscape Architecture at Greenberg Farrow in Charleston, SC.

Mr. Clements explained that the Cottage Court overlay district zoning proposal was designed to provide additional opportunities for neighborhood-scale housing developments that encourage smaller, more affordable dwelling units that fit into the existing scale of community neighborhoods that are served by

water and sewer. This project was funded using a grant from the Invest NH program that began in November 2023 with a kickoff meeting. Mr. Eubanks met with planning staff to discuss initial ideas, using his experience with other similar ordinances and developments. There was a listening session at Heberton Hall at the Library to get initial input from the community on the different architectural designs and what the tolerance would be for a housing development of this scale. Then, there was a more formal public workshop and engagement session at Hannah Grimes in January 2024 to develop ideas after the listening session. City staff worked with Mr. Eubanks to understand the parameters of what the Community wants (e.g., density, height limits, parking tolerances). Mr. Clements reported that the first reading of this proposed Ordinance before the City Council was on February 15, 2024. Then, there was a workshop session with the joint Planning Board-Planning, Licenses, and Development (PB-PLD) Committee on March 11 to discuss details of the proposed Ordinance, which Mr. Clements said made it through the PB-PLD relatively cleanly, with two Scriveners changes. Mr. Clements welcomed questions.

Mayor Kahn opened the floor to public comments.

Christopher Love of 70 Davis Street read a prepared statement expressing his passion about this proposed Ordinance: *Tonight, I stand before you with a vision, a vision of a City that embraces innovation, fosters inclusivity, and secures a prosperous future for all who call it home. At the heart of this vision lies the Cottage Court Ordinance, a transformative measure that has the power to redefine our urban landscape and shape the trajectory of our community for generations to come. As we confront the pressing challenges of our time, from housing affordability to environmental sustainability, it is important that we adopt forward thinking policies that address these complex issues holistically. Across the Globe, cities have pioneered innovative approaches to urban development, demonstrating that the status quo is not permitted, that with vision and determination, we can reimagine our cities in ways that enhance quality of life, promote economic vitality, and safeguard our planet for future generations. Consider the case of Portland, OR, where the residential infill project breathed new life into traditionally single-family neighborhoods by permitting higher density housing options. According to the data from the Portland Bureau of Planning and Sustainability, the residential infill project resulted in a 27% increase in the number of affordable housing units built within the affected neighborhoods over a five-year period. Similarly, the city of Barcelona embarked on a bold experiment with its superblock's initiative, a visionary plan that reclaims streets from car infrastructure/traffic and transforms them into pedestrian friendly zones. The result was resurgence of community engagement and a revitalization of local businesses because the data shows when our living space is beautiful, not only does that have a positive mental effect on us, but also compels us to engage each other. And inevitably, having us going out more and spending money—be it at bars or restaurant with friends or grocery stores for picnics. Not to mention the environmental statistics from the Barcelona City Council showing that the superblocks initiatives initiative led to a 14% reduction in air pollution levels and a 20% decrease in traffic accidents within the first two years of implementation because when you add cities for humans and not just cars, generally speaking it is a bit of a safer living space. But the benefits of the Cottage Court Ordinance extend far beyond mere aesthetics or economic prosperity. At its core, this Ordinance represents a commitment to environmental stewardship. In recognition of our responsibility to mitigate climate change and safeguard and natural resources for future generations by prioritizing active transportation modes over car centric infrastructure.*

Mr. Love continued reading his prepared statement: *Copenhagen has achieved remarkable reductions in carbon emissions, improved air quality and enhanced public health outcomes, a testament to the transformative potential of sustainable urban design, according to data from the city of Copenhagen, the city cycling infrastructure led to a 25% reduction in carbon emissions and a 15% decrease in traffic congestion over the past decade. Moreover, embracing high density housing options and flexible zoning laws not only addresses our immediate housing needs, but also promotes economic vitality and resilience in cities like Austin, TX, and Minneapolis, MN. The relaxation of zoning regulations has led to the revitalization of underutilized urban spaces, attracting investment, stimulating job growth, and fostering a vibrant cultural scene. Data from the Austin Chamber of Commerce indicates that the relaxation of zoning regulations in key districts led to a 30% increase in property values and a 25% rise in small business establishments over the past five years. Let us not forget the physical benefits that accrue over embracing progressive urban policies in the city of Manchester, United Kingdom. The Northern Quarter regeneration plan breathed new life into neglected industrial spaces, transforming them into vibrant mixed-use districts that generate significant economic returns. Increased property values, higher tax revenues, and a burgeoning tourism industry have all contributed to Manchester's resurgence as a global destination for culture, commerce, and innovation. Statistics from the Manchester City Council review showed that the Northern Quarter Regeneration Plan resulted in a 40% increase in property values and a 35% rise in tourism related revenues within the regenerated area over a 10-year period. In conclusion, I urge you to seize the opportunity presented by the Cottage Court Ordinance and embrace a vision of our City that has both aspirational and inclusive. Let us draw inspiration from the successes of cities around the world and chart a course towards a future defined by sustainable growth, vibrant communities, and shared prosperity. Thank you for your leadership and dedication to our community's wellbeing.*

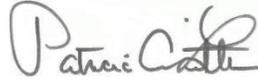
Ken Kost of 30 Stonehouse Lane spoke as a representative of the Monadnock Interfaith Project (MIP), which is focused on looking at ways to increase housing. The MIP thinks that the Cottage Court Overlay District will be an important tool for developers and other housing advocates to bring more housing to Keene. The Ordinance is focused on infill development, so it does not encourage sprawl and it builds out existing neighborhoods. Mr. Kost said he could envision very nice pocket neighborhoods in the City through these small developments. Regarding zoning, he thought it was important that the overlay would rely on existing utilities, infrastructure, water, and sewer. Mr. Kost thought this was important because it would prevent urban sprawl, accommodating increased housing while also protecting the more rural areas of Keene. He spoke about his research on tiny houses and little cottages. In the 1960s, the average house size was 1,250 square feet, which accommodated families' first entry into housing. He stressed the importance of the availability of these smaller, "first houses," which he felt this Ordinance would support. He credited the Community Development Department, consultants, and others who worked on this Ordinance, which he hoped the City Council would support.

Councilor Roberts said that some might consider 1,250 feet to be a small home. Still, he referred to homes on Marlboro Street that were built with Veterans Affairs loans, which gave people their first chance at a home. Those loans helped to build homes that were less than 950 square feet, in which families with 3–4 kids lived; these small homes did not cause psychological problems for kids. He said 2,400 square feet is the equivalent of 2.5 homes.

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Upon hearing no further comments, Mayor Kahn closed the public hearing at 7:30 PM, except for written public comments, which will be accepted until 1:00 PM on Tuesday, May 7. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. The Mayor referred this matter to the Planning, Licenses, and Development Committee.

A true record, attest:



City Clerk

#### RESIGNATION OF ELY THAYER FROM TRUSTEES OF TRUST FUNDS

The Mayor brought forward item F.2. on the agenda for action. A memorandum read from the Finance Director, Merri Howe, recommending the acceptance of Ely Thayer's resignation from the Trustees of Trust Funds. A motion by Councilor Greenwald to accept the resignation with thanks and regret was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

#### CONFIRMATIONS – ENERGY AND CLIMATE COMMITTEE & PARTNER CITY COMMITTEE

Mayor Kahn nominated Annu Joshi Bargale to serve as a regular member of the Energy and Climate Committee, with a term to expire December 31, 2026. He also nominated Derek Blount to serve as an alternate member of the Partner City Committee, with a term to expire December 31, 2026. A motion by Councilor Greenwald to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

#### CONFIRMATION – TRUSTEES OF TRUST FUNDS

Mayor Kahn nominated Allen Mendelson to serve on the Trustees of Trust Funds, with a term to expire December 31, 2026. A motion by Councilor Greenwald to suspend the Rules of Order to act on the nomination was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

A motion by Councilor Greenwald to confirm the nomination was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

#### NOMINATIONS – ENERGY AND CLIMATE COMMITTEE & PLANNING BOARD

Mayor Kahn nominated Councilor Bryan Lake to serve as a regular member of the Energy and Climate Committee, with a term to expire December 31, 2025. The Mayor also nominated Stephon Mehu to serve as an alternate member of the Planning Board, with a term to expire December 31, 2026. The nominations were tabled until the next regular meeting.

#### COMMUNICATION – CABANA FALLS WINERY – PERMISSION TO OFFER SAMPLES AND SELL ALCOHOL AT KEENE FARMERS MARKET

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A communication was received from Aly and Carroll Lefebvre of Cabana Falls Winery, requesting permission to sell alcohol at the Farmers Market of Keene for the 2024 season. A motion by Councilor Bosley to suspend the Rules of Order to act on this item was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

A motion by Councilor Bosley was duly seconded by Councilor Jones to grant the request of Cabana Falls Winery to sell alcohol and provide individual product samples to patrons at the 2024 Keene Farmers' Market on City property licensed to the Farmers' Market of Keene in accordance with the requirements of the State Liquor Commission. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmers' Market of Keene; obtainment of all necessary permits and licenses and compliance with all laws. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

**COMMUNICATION – KEENE ELM CITY ROTARY CLUB – REQUEST TO USE CITY PROPERTY – CLARENCE DEMAR MARATHON – SEPTEMBER 29, 2024**

A communication was received from Alan Stroshine, Race Director, submitting the annual request to conduct the Clarence DeMar Marathon and the DeMar Half Marathon on Sunday, September 29, 2024. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

**COMMUNICATION – KEENE FAMILY YMCA – REQUEST FOR ROAD CLOSURE – SUMMIT ROAD – JUNE 2, 2024**

A communication was received from Kelly Fleurette, Keene Family YMCA Senior Program Director, requesting the closure of Summit Road on Sunday, June 2, 2024, from 8:00 AM to 12:00 PM for a Youth Triathlon Race. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

**COMMUNICATION – KEENE MUSIC FESTIVAL – REQUEST TO USE CITY PROPERTY – AUGUST 31, 2024**

A communication was received from Pablo Fleischmann, Keene Music Festival Director, requesting a license to use Downtown City property to conduct the annual Keene Music Festival on August 31, 2024. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

**PLD REPORT – ANIMAL CONTROL PROGRAM – ANIMAL CONTROL OFFICER**

A Planning, Licenses, and Development Committee report read, unanimously recommending accepting the presentation on the Animal Control Program as informational. Mayor Kahn filed the report as informational.

**PLD REPORT – FARMER'S MARKET OF KEENE – REQUEST TO USE CITY PROPERTY – 2024 FARMER'S MARKET**

A Planning, Licenses, and Development Committee report read, unanimously recommending that the Farmer's Market of Keene be granted permission to use 22 spaces along Gilbo Avenue and 18 spaces on the other side of the median strip in the Commercial Street parking lot from Saturday April 20, 2024, to Saturday, October 26, 2024. Said permission is subject to the following conditions:

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- 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;
- the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month);
- access to City electrical shall also be provided at a fee of \$60.00 for the season;
- obtainment of all necessary permits and licenses and compliance with all laws, and compliance with any recommendations of City staff.

It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

#### WITHDRAWN – CATHEDRAL LEDGE DISTILLERY – REQUEST TO PARTICIPATE IN THE KEENE FARMER'S MARKET

The Cathedral Ledge Distillery withdrew its request because it is located outside of the regional limitations for the Farmer's Market. As such, a Planning, Licenses, and Development Committee report read, unanimously recommending accepting the communication regarding the Cathedral Ledge Distillery request to participate in the Keene Farmer's Market as informational. Mayor Kahn filed the report as informational.

#### COPPER CANNON DISTILLERY – REQUEST TO PARTICIPATE IN THE KEENE FARMER'S MARKET

A Planning, Licenses, and Development Committee report read, unanimously recommending that Copper Cannon Distillery be granted permission to sell alcohol and provide individual product samples to patrons at the 2024 Keene Farmer's Market on City property licensed to the Farmer's Market of Keene in accordance with the requirements of the State Liquor Commission. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer's Market of Keene; obtainment of all necessary permits and licenses and compliance with all laws. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

#### PLD REPORT – BREWBAKERS CAFÉ – REQUEST TO USE CITY PROPERTY – ADJACENT TO WILSON STREET – OUTDOOR DINING

A Planning, Licenses, and Development Committee report read, unanimously recommending that Brewbakers Café be granted the use of City property to place tables and chairs on the city right-of-way on the Wilson Street side of their establishment located at 48 Emerald Street for the serving of food and alcohol to patrons seated in the café area. This license is also subject to the following conditions: subject

to the signing of a revocable license and indemnification agreement; submittal of a certificate liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured; compliance with the requirements of Chapter 46 of the City Code of Ordinances; compliance with the administratively issued City of Keene Parklet Guidelines that are applicable to the particular area of use; compliance with any other recommendations of City staff; that no materials, gravels, or any other alterations to the site may be made without prior approval from staff; and that the property be maintained and returned to its original state at the expiration of the license with staff reviewing the condition of the area at the end of the season to determine any needed maintenance. This license shall expire on November 1, 2024.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. A motion by Councilor Bosley to amend to the Committee recommendation to include permission for alcohol service within the licensed area was duly seconded by Councilor Filiault and the motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. The motion to carry out the intent of the amended Committee report carried unanimously with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

#### PLD REPORT – KEENE PRIDE – REQUEST TO USE CITY PROPERTY – KEENE PRIDE FESTIVAL – SEPTEMBER 15, 2024

A Planning, Licenses, and Development Committee report read, unanimously recommending that the Keene Pride Group be granted permission to use downtown City rights-of-way on Sunday, September 15, 2024, to conduct a Keene Pride Celebration, including participating downtown businesses decorating their storefronts for the week leading up to the event date, conditional upon the following:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Clerk and no changes to this license or the associated protocol documents will be accepted after August 1, 2024;
- 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 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 (with a slip lane for eastbound West Street traffic to go south on Main Street), Roxbury Street from the easterly side 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 and a dumpster in City parking spaces located at the base of Washington Street, and additional porta-potties on Roxbury Street from Friday, September 13, 2024, to Monday September 16, 2024, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 12:00 PM to 6:00 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 City parking spaces on Washington Street and Roxbury Street needed for storage of equipment from Friday,

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September 13, 2024, to Monday September 16, 2024, and spaces within the event footprint on the day of the event;

- The submittal of signed letters of permission from any private property owners for the use of their property; and
- 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. In addition, the Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

#### PLD REPORT – PATHWAYS FOR KEENE – REQUEST TO USE CITY PROPERTY - 4 ON THE 4TH ROAD RACE – JULY 4, 2024

A Planning, Licenses, and Development Committee report read, unanimously recommending that the City Council grant permission to Pathways for Keene to sponsor a running race on Thursday, July 4th, 2024, subject to 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 listing the City of Keene as an additional insured. In addition, the Police Department shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones.

Councilor Jones notified the Council that he is a member of the Pathways for Keene Board of Directors but has no pecuniary interest. He noted that this is the 30<sup>th</sup> anniversary of the race and that this is one of the few events in Keene from which all the money goes back to the City. Volunteers are needed and those interested can contact Councilor Jones. The Race has one of the lowest entry fees at \$25.

Councilor Workman said that 2023 was her first-year volunteering for the Race and she appreciated the positive energy of the day. She looked forward to volunteering again in 2024.

The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

#### PLD REPORT – KEENE YOUNG PROFESSIONALS NETWORK – REQUEST TO USE CITY PROPERTY – 2024 TASTE OF KEENE FOOD FESTIVAL

A Planning, Licenses, and Development Committee report read, unanimously recommending that the Keene Young Professionals Network be granted permission to use downtown City rights-of-way on

Saturday, June 1, 2024, and reserving a “rain date” of Sunday June 2, 2024, in the event of inclement weather, to conduct a Food 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 footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Emerald Street and Eagle Court, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff;
- That the Petitioner is permitted to place porta-potties in City parking spaces with the specific locations to be determined in conjunction with City staff from Friday, May 31, 2024, to Monday June 3, 2024, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 11:30 AM to 4:00 PM with the times for set up and clean up to be established with City staff;
- That the Petitioner is granted permission to serve alcohol beverage samples for consumption within the event footprint subject to the terms and conditions of a one-day license from the NH Liquor Commission, and any conditions of City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces needed for storage of equipment and placement of porta-potties from Friday, May 31, 2024, to Monday June 3, 2024; and spaces within the event footprint on the day of the event;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- 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 Remy stated that he is the Keene Young Professionals Network’s (KYPN) Events Chair. However, he has no pecuniary interest. Additionally, the organization had never made money from the event. There were no objections to Councilor Remy participating in this vote.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones.

Councilor Madison stated that he is not an officer of KYPN, but he presented on the event during the PLD hearing. He reiterated how positive he thinks it is that Keene is becoming a City of festivals, bringing a lot of people to downtown Keene. He thought the festivals were becoming some of the strongest glues bonding this community.

Councilor Remy shared some updates on the event (June 1, 11:30 AM–3:30 PM), which would close all of Main Street for the whole day. There was feedback from some of the businesses on lower Main Street—where the blockade was before—that they were experiencing the negative impacts of the traffic being shut down, but not the positive impacts of having a festival in front of them. So, the goal this year

is to help those businesses by extending the blockade. Bringing the beer garden onto Main Street will help to fill that space. Otherwise, the event would be largely the same as in the past, but with additional options this year. Tokens will cost \$2 and samples will cost between 1–3 tokens. There will be live music throughout the day and the Colonial will have performers as well. C&S donated to make it a green event again this year, so all paper products, etc., will be compostable and there will be a compost service.

The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

#### PLD REPORT – CELLULAR TOWER LEASE AGREEMENT

A Planning, Licenses, and Development Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease agreement with Towers LLC for the installation of a cellular tower on City-owned property. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

#### PLD REPORT – COUNCILOR MADISON – POTENTIAL CHANGES TO COUNCIL DISCIPLINARY PROCESS

A Planning, Licenses, and Development Committee report read, unanimously recommending that the communication regarding the Council disciplinary process be accepted as informational. Mayor Kahn filed the report as Informational.

#### FOP REPORT – ARTS ALIVE – REQUESTING A WAIVER OF PARKING FEES – ELEVATE THE ARTS EVENT – AUGUST 11, 2024

A Finance, Organization, and Personnel Committee report read, unanimously recommending approval of the requested parking spaces without charge. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

#### FOP REPORT – WEST SIDE DOWNTOWN PARKING STRUCTURE PROJECT – CONSULTANT SELECTION

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a Professional Services Agreement with Weston & Sampson, Inc. for the Feasibility Analysis and Concept Design phase of the West Side Downtown Parking Structure Project, for an amount not to exceed \$216,000. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Haas thanked the FOP Committee and City staff for their efforts with this study, which he felt was necessary to move forward with any kind of parking project. He noted that this was already in the Parking Fund budget for this year. He was concerned about how this project would mesh with other City projects/factors, four in particular. (1) The neighborhood parking study underway would not directly affect this project but would cover the idea of parking in the general downtown area. (2) The roadway

safety project underway was focused on automobile movement downtown, but it would not impact where parking goes. (3) The substantial downtown project, which would impact Gilbo Avenue, for example, and the west side of Keene. (4) The change in real estate: by the time the project design arrives in 2026 and the construction arrives in 2028, the community might have different views. Councilor Haas was concerned about how all these things would mesh. He did not want to have to repeat this study after everything is changed.

Councilor Filiault agreed with some of Councilor Haas' points and said he would be voting no at this time. Councilor Filiault felt that taxpayers needed a timeout. He thought this parking garage effort was putting the cart before the horse and that there were many uncertainties. He might support it in the future. He realized that some would say that it is not taxpayer money, because it is the Parking Fund, but he said the taxpayers fund the Parking Fund. He cited the uncertainties and costs associated with the downtown project—with costs increased from \$7 million to \$14 million and likely more. It was uncertain where that money would come from. Councilor Filiault did not think this was the right time and that at this time, the City should be doing anything possible to save money for the taxpayers.

Councilor Roberts said he would support this project for the people who were around in 2010–2011, when the City allocated approximately \$660,000 for this study. Now, 12 years later and with the impacts of inflation, that allocation is only 1/3 of the current project cost. Councilor Roberts added that the Parking Fund is not funded by the Keene taxpayers. Rather, the Parking Fund is a usage fee paid by everyone who visits downtown Keene, such as during the many upcoming festivals. Councilor Roberts noted he owns a house and walks downtown and never pays that parking fee, so he never contributes to the Parking Fund as a Keene taxpayer. He felt that the City had a track record of postponing things until other things are accomplished, which in this case, resulted in minimal change (e.g., new parking meters) to the downtown during the past 15 years. Councilor Roberts said the if the City continues waiting for all the answers, it will continue doing nothing.

Councilor Williams did not think the City needed a new parking garage. He thought there was an abundance of parking on the west side, both City-owned and privately owned, as well as some vacant land. Between all these sources, Councilor Williams thought a parking program could be developed with bus service, for example, which would cost much less than a parking garage. He also suggested thinking about the impact a parking garage would have on the City in general, such as increased traffic. He also commented on a development pattern in Keene that he was beginning to worry about, with big new apartment buildings in Swanzey full of residents who would all be driving and parking in a parking garage, impacting traffic. Councilor Williams felt that parking, in general, should not be as highly subsidized as it is; he roughly estimated that these parking spots will cost about \$50,000 each. If supporting a zoning pattern in which every house/apartment has two parking spots, adding an extra \$100,000 onto that apartment. He preferred to leave this to the private sector; would the market provide a parking garage?

Councilor Greenwald recalled many Council conversations about housing downtown. Despite not knowing where that housing will be, it will require parking. He said not everyone will ride a bicycle. Parking is limited downtown, which limits development. This study will help design where parking could go. The Councilor said that this study will take time, then a plan will be made, and then it will go into the Capital Improvements Program (CIP); it was unclear how far in the future actual implementation of a parking garage would be. Still, without a plan, it will never happen. While he did

not like spending \$216,000, he recalled that amateur (e.g., staff, college and high school students) studies in the past were not accurate. Councilor Greenwald regularly heard that when the Colonial has an event, every spot is taken. While he agreed that infill development is needed and will produce needed tax revenue, it will demand parking. He thought it would be great if a private developer wants to pursue a parking garage, but the Councilor did not think it would happen that way. Still, there needs to be a study to know where the parking should go. He thought this was a good use of the Parking Fund.

Councilor Bosley agreed with many of Councilor Greenwald's comments. Councilor Bosley said the PLD Committee had worked tirelessly over the past several years to create ordinances that promote development downtown. She had heard many comments from constituents about this corridor and many people assume that the City has responsibility over these parking lots (e.g., Commercial Street), but it does not; they are privately owned parking lots. The City does have a some say over the Gilbo Avenue lot. She hopes that property in that area—that is not privately owned in that area—will be sold and developed, which was the point of these ordinances: to be developed in a way that creates enough density to make it worth it for developers and to meet some of the community's housing needs. Some work was focused on Main Street because she said it is falling apart. Still, work is needed in different areas as well, and the City should promote the types of growth that it wants to see. Councilor Bosley supported the study and concluded that if the City wants to partner with those moving into the community, the City should be able to present how it will support that investment in the community.

Councilor Madison said that since being on the Council, it was rare that there was not discourse about the need for workforce housing. Those who work need cars to get to work. He would love to be able to walk or ride a bike to his job, but not everyone is lucky enough to do that. So, he said parking spaces are needed for commuters. He said there is ample land downtown that could be developed into workforce housing, but parking spots would be needed for those workers when they get home from work. If Keene wants to become a City of festivals, there needs to be a place for people who come from out of town to park so they can support local businesses and nonprofits. It is a user fee.

Councilor Tobin said that during the previous two weeks (and longer term), she heard a lot of debate about whether the City needs parking. While many people think parking is needed, many think that increased parking would be a problem. From Councilor Tobin's perspective, it all depends on what time of day you are downtown; sometimes all the spots are empty and other times full. Different demographics visit downtown at different times of day. If the parking spaces are empty 90% of the time, she questioned whether that is an effective use of those spaces. She wondered if it would be possible to have spaces used for one purpose for a certain population during the daytime and a different population during the evening and overnight. She recalled recent Council discussion about parking policies and overnight bans. Councilor Tobin thought it was worth exploring where and what type of parking is needed.

Councilor Jones had been talking about this for years, dating back to the committee that developed the original Gilbo Avenue overlay, with the idea that it would be the impetus for development in that area. At one time, there were three proposed developments for Gilbo Avenue without discussion about parking in that area. He wondered whether parking should precede development or vice versa. Councilor Jones supported the parking study.

Councilor Haas supported the idea of a parking garage and this study. He believed that if developers see the City studying to have a garage built, it would be intriguing. He was concerned about the timing and the potential for the downtown project to impact the recommendations from this study.

The City Manager said that every project takes a lot of time. The City went out to bid for this effort in January 2024 and the completed plan is not anticipated until January 2025, so the City Manager felt there was plenty of time. She felt that the financing model would be an important piece of the study because it shows the market need, developing the model for construction and operations, and identifying sources of funding (e.g., grants or State funding). Further, the City Manager was aware of a potential partner that was interested in potentially leasing a floor of this garage due to some expansion near Keene State College. So, the City Manager felt there was potential growth there and she wanted to identify public and private partners to develop an interactive model that would be turned over to the City for rates and other financial components. This would include assessments of how downtown parking is used at different times of day, as Councilor Tobin mentioned. As Councilor Greenwald mentioned, it will also be important to determine the best location for a garage. The City Manager referred to a lot of recent work on the Zoning Ordinance to encourage densification downtown. She agreed that if the downtown area is developed further, there will have to be some place to park. The City Manager said this will take time, including securing funding and partnerships. Mayor Kahn added that a parking garage is not in the CIP for several more years.

On a vote of 11–2, the motion to carry out the intent of the Committee report carried. Councilors Filiault and Williams voted in the minority. Councilor Lake was absent. Ward One Council seat vacant.

#### FOP REPORT – ARPA GRANT FUNDING – REQUEST FOR TIME EXTENSION

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to request a time extension for the City’s American Rescue Plan Act (ARPA) grant related to the Downtown Infrastructure project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 13 Councilors present and voting in favor.

#### FOP REPORT – SOLE SOURCE – FILTER MEDIA AND UNDERDRAIN REPLACEMENT PROJECT CONTRACT

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a sole source contract with Carbon Filtration Systems for an amount not to exceed \$200,000. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

#### CITY MANAGER COMMENTS

The City Manager reported that on Tuesday, April 10, the U.S. Environmental Protection Agency (EPA) released the long-awaited PFAS Maximum Contaminant Levels (MCLs) in drinking water for six PFAS compounds (four of those PFAS compounds are already regulated in New Hampshire’s public drinking

water). Public water systems have until 2029 to implement solutions that reduce the EPA regulated PFAS compounds if monitoring shows that drinking water levels exceed those MCLs. The final EPA MCL levels are lower than the comparable New Hampshire levels, and it is expected that public water systems will be required to spend hundreds of millions of dollars in New Hampshire alone to comply with the final EPA MCL levels. The City Manager was happy to report that the results from Keene's most recent tests were well below the new limit.

The City Manager was also pleased to report that a revision to the LCRR—a federal drinking water rule implemented by the EPA in December of 2021—requires all community and non-transient non-community water systems to prepare and submit a materials inventory of all service lines in their system. Keene recently completed its grant-funded lead survey for its water service connections. Out of 6,200 water service connections in the City, only 82 services were unknown materials. The 82 services were then narrowed down to seven by reviewing meter cards filled out when the Public Works Department changes a meter, and by reviewing old paperwork orders. Seven excavations were performed to reveal the seven unknown service connections. Five of those seven were copper, and there were two lead goosenecks on the City side of the service connection. Both lead goosenecks were removed and replaced with plastic connectors. The Department had been removing lead materials for many years, well ahead of these rule changes. The City Manager congratulated the Public Works Department for being ahead of the curve and proactively mitigating the exposure to adverse effects of lead in drinking water.

Lastly, the City Manager reported that on April 22, Rick Wood started as Keene's new Fire Marshall. The City Manager was very happy to have Mr. Wood on board. Currently, he is the only one working on fire inspections due to one inspector on leave and another on vacation. The City Manager was planning to recruit for the vacant position soon; she was waiting for Mr. Wood to start so that he could provide comments about the job description and duties before posting the job.

#### CABLE TV FRANCHISE AGREEMENT EXTENSION – DEPUTY CITY MANAGER

A memorandum read from the Deputy City Manager, Rebecca Landry, recommending that the City Council authorize the City Manager to negotiate and execute an extension of the Cable Television Franchise Agreement with Spectrum Northeast, LLC.

A motion by Councilor Powers to suspend Section 26 of the Rules of Order to act on this item upon first reading was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

A motion by Councilor Powers to authorize the City Manager to negotiate and execute an extension of the cable television franchise agreement with Spectrum Northeast, LLC, was duly seconded by Councilor Remy.

Councilor Filiault recalled that Spectrum did what the City asked during the previous year, so he supported giving them another shot. Councilor Greenwald was unsure, particularly after a recent loss of internet and phone service, including City Hall. He thought there should be accountability and contingency plans. Still, he was voting in favor. Councilor Jones recalled that he had been concerned about issues with this contract over the years.

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The City Attorney, Tom Mullins, thought it seemed that someone at Spectrum was interested in moving this item forward and this action would move the matter forward for that purpose.

The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

**ORDINANCE FOR FIRST READING – RELATING TO NUISANCE, MENACE, AND VICIOUS DOGS**

A memorandum read from Steve Stewart, Police Chief, recommending that Ordinance O-2024-07 be referred to the Planning, Licenses, and Development Committee for consideration and recommendation. Mayor Kahn referred Ordinance O-2024-07 to the Planning, Licenses, and Development Committee.

**NON-PUBLIC SESSION**

A motion by Councilor Greenwald to go into non-public session to receive legal advice under RSA 91-A:3, II (1) was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant. The non-public session began at 8:52 PM.

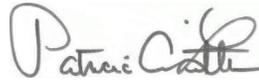
The non-public session concluded at 9:43 PM.

A motion by Councilor Greenwald to keep the minutes of the non-public session, non-public, was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Lake was absent. Ward One Council seat vacant.

**ADJOURNMENT**

There being no further business, Mayor Kahn adjourned the meeting at 9:44 PM.

A true record, attest:



City Clerk