

02/20/2025

A regular meeting of the Keene City Council was held on Thursday, February 20, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:01 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Bettina A. Chadbourne, Thomas F. Powers and Mitchell H. Greenwald were present. Andrew M. Madison, and Catherine I. Workman were absent. Michael J. Remy arrived at 9:00 pm during the recess before the Council went into a non-public session. Councilor Lake led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Kahn shared that Jennifer Carroll, Executive Director of the Historical Society of Cheshire County, expressed her gratitude for the opportunity to collaborate on Keene's 150th anniversary. The well-received exhibit was up until Saturday, February 15, 2025, for the community to view. The exhibit would now go on tour to Covenant Living before returning to the City Clerk's office. The Mayor thanked the Clerk's office for their assistance in the exhibit. The broadcast of the exhibit as well as the Mayors' panel will be publicized on the City website.

Next, the Mayor recognized Councilor Laura Tobin, who received the Spirit of Monadnock Award from the Monadnock United Way (MUW) for her sustained commitment and positive impact on the community. At the last MUW event, it celebrated the raising of over \$1.3 million in the last year. The Mayor thanked Councilor Tobin for her encouraging words and efforts to help raise that money. The Mayor also noted that Councilor Remy was absent from the Council meeting this evening because he was being honored by the MUW for concluding his six years of service on their Board of Directors.

Mayor Kahn announced that there are several vacancies on City Boards and Commissions, which will be compiled and published on the City website. He asked Councilors to promote the openings on your social media pages. The Mayor encouraged anyone interested in learning more about these volunteer opportunities to visit the City website to review the list of vacancies.

The Mayor's Youth Council at Keene High School started meeting again for the spring semester. Mayor Kahn said it was a great focus group of approximately 22, 10th–12th grade students. If any Councilors had topics of interest they wanted to explore with these long-term members of the community, the Mayor welcomed the opportunity to organize focus groups on those topics. For example, the City Manager arranged for Community Development Department staff to discuss the Master Plan with the students as a focus group.

Councilor Jones announced a Hazard Mitigation presentation on Thursday, February 27, 2025, at 5:30 PM at Heberton Hall. He and the Mayor saw the presentation from the City's Emergency Management Administrator, Kürt Blomquist, during the recent Master Plan Steering Committee meeting. Councilor Jones said it was a great presentation, so he encouraged as many people as possible to see it too.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the minutes of the February 6, 2025, meeting as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 12 Councilors present and voting in favor.

PROCLAMATION / COMMUNITY RECOGNITION - ANNA DUMOND – GIRLS HIGH SCHOOL DIVISION 1 DOWNHILL SKIING CHAMPION

Mayor Kahn welcomed Anna DuMond and read a proclamation into the record honoring Ms. DuMond for winning the Division 1 Girls High School Downhill Skiing Championship. After beginning her skiing career at Granite Gorge at the age of two years old with the support of her parents, Robert and Colleen, Ms. DuMond quickly progressed to competitive racing, including competing against her brother, Nicholas. In 2024, during Ms. DuMond's junior year, she experienced a skiing accident that caused her to be sidelined with a leg injury, resulting in one year of dedicated physical rehabilitation to end that season. After a full recovery, she returned to the Keene High School Girls Alpine Ski Team for her senior year, coached by her father. At the 2025 NH Division 1 Championship—facing over 90 skiers Statewide—Ms. DuMond captured the championship in the slalom and placed in the top 10 at the Meet of Champions in the slalom and grand slalom races. Mayor Kahn highlighted that Ms. DuMond's training at Granite Gorge and teaching of students at Crotchet Mountain illustrated the community connections to her achievements that brought pride to her family, school, and the entire City of Keene. Mayor Kahn congratulated Ms. DuMond for her inspiring story and exceptional achievements and wished her continued success in the future. Ms. DuMond said she was really thankful for her comeback, and she recognized her dad, calling him the best coach she ever had. She also recognized Granite Gorge, calling it a good mountain that everyone should check out.

PROCLAMATION / COMMUNITY RECOGNITION - GAETANA MARTIN – INTERNATIONAL HONORS PERFORMING SERIES AT CARNEGIE HALL PARTICIPANT

Mayor Kahn welcomed Gaetana Martin to recognize her recent participation as a violist in the International Honors Performing Series at Carnegie Hall in NY City. The Mayor explained the story of how Ms. Martin came to be a nationally recognized young musician, meriting the recognition and pride of the Council and the entire community. He said there were many people to credit for Ms. Martin's accomplishments, dating back to first grade at Symond's School. Since then, Ms. Martin has not put the violin down for one day. Her parents helped introduce her to other musicians in the community, who taught Ms. Martin how to accept critical feedback. Ms. Martin was also tutored at the Apple Hill String Quartet and has performed with the KSC Orchestra and the Keene Chamber Orchestra at an early age. The Mayor described how much support Ms. Martin had from her parents over the years, who purchased many violins for her.

The Mayor invited Ms. Martin to play her violin solo for the Council and public, and her performance was applauded. Mayor Kahn summarized what he had stated into a Proclamation that he read into the record, formally recognizing and commending Ms. Martin's outstanding achievements and dedication to musical excellence. The Mayor added that Ms. Martin was the only student representing NH on the stage at Carnegie Hall during that performance, and that she was a member of the Mayor's Youth Council at Keene High School.

CONFIRMATIONS - HUMAN RIGHTS COMMITTEE, ZONING BOARD OF ADJUSTMENT

Mayor Kahn re-nominated the following individuals to the Human Rights Committee, all with terms to expire December 31, 2027: Debra Bowie, to change from an alternate to a regular member; David Morill, to change from an alternate to a regular member; and Mohammed Saleh, to change from a regular to an alternate member. Mayor Kahn also re-nominated Adam Burke to the Zoning Board of Adjustment, to change from an alternate to a regular member, with a term to expire December 31, 2027. A motion by Councilor Greenwald to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy, Madison and Workman were absent.

COMMUNICATIONS - COUNCILOR REMY - POTENTIAL IMPLEMENTATION OF CONSENT AGENDA BY COMMITTEE - CITY COUNCIL MEETINGS

A communication was received from Councilor Michael Remy, requesting that the City Council review the feasibility of implementing a consent agenda for the Council Committee reports in order to abbreviate the full City Council meetings. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

PLD REPORT - REQUEST FOR LETTER OF SUPPORT - HB250 ENABLING LOCAL GOVERNING BODIES TO REGULATE THE MUZZLING OF DOGS

A Planning, Licenses and Development Committee report read, unanimously recommending that the Mayor be authorized to write a letter to the State Legislature in support of HB250. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones.

Councilor Williams thought the Council would recall trying to do something about vicious dogs being involved in bite attacks but had been stopped by NH law. So, he said the Council should try to change the State law. He said there had been cooperation from several State Representatives. This House Bill was introduced by State Representative Jodi Newell and co-sponsored by State Representative, and City Councilor, Philip Jones. Councilor Williams said the goal was to prevent instances like the one in 2024, when a little dog was attacked by another dog that already had a record as being a vicious dog but which was not muzzled. However, at this time, the City was limited in preventing such attacks. Councilor Williams said that this action would ask the Mayor to write a letter to the State Legislature to make this small amendment to existing laws. HB250 will be going before the Environmental and Agricultural Committee on March 5 at 9:30 AM. Councilor Williams hoped his fellow Councilors would vote in favor.

Mayor Kahn said that this would be enabling legislation that would allow municipalities and towns to consider these changes to their ordinances. The Mayor said the City Attorney had pointed out to the City Council in the past that enabling legislation is hard to come by, so the Mayor thought this was a good start. The motion to carry out the intent of the report carried unanimously with 12 Councilors present and voting in favor.

PLD REPORT - POTENTIAL AMENDMENT TO LAND DEVELOPMENT CODE - ANIMATED SIGNS IN THE INDUSTRIAL ZONE

A Planning, Licenses and Development Committee report read, unanimously recommending that the City Manager be directed to prepare an application for submittal to the City Council requesting amendments to the Land Development Code relating to animated signs in the Industrial Zones. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones.

Councilor Jones mentioned that at the public hearing and the PLD Committee meeting, some members of the public asked the Council to consider allowing these signs in the Commerce Zones as well. Councilor Jones thought the Council was right to start by allowing these in the Industrial Zones first to make sure it works well before moving on to other zones in the City. The motion to carry out the intent of the Committee report carried unanimously with 12 Councilors present and voting in favor.

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

A Planning, Licenses, and Development Committee report read, recommending the adoption of the Rules of Order amendment – Section 15. “Voting and Conflict of Interest.” A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones.

Councilor Bosley began by summarizing the Committee report and her position. She recalled that the Council had been discussing variations of this Rule for some time, and she thought the Committee had finally arrived at something it could stand behind. She said that the changes at hand clearly define a Special Interest, eliminating ambiguity and aligning the Council’s Rule of Order with the State Legislature’s adopted language/definition. She said this would create transparency for the public regarding the Council’s Rule on Conflicts of Interest. There was a lot of conversation concerning the Special Interest form and the PLD background notes were clear that the Committee’s intention was to direct the Clerk’s Office to draft the form so that it creates anonymity for the topic of household members. She recalled that “household member” would be newly defined in this specific Rule, and the Special Interest form would be styled such that household members’ interests would be listed under an umbrella of the greater Special Interests of the Councilor. Councilor Bosley stated that to her that meant while the household members’ Special Interests are still very important to the public’s understanding and full transparency, this would create some protection for individuals in the households. So, the Councilors would report them as their own Special Interests. Since the Councilors had already completed their annual Special Interest Forms for 2025, Councilor Bosley suggested that the new form be introduced later this year and made available by the Clerk’s office for any Councilor who wants to update it voluntarily. Otherwise, she suggested that the new form be officially introduced in January 2026, per the Rule’s language.

Councilor Williams said that he was the dissenting vote at the PLD meeting. While he thought the changes to the Rule had improved a lot since the last amendment, he was still not comfortable with the household member provision. As this Rule has improved, he thought the information climate in the United States had worsened, with the very real weaponization of

information. He said it would be one thing for information to be used against Councilors, but he had real concerns about his spouse's employer information being weaponized, which is something that he said happens. Councilor Williams noted that he did not think he was the only one who had dealt with "trolls" on social media, some of whom could seem dangerous. He noted that this concern has led him to the position that he does not want his spouse's information to be public. Councilor Williams considered whether to amend this proposed Rule amendment, but instead, he urged his fellow Councilors to vote against it. Then, if the Mayor were to send the Rule back to the PLD Committee again, Councilor Williams said there was still a lot of good to work in the proposed language and the Committee could determine the good things to keep while taking out the "household" provision.

Mayor Kahn addressed the comments. He felt that the Council had discussed this extensively over the previous 13 months. He recalled past concerns that the definition of "family member" was too restrictive and not inclusive of the kinds of household relationships that Councilors might have. So, the definition was adjusted to not just a spousal relationship, but to include other adults in the household who contribute to the economic interests of the household. The Rule would not be specific to disclosing any household members' interests directly, but the influence that the interest might have on the Councilor. The Special Interest form would not expose any particular person. The household member's employers, committees, and organizations would be listed under the Councilor's name and not attributed to the specific household member. The Mayor provided some examples, such as a Councilor listing that they have a court appointed special advocate living in their household; he said that sort of transparency would be the goal. Additionally, by adopting the definitions that the State Legislature had adopted through its Ethics Commission—signed by the Governor and implemented in 2025—the Mayor thought it would set a standard for Keene's City Councilors that is no greater than the standard set for other local elected representatives. The Mayor added that there had been concern raised in the past about including tenants as household members, which had since been excluded. This update would also address concerns about unreported Special Interests of Councilors' spouses following the State Legislature's definitions. The Mayor hoped this would be a step toward transparency. Mayor Kahn reiterated what Councilor Bosley mentioned that for 2025, the Councilors had already completed their Special Interest Forms, so if there were additional items they needed to disclose, they could complete the new form when it becomes available from the City Clerk's office. However, there would be no requirement to use the new form in 2025. The Mayor hoped that the Council would support the work that went into this amendment with an affirmative vote, noting that it would require 10 votes in favor to adopt.

Councilor Jones thanked City staff, noting that this Rule had come a long way over the past year. He thanked the staff for the clear definitions within the rule. He also appreciated that leasehold interests were excluded, as he had asked for that all along.

Councilor Favolise wanted to reiterate the comments about the compromise that he thought had been reached here. He was opposed to this Rule change when he first saw it a few months prior. His opposition was largely because of concerns, that the Council could get into a discussion involving Councilors' household members and their Special Interests and who should or should not be voting in full view of the public. Councilor Favolise said he really appreciated the work that the PLD Committee did in consultation with City staff and the City Clerk's office to make sure this form would have that level of anonymity. Councilor Favolise did want to say that he

completely understood Councilor Williams' point about the political climate. Councilor Favolise thought that some of the conversations around this conflict of interest disclosure had been painted as a black-and-white decision between either being for transparency or against transparency. Councilor Favolise stated he did not think that was a fair characterization. He said he would be voting in favor of this Rule because of the compromises that had been reached through this process, which is how Councilor Favolise said the Council should be working as local government. He stated that he knew that Councilors who were voting against this Rule were not doing so because they did not think the community deserved transparency. Rather, he said they were doing so because of their genuine concerns about what this means in the current political climate.

The motion to carry out the intent of the report carried on a roll call vote with 12 Councilors present and 11 voting in favor. Councilor Williams voted in opposition. Councilors Remy, Madison and Workman were absent.

FOP REPORT - ENERGY AND CLIMATE COMMITTEE RECOMMENDATIONS FOR PHASE 2 OF KEENE COMMUNITY POWER AND RECOMMENDED AMENDMENTS TO KEENE COMMUNITY POWER PLAN

The City Clerk stated that the report contains three separate recommendations, each of which would be considered with individual motions.

Finance, Organization and Personnel Committee report read, recommending that the next Community Power Program electricity options have three levels. The levels would include Keene Basic (25% total renewable energy), Keene 50 (Default, 50% total renewable energy), and Keene 100 (100% total renewable energy). A motion by Councilor Powers to carry out the intent of the Committee report's first recommendation was duly seconded by Councilor Lake.

Councilor Haas said that some part of the percentage of renewable energy was State-mandated and asked for clarification as to what the City was obligating locally vs. what was being obligated upon the City. The City Manager, Elizabeth Ferland, said that the Basic plan would include a percentage (25%) of renewable energy required at the State level. Senior Planner, Mari Brunner, said that was correct, adding that the State of NH had a renewable portfolio standard of about 25%. After 2025, it would level out at 25%, and it would not keep increasing from there. All electricity supplied in NH would have to meet that 25% requirement. Ms. Brunner said this program would add additional renewable energy for some of the options, but not the Basic plan. Councilor Haas thought it would be important for the City to clarify and recognize that the Basic plan was the plan that some people may not want to participate in.

The City Manager clarified that the Basic plan, would require someone currently on the default to call in to downgrade to the Basic option. The default in the new plan would be going from a total of 35% renewable to 50% renewable. Mayor Kahn stated that these recommendations came from the City's Energy and Climate Committee (ECC) and their important clarifications for how the City should move forward with community power and toward its 2030 goal. The motion on the first recommendation carried unanimously with 12 Councilors present and voting in favor.

Finance, Organization and Personnel Committee report read, recommending that an Adder Fee be included for the City Manager to negotiate, which is recommended to be between 0.075 and 0.125 cents per kWh. A motion by Councilor Powers to carry out the intent of the second recommendation in the Committee report was duly seconded by Councilor Lake.

Councilor Powers summarized the key points, noting that this Adder Fee would pool money for future programs. The Adder Fee would be on the 2nd and 3rd tiers (Keene 50 and Keene 100). He said that the FOP Committee discussed rightful concerns about adding pieces that—although they seem small—that could begin to increase for everyone over time. He said the scale was between \$8/year and \$80/year, which he said may not seem like a lot to some but it could be a significant increase to others because of their situation. He said the ECC recommended the Adder Fee, but it would be the Council's decision, and he would let the FOP Committee members with concerns speak to those concerns.

Councilor Lake clarified that this would only be applied to the 50% and the 100% plans, and it would not be applied to the Basic plan. He added that people looking for something more cost effective could opt for the 25% plan. Councilor Lake knew that was a point of contention among the FOP Committee, so he wanted to clarify. He said the intent of this Adder Fee was to develop a fund to work toward more energy efficient appliances in the community. As well as helping community members work toward the goals the Council put in place for more renewable energy and energy efficiency. Councilor Lake recalled that a few years prior, the ECC had a very similar program working with community members to install window inserts in older homes with poor insulation or draft problems. This would result in homes capturing more heat in the winters and spending less money on fuel. So, he said the goal of this Adder Fee would be to create a fund to expand these energy efficiency programs and help the larger community. Councilor Lake thought it would be a benefit over time and he hoped his fellow Councilors would support it. He recalled the Mayor's point that it would still provide the choice to the consumer.

The City Manager pointed out that the second Committee recommendation did not specifically state that it was only for the Keene 50 and Keene 100 plans, so she thought there would need to be an amendment to clarify that the Basic plan would not be included.

The City Manager also clarified that staff struggled with where the decimal point belonged for the 0.1-cent. She said that for the Keene 50 and Keene 100, 0.1-cent would bring in about \$58,000/year, which would be deposited into an account. She noted this fund had already been established and it had a balance of about \$75,000 at this time. When the money comes forward to the Council, it would come as a recommendation from the ECC Committee through the City Manager's office, and until then any Adder Fees would be collected and would remain in this fund.

Councilor Favolise said he watched the FOP Committee meeting and read through the recommendations and background notes of the actual ECC meeting, and he really struggled with what he thought about this Adder Fee. Ultimately—and how he was going to vote on this—was that he would not have a problem with this Adder Fee if it were an *opt in*. Unfortunately, it was an *opt out*. Councilor Favolise thought the goals that Councilor Lake expressed about helping the community meet its goals for renewable and clean energy efficiency projects across the City were really noble and good faith goals. However, as Councilor Powers alluded to, for some constituents, this fee would be concerning. Councilor Favolise said he was slightly

uncomfortable with the idea of including this fee as a part of the default plan that residents needed to opt out of. Because participation in the Community Power Plan is important for the City he did not want to create an incentive for residents to opt out of the Community Power Plan. Councilor Favolise noted that he did not intend to amend the Committee report, but he was open to further discussion about what form this might take. He did not like the idea of adding an additional fee that people would have to take a step to get out of paying.

Councilor Bosley shared her personal experience with opting out of Keene Community Power and opting into the Cheshire County Community Power. She thought that as everyone got savvy and received increased electric bills, they would start looking at the best ways to control some of these costs. She said it became very clear to her that if she went to Cheshire County Community Power, she would save almost two cents/kWh, and there were no fees to opt in and out of. She feared that if Keene created a program with fees, people would opt out of Keene's Community Power Program and opt into Cheshire County's Community Power Program for a lower rate. Possibly this could mean that they could choose less clean energy because of that. She was nervous about a blanket policy adding a fee to all these rates, which was how the motion on the floor read, so she was open to a potential amendment. Otherwise, on the surface, Councilor Bosley thought the City would be setting itself up for a loss in program participants.

Councilor Greenwald shared two thoughts. First, he said he was waiting until February 2026 to escape a horrible contract he signed more than three years prior. Second, he said that before voting affirmatively, he was waiting to hear how this Adder Fee would do anything that the Eversource program was not already doing. He did not know if \$58,000 would do more than some mass mailings that would go into someone's recycling bin. So, Councilor Greenwald was not feeling favorable. Ms. Brunner mentioned that it would be up to the City Council to determine how these program funds would be spent. She said the ECC imagined this program layered on top of existing programs. For example, hypothetically, if a resident received a \$30 rebate from NHSaves for purchasing an energy-efficient refrigerator, this program could perhaps add another \$50 on top of that. Ultimately, she thought the goal would be to save more money than it costs to have the fee. Ms. Brunner said this was something that communities around the State of NH were doing at this time, including Cheshire County Community Power, on which she thought there was an Adder Fee as well. She said that the major component of the cost for the supply rate would not necessarily be this Adder Fee, which was actually be a very small component. The main component would be the cost of the electricity supply itself, a primary factor of which is the percentage of renewable energy in it. To claim the benefits of that renewable energy, in addition to buying the electricity, the City must also buy a renewable energy credit that is associated with that electricity. Therefore, Ms. Brunner said the only reason the renewable energy would cost more is because the City would have to essentially buy the rights to claim it. She said it is basically a way to create a market for renewable energy and that is actually a much larger impact on the cost of the electricity rate than the Adder Fee. For example, the City's consultants estimated that adding an additional 25% renewable electricity above the mandated 25% from the State would add one cent/kWh, whereas the Adder Fee would be 0.1-cent/kWh. Ms. Brunner noted that she wanted to clarify this point as she knew it could be confusing.

Councilor Favolise was not privy to all the conversations that staff or the ECC had with the consultant, and he knew that the Council had just (in the prior discussion) approved a specific three-tier plan with exact percentages of renewable energy associated with it. He asked if the

City had any sense from the consultant if there would be a percentage of renewable energy that could help balance out these concerns around the Adder Fee regarding the cost to constituents. Ms. Brunner said yes, she reached out to the consultants to let them know that some concerns had been raised about the Adder Fee, and asked how that could be balanced or if they had any recommendations, and to see what other communities they had worked with had done. The consultants told Ms. Brunner that no other communities they had worked with had put an Adder Fee on an optional product because the overhead cost of managing it is not worth what you get from it. So, they said that unless a large number of people opt into 100%, it might not be worth putting in the Adder Fee on the 100% optional product if it was not also included in the default plan. Ms. Brunner said she followed up to ask how these concerns could be balanced and one thing that the consultants recommended was doubling the amount of renewable energy in the City's current default. That would bring it up from 10% extra to 20% extra (or 45% total) for renewable energy. The default would more than offset the cost of the 0.1-cent Adder Fee.

Councilor Haas said he was uncomfortable with an Adder Fee. He wanted it to stand on its own. He said he would be much more comfortable with voting funds to the ECC for its use for these purposes. Councilor Haas thought that an Adder Fee would just be another means of likely government subterfuge. He reiterated that he would much rather support the fee outright.

Councilor Chadbourne recognized and appreciated the work and commitment of staff and the ECC on this. She said the City is very forward-thinking compared to many places and its energy goals are great. She also said these were incredibly uncertain times and many people in this community are on fixed incomes. As Councilor Bosley mentioned, this would be a default, and the middle one would come with this fee. Councilor Chadbourne also wanted to add that years ago the former City Manager looked at very creative ways to raise money without taxation using little fees. Former Councilor Chuck Redfern, came up with some fees (\$2 or \$3) that were added to vehicle registrations. Councilor Chadbourne said people are still angry about those fees today because they were hidden and not transparent until after payment. So, Councilor Chadbourne said she was wary of having an Adder Fee for many reasons: the opt in/out factor, the people on fixed incomes, and the people who feel like the City is not being transparent. She said that people might not read the literature explaining the Adder Fee even if the City sends out information. While she appreciated staff and the ECC's efforts, Councilor Chadbourne did not support the Adder Fee.

Councilor Jones heard Councilor Chadbourne mention the default at 50%, but he also heard Ms. Brunner mention the default at 25%, so he asked for clarification. Ms. Brunner said that in the first FOP Committee recommendation, the default was set at 50% renewable, which would be 25% extra renewable energy above the State-mandated minimum. Then, she said there would be a Basic option that would be 25%. However, if someone were to automatically be enrolled in the program, they would be at 50% renewable and they would have to either call or fill out an online form to go down to the 25% option. Councilor Jones recalled the City Manager mentioning that the Adder Fee funds would be used toward products and services—like the program the City Manager inherited through Honeywell. He asked if it would be products and services that people would benefit from. The City Manager said potentially, noting that there were a lot of ideas that the ECC (Energy and Climate Committee) had been discussing. She added that the City's current default at this time was 35%, so the default would only be increasing by 15% renewable with the

first vote regarding programs that could be put in place with the ECC's help. The City Manager said that one of the great things about the Adder Fee, if the Council supported it, is that it would be local. Whereas when Ms. Brunner spoke about changing the default rate to 50% renewable energy, the City would not be getting that locally; the City would be making a difference in the climate and reducing carbon, but it would not be local. The Adder Fee would be strictly for Keene residents and local programs that would benefit this community. Councilor Jones asked if the beneficiaries would only be those opted into the Keene 50 and Keene 100 plans or if all would benefit. Councilor Lake clarified that it would benefit all those enrolled in the program, not those outside the program.

Councilor Lake also addressed Councilor Haas' comment about potentially using the General Fund to finance these programs. Councilor Lake said the intent would be—as the City does with many other fees or self-funding programs—to take things coming from this energy initiative and to fund other energy initiatives. This was different than having the entirety of the community that may not be involved in this program pay for something that they do not benefit from directly. He thought it was an important clarification for why this program was recommended. Councilor Lake agreed with the comments about these uncertain times, stating that the future of inflation and energy costs were unknown, as were the future of the State and Federal government benefit programs. He noted that was why the City Manager said it would be important to keep this Adder Fee local so these local programs could help community members.

A motion by Councilor Lake to amend the second Committee recommendation to clarify that the Adder Fee is only applied to the Keene 50 and Keene 100 plans was duly seconded by Councilor Williams. The Mayor asked about the range that would apply. The City Manager explained she hoped for a range so that whatever number chosen would apply to both the Keene 50 and Keene 100 plans. The reason for the range depends on the pricing. She explained that the Council would choose a lower Adder Fee if the pricing was not what it hoped for, whereas if the pricing was aggressive, it might be able to go toward a higher Adder Fee. Thus, the range. So, Mayor Kahn said that this amendment would mean that the Adder Fee of 0.1-cent would be applied to the Keene 50 and Keene 100.

Councilor Bosley could not support the fact that there were currently people in the Keene Community Power Program who had opted into a 35% renewable energy plan that would be shifted by default to a 50% plan, probably at an increased rate, and then the City would add an Adder Fee. She did support the amendment and limiting the fee. Councilor Bosley said she would only support this if the default rate was 25%, so that people currently on the 35% rate would default down and could then opt to choose a higher percentage of renewable energy, and opt to pay the Adder Fee, or opt into another program if they do not like our program. She was unsure what would be required to reconsider the first vote under this item in the same meeting. She said she would support the amendment but not the program overall without reducing the default to 25%.

Councilor Chadbourne said the Council talked about this being a local program, but she said that there were many local programs at this time. She cited Southwestern Community Services offering energy audits, a Liberty Utilities program, and an Eversource program all for people on fixed or limited incomes. She said it all adds up during these uncertain times. Councilor

Chadbourne said she was sticking with the vote she took at Committee-level against this Adder fee.

Councilor Favolise posed a parliamentary inquiry to the City Attorney. Councilor Favolise asked if there was a reason that the Council could not suspend the Rules of Order and reconsider the its vote on the first recommendation this evening. The City Attorney replied that the Council could suspend the Rules with a two-thirds majority vote.

Councilor Williams called the question on the amendment on the floor.

On a vote of 12–0, the motion to amend the second Committee recommendation to clarify that the Adder Fee is only applied to the Keene 50 and Keene 100 plans carried unanimously.

Councilor Williams stated that he supported this amendment. Because rather than allocating taxes from the General Fund—the people who use the most electricity would pay the most. He thought that was the most important factor. Additionally, the money would go back into the community. So, overall, Councilor Williams expected that Keene as a whole would come out ahead, which was why he was supporting this.

A motion by Councilor Bosley to table this item to the next regular meeting was duly seconded by Councilor Favolise.

The City Attorney explained that Councilor Bosley’s was a preferential motion. If it passed, it would table the amended recommendation until the next City Council meeting. The motion to table carried on a vote of 7–5. Councilors Williams, Haas, Jones, Roberts, and Lake voted in the minority.

The Mayor asked about the third recommendation from the FOP Committee under this item (yet to be introduced by the City Clerk). The City Attorney said the third recommendation was dependent upon the second recommendation, which had just been tabled. Regarding the first vote the Council acted on under this item, the City Attorney suggested someone could move to reconsider that under the Rules at the next City Council meeting. He added the Councilor motioning to reconsider must file notice with the City Clerk in advance.

Councilor Haas asked if there was any time constraint on this; he thought there was. If so, he thought it would behoove the Council to come together. The City Manager replied that bidding out power is very time-sensitive; there are better times of the year to bid than others. She thought that waiting until the next meeting would be fine, but she did not want to push it much further than that because the consultants were monitoring the market. When the time was right, they would recommend that the City go out to bid. Councilor Haas urged his colleagues to come prepared to deal with this at the next meeting.

The City Manager stated her preference, which was the 50% default and not approving the Adder Fee. Her reasoning was that the majority of people on Keene’s Community Power Plan would be on the default plan, so therefore, the majority of the Keene electrical accounts would move to a higher percentage of renewable energy. She said the Adder Fee would be local and could be supported in the community, but if the Council was really focused on its energy goals, she said the 50% default would move the needle faster. The Mayor said that to act on the City Manager’s

preference, the tabled motion would have to come off the table and be defeated. The City Attorney agreed.

Councilor Favolise posed a parliamentary inquiry to the City Attorney. The Councilor heard Councilor Powers make a motion relative to the three tiers of the plan, it was seconded, the Council took a vote on that, and the Mayor reported the results of that vote. He said the Council then asked for a second separate motion from Councilor Powers. Councilor Favolise stated he was struggling with the parliamentary procedure. The City Attorney said that the Council acted on the amendment before the recommendation was tabled. So, the amendment was now attached to what was tabled. Councilor Favolise said he did not understand when that was attached. The City Attorney said as soon as the motion to amend was approved unanimously it became attached to the underlying question of the Community Power Plan. At this point, the City Attorney said that nothing had happened with the other two motions and they could be brought up again when this second recommendation is taken off the table. If there was a desire to change the first vote, the City Attorney said that a Councilor could file a motion for reconsideration of that action at the next Council meeting.

Mayor Kahn asked about the third FOP Committee recommendation under this item, which the City Attorney said was tabled along with the second recommendation. Mayor Kahn said the first recommendation was adopted, and the second regarding the Adder Fee was tabled, so he asked why the Council could not take up the third recommendation—which he said would essentially be adopting the Community Power Plan. He said that would create a Community Power Plan like the one the City Manager suggested. The City Attorney said it was correct that at this point, the Community Power Plan included the Adder Fee, so the two were somewhat connected. Therefore, the City Attorney said the third recommendation could not be changed to remove the Adder Fee while the second motion was tabled. The City Attorney reiterated that the City Council had the ultimate authority to decide, and he was advising on what he thought the process should be. Mayor Kahn asked if the third Committee recommendation under this item could be amended to strike the final clause mentioning the amendments made at the February 10 meeting. The City Attorney responded that he did not think so because more amendments were made at the February 10 meeting than just this Adder Fee provision.

Councilor Favolise posed another parliamentary inquiry because he thought there were two conversations happening. He understood the City Attorney's position on the third recommendation. Councilor Favolise said he did not understand how a motion that the Council had already acted on and had been dispensed with at this meeting could be followed by a separate motion to table. He heard Councilor Bosley inquire about suspending the Rules to reconsider the first vote the Council took as a part of this report. The City Attorney said the Council could suspend its Rules and reconsider the first vote at this meeting. However, from the City Attorney's perspective, all of these motions were attached to the underlying main question of what to do with the Community Power Plan. So, from the City Attorney's perspective, the motion to table should keep all of the other motions together. He thought that separating them out, which he understood the Mayor was trying to do would be a problem because these other motions would not be attached to anything. Councilor Favolise asked about the Council suspending the Rules to reconsider the first vote around what the tiers are, and after that, somebody moved to remove from the table the Adder Fee question. He asked—if the decisions

were made on both of those motions—if his understanding was correct that then in order to amend the actual Community Power Plan (the language itself), there could be a motion to re-refer this to the FOP Committee and the Council could just dispense with this at this meeting. He looked for guidance from City Attorney as to whether there was there a parliamentary reason why the Council could not dispense with it. The City Attorney replied that in thinking this through, his suggestion if a Councilor wanted to follow that course of action, was that they should move to suspend the Rule on reconsideration and reconsider the first vote. However, from the City Attorney’s perspective, to do so, the Council should take the whole thing back off the table again; the Council could move to take it from the table during this same meeting and start this conversation over again with a suspension of the Rules of Order.

Councilor Chadbourne had concerns about reconsidering the first vote because she felt like there was confusion amongst the Council. Due to that confusion, she wondered if the matter should be sent back to the Committee before the next Council meeting.

Discussion ensued briefly between the Mayor and City Attorney, restating parts of the conversation so far. The City Attorney explained that a main motion on the Community Power Plan as proposed (with or without amendments) needed to happen. He reiterated his position that when the motion to table the second FOP Committee recommendation was adopted earlier in this meeting, it took all of the other motions under this item with it; just because it was number two of the recommendations did not mean only that recommendation of the three was being tabled, from the City Attorney’s perspective. The Mayor summarized what the City Attorney just stated. The Mayor asked if referring the Plan back to Committee would also require removing the recommendation from the table. The City Attorney said yes, and all of that could happen during this same meeting. Councilor Chadbourne asked if that would be one motion to take off the table and move it to the committee. The City Attorney said no, there would have to be two motions.

The City Attorney returned to the Mayor’s point about trying to deal with this tonight. The City Attorney said that the final action would be adopting the Community Power Plan, and to deal with this, the third FOP Committee recommendation could be amended to reflect a change in the default rates.

Councilor Filiault said this was why everyone needed to learn the Rules of Order and not try to challenge the City Attorney on the Rules of Order. Once again, the Councilor said this was a Rules of Order issue and the Council had spent 40 minutes going nowhere on this. He said the motion to table was approved and he asked everyone to let it go and let it be tabled. While it might push things back one month, it was clearly going nowhere at this meeting; he cited the 3–2 vote out of Committee, stating that it was never going to be unanimous. Again, Councilor Filiault said the Council was struggling with its Rules of Order.

A motion by Councilor Chadbourne to remove from the table the second FOP Committee report recommending an Adder Fee was duly seconded by Councilor Jones. The motion failed on a vote of 5 in favor and 7 opposed. Councilors Bosley, Jones, Favolise, Chadbourne, and Greenwald voted in the minority.

Since Councilor Bosley stated her intention to reconsider the first vote and with the second motion tabled, Councilor Jones asked if it would now be proper to ask the Chair to bring forward

the third Committee recommendation and vote to table it. The Mayor deferred to the City Attorney, who said that while he and Councilor Favolise disagreed on this, from his perspective, the main motion to adopt the Community Power Plan had been placed on the table until the next City Council meeting. Mayor Kahn said that all three items under this FOP Committee report were tabled until the next City Council meeting on March 6, 2025.

CITY MANAGER COMMENTS

The City Manager, Elizabeth Ferland, reported some statistics from the Public Works Director, Don Lussier. So far, in the month of February, the City has had six separate storm events (totaling 21.8 inches of snow and ice) requiring the Public Works Department's response. Responding to these storms cost the City \$181,542, totaling 1,881 crew hours of work. Crews had used 892 tons (1,784,000 lbs) of salt in February and over the course of the entire winter, a total of 2,283 tons of salt (4,566,000 lbs). On average, crews use approximately 150 tons of salt per storm, but it varies depending on the conditions. At this time, the City had a salt stock of approximately 1,200 tons and Public Works hoped to be finished purchasing salt for the season.

Next, the City Manager shared exciting news following a meeting with Eversource the week of February 17. Keene was selected as a recipient for tree donations through the Eversource Energy Saving Tree Program in partnership with the Arbor Day Foundation. This initiative supports urban tree canopy expansion and increases green space in communities while providing energy-saving benefits to residents. Through this program, eligible Keene residents would be able to reserve a free tree, which they could plant strategically to reduce their energy costs by up to 20% and maximize environmental benefits. The program will offer an interactive web tool to guide homeowners in selecting the right tree for the right location. The City Manager thought it would be great event, which was tentatively planned for May 2025, with more details to come.

The City Manager also reminded everyone of the winter weather parking ban from 1:00 AM to 6:00 AM overnight on February 21 after this meeting. Vehicles must be moved to off-street parking locations to accommodate road maintenance operations. Public parking lots are available to provide alternative overnight parking options. Overnight parking is available in the Commercial Street parking lot Wednesday night (please do not park in the reserved spaces, only in the public spaces.) The parking ban allows the Public Works Department crew to clean up around parking stalls, parking meters, and other areas. The Mayor stated his appreciation for all that the busy Public Works Department had been doing to implement the parking bans, including the additional overtime hours to clean up for the next day's travel and parking conditions.

ORDINANCE FOR SECOND READING - AMENDMENT TO LAND DEVELOPMENT CODE - MINIMUM LOT SIZES - ORDINANCE O-2024-17-A

A Planning, Licenses and Development Committee report read, unanimously recommending the adoption of Ordinance O-2024-17-A. Mayor Kahn filed the memorandum. A motion by Councilor Bosley to adopt Ordinance O-2024-17-A was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy, Madison, and Workman were absent.

ORDINANCE FOR SECOND READING - AMENDMENT TO LAND DEVELOPMENT CODE - RESIDENTIAL PARKING REQUIREMENTS - ORDINANCE O-2024-20-A

A Planning, Licenses and Development Committee report read, unanimously recommending the adoption of Ordinance O-2024-20-A. Mayor Kahn filed the memorandum. A motion by Councilor Bosley to adopt Ordinance O-2024-20-A was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy, Madison, and Workman were absent.

ORDINANCE FOR SECOND READING - RELATING TO INTERIOR SIDE AND REAR SETBACK REQUIREMENTS IN THE DOWNTOWN EDGE ZONE - ORDINANCE O-2024-24-A

A Planning, Licenses and Development Committee report read, unanimously recommending the adoption of Ordinance O-2024-24-A. Mayor Kahn filed the memorandum. A motion by Councilor Bosley to adopt Ordinance O-2024-24-A was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy, Madison, and Workman were absent.

ORDINANCE FOR SECOND READING - RELATING TO FLOODPLAIN APPEALS AND VARIANCE PROCESS - ORDINANCE O-2025-05

A Planning, Licenses and Development Committee report read, unanimously recommending the adoption of Ordinance O-2025-05. Mayor Kahn filed the memorandum. A motion by Councilor Bosley to adopt Ordinance O-2025-05 was duly seconded by Councilor Jones.

Councilor Jones said this could all sound very complex, but he thanked Mike Hagan, City Floodplain Manager/Code Enforcement Officer, for the way he clearly presented this information to the PLD Committee and the Master Plan Steering Committee. The Councilor also heard Mr. Hagan talking about it on the radio. Councilor Jones said it was clearly presented that people would have to address these issues and the City would have to make these variances.

The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy, Madison, and Workman were absent.

RESOLUTION - RELATING TO APPROPRIATIONS FOR ADA RAMP AT RECREATION CENTER - RESOLUTION R-2025-04

A Finance, Organization and Personnel Committee report read, unanimously recommending the adoption of Resolution R-2025-04. Mayor Kahn filed the memorandum. A motion by Councilor Powers to adopt Resolution R-2025-04 was duly seconded by Councilor Lake. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy, Madison, and Workman were absent.

RESOLUTION - RELATING TO APPROPRIATION OF FUNDS - SEWER MAIN LINING - RESOLUTION R-2025-05

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A Finance, Organization and Personnel Committee report read, unanimously recommending the adoption of Resolution R-2025-05. Mayor Kahn filed the memorandum. A motion by Councilor Powers to adopt Resolution R-2025-05 was duly seconded by Councilor Lake. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy, Madison, and Workman were absent.

RESOLUTION - RELATING TO APPROPRIATION OF FUNDS - SEWER MANHOLE LINING - RESOLUTION R-2025-06

A Finance, Organization and Personnel Committee report read, unanimously recommending the adoption of Resolution R-2025-06. Mayor Kahn filed the memorandum. A motion by Councilor Powers to adopt Resolution R-2025-06 was duly seconded by Councilor Lake. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy, Madison, and Workman were absent.

RESOLUTION - APPROPRIATION OF FUNDS - PURCHASE OF SIDEWALK PAVER - RESOLUTION R-2025-07

A memorandum read from the Public Works Director, Don Lussier, recommending that Resolution R-2025-07 be referred to the Finance, Organization, and Personnel Committee. Mayor Kahn referred R-2025-07 to the Finance, Organization and Personnel Committee.

CITY ATTORNEY RECOGNITION

Before the end of the meeting, the Mayor notified the public that this was the City Attorney, Tom Mullins', last City Council meeting after his 17 years of service. As demonstrated during this meeting, the Council had leaned on the City Attorney many times during those years. The Mayor said that sometimes as a general standard, attorneys are difficult to understand, but Mr. Mullins was always very assertive, never one-dimensional, and one of his finer traits was presenting the Council with options and allowing it to decide for itself. Mr. Mullins had served with three City Managers, five Mayors, numerous Councilors, and 300 staff who had relied on him. The Mayor expressed sincere appreciation for the City Attorney's outstanding service to the City and Council on behalf of the entire Council and wished him well in his next chapter. Mr. Mullins thanked everyone, stating that he really appreciated the opportunity that the City Council provided to him 17 years ago, calling it a very interesting ride. While it had often been an intellectual challenge, he really appreciated working with the current and former Mayors, as well as the current and former Managers, the City Clerk, and all the Councilors. He thanked everyone again and said he would prioritize his time well in his next chapter.

NON PUBLIC SESSION

A 9:03 PM, a motion by Councilor Greenwald was duly seconded by Councilor Bosley to go into a non-public session to discuss land matters under RSA 91-A:3 II (d) and the consideration or negotiation of pending claims or litigation under RSA 91-A:3 II (e) and consideration of the release of non-public minutes under RSA 91-A:3 II (m). The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Madison and Workman

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were absent. The Mayor declared a brief recess. Councilor Remy arrived during the brief recess before the session commenced.

Discussion was limited to the subject matters. At 10:45 PM, the session ended, and the Council reconvened in public session. A motion by Councilor Greenwald to keep the minutes related to the land matters non-public, as disclosure would render the proposed action ineffective, was duly seconded by Councilor Bosley. On a roll call vote, the motion carried unanimously with 13 Councilors present and voting in favor. Councilors Madison and Workman were absent.

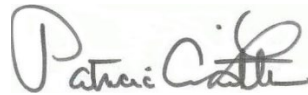
A motion by Councilor Greenwald to keep the minutes related to the negotiation of pending claims or litigation non-public, as disclosure would adversely affect the reputation of a person other than a member of the Board, was duly seconded by Councilor Bosley. On a roll call vote, the motion carried unanimously with 13 Councilors present and voting in favor. Councilors Madison and Workman were absent.

A motion by Councilor Greenwald to unseal the non-public minutes from February 17, 2022; March 17, 2022; November 2, 2023; November 9, 2023; the first and second discussion items from December 7, 2023; March 21, 2024; and the third and fourth discussion items from August 1, 2024, because the reason the minutes were originally sealed no longer applies. On a roll call vote, the motion carried unanimously with 13 Councilors present and voting in favor. Councilors Madison and Workman were absent.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 10:50 PM.

A true record, attest:



City Clerk