

A regular meeting of the Keene City Council was held on Thursday, March 6, 2025. In the absence of the Honorable Mayor Jay V. Kahn, the City Clerk, Patricia Little, called the meeting to order at 7:02 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, Thomas F. Powers, & Mitchell H. Greenwald were present. The City Clerk declared that a quorum was physically present in the Council Chambers. A motion by Councilor Powers to elect Councilor Greenwald as the temporary Chair was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor. Chair Greenwald took his seat at the dais. Councilor Workman led the Pledge of Allegiance.

#### MINUTES FROM PRECEDING MEETING

A motion by Councilor Powers to adopt February 20, 2025, minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

#### ANNOUNCEMENTS

Councilors received a copy of Mayor Jay Kahn's letter and City Attorney Amanda Palmiera's letter addressed to the State of New Hampshire House Environmental and Agriculture Committee. The letters support House Bill 250, which would enable local governing bodies to regulate the muzzling of dogs.

#### PRESENTATION OF RETIREMENT RESOLUTION - MERRI B. HOWE

Chair Greenwald read into the record and presented a copy of a Retirement Resolution to Merri B. Howe, honoring her 12 years of service to the City, culminating as Finance Director. Ms. Howe thanked the Council, Mayor, City Manager, and City Clerk for their support over the years. She called it a great team and a great City that her father was very proud of, so she was proud to have the opportunity to serve the City as well.

The City Manager stated that she had worked with Ms. Howe for seven years and spoke about the challenges of budgeting each year but said she could not have done it without Ms. Howe, who would develop a variety of ideas to meet the City's Fiscal Policies. Ms. Howe would work late into the night on the budget for everyone; she had been very dedicated to the City's fiscal health, without having to be asked. The City Manager said she would miss Ms. Howe tremendously.

#### NOMINATION – BICYCLE/ PEDESTRIAN PATH ADVISORY COMMITTEE

Mayor Kahn nominated Andy Holte to serve as an alternate member of the Bicycle/Pedestrian Path Advisory Commission, with a term expiring December 31, 2025. Chair Greenwald tabled the nomination until the next regular meeting.

**COMMUNICATION - KEENE SWAMPBATS - DISCHARGE OF FIREWORKS - INDEPENDENCE EVE CELEBRATION - JULY 3, 2025**

A communication was received from Kevin Watterson, President of the Keene SwampBats, requesting the annual license to discharge fireworks at Alumni Field as part of the Independence Eve Celebration held at that evening's Swamp Bats Game. Chair Greenwald referred the communication to the Planning, Licenses and Development Committee.

**COMMUNICATIONS – FARMERS’ MARKET OF KEENE - REQUEST FOR USE OF CITY PROPERTY - 2025 FARMER’S MARKET; COPPER CANNON DISTILLERY - REQUEST TO PARTICIPATE IN THE KEENE FARMERS' MARKET; CABANA FALLS - REQUEST TO PARTICIPATE IN THE KEENE FARMERS’ MARKET**

A communication was received from Kati Woodard, requesting the annual license to operate the Keene Farmers' Market on Saturdays starting on April 26, 2025, through October 25, 2025, in their usual location on Gilbo Avenue/Commercial Street Parking Lot. A communication was also received from Kevin Blake Amacker (Copper Cannon Distillery) requesting permission to be a vendor at the Keene Farmers' Market in 2025, as well as a communication from Alyson Lefebvre, Co-Owner of Cabana Falls, requesting permission to be a vendor at the Keene Farmers' Market in 2025. Chair Greenwald referred all three communications to the Planning, Licenses, and Development Committee.

**COMMUNICATION - COUNCILOR BOSLEY - REQUEST FOR RECONSIDERATION - AMENDMENTS TO KEENE COMMUNITY POWER PLAN**

A communication was received from Councilor Bosley requesting a reconsideration of the February 20, 2025, City Council vote relative to the Keene Community Power Plan. Chair Greenwald tabled the communication until later on the agenda.

**MSFI REPORT - NH DEPARTMENT OF TRANSPORTATION - RECONSTRUCTION OF ROUTE 101**

The City Clerk pointed out Scrivener's errors in the recommended MSFI Committee motions presented. Anywhere there was a reference to a 5-0 of the Committee, it should read 4-0, as Councilor Workman was not present at the MSFI meeting.

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending acceptance of the presentation on the NH Department of Transportation Reconstruction of Route 101 as informational. Chair Greenwald filed the report as informational.

**MSFI REPORT - ACCELERATED TREE REMOVAL TIMELINE - RED PINE SCALE**

A Municipal Services, Facilities and Infrastructure Committee report read, recommending acceptance of the report as informational. Chair Greenwald filed the report as informational.

## MSFI REPORT - UNRESOLVED DESIGN DECISIONS FOR THE DOWNTOWN INFRASTRUCTURE PROJECT

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the City Manager be authorized to incorporate the following design preferences into the Downtown Infrastructure Project:

- For the Railroad Square covered pavilion, a wood-framed structure with brick columns;
- For the Central Square fountain, Option 1 as the location in the center; and
- For deployable bollards to be purchased outside of the contract.

A motion by Councilor Filiault to carry out the intent of the committee report was duly seconded by Councilor Tobin.

Councilor Filiault summarized the Committee report and his stance. He said the vote recommendation was unanimous, but when breaking it down into the individual issues within the motion, it was less unanimous, so there would be three votes.

He said there were recommendations for the type of pavilion at Railroad Square, but coming out of MSFI, it was a split vote of Councilors Filiault and Greenwald against a pavilion and Councilors Favolise and Tobin in favor. With a 2-2 vote, there was no recommendation from the MSFI Committee on the type of pavilion at Railroad Square. Councilor Filiault noted that both he and Councilor Greenwald were of the opinion that this pavilion on Railroad Square would be a waste of taxpayer dollars and if it is truly wanted it should be at the expense of a non-profit or some other entity.

A motion by Councilor Filiault in favor of adding a Railroad Square pavilion at the taxpayers' expense to the Downtown Infrastructure Project was duly seconded by Councilor Jones.

Councilor Favolise said that this vote was about specifying a bid alternate. He understands that some members of the Council do not want to see a covered pavilion at all. He thought he remembered the Council voting unanimously to at least see the cost of including the pavilion as an option. So, while he appreciated Councilor Filiault's position against the structure, Councilor Favolise thought the time for the debate about whether to include it in the contract as a bid alternate has passed; the Council decided on that. He said the vote at this meeting was not necessarily to sign a contract to construct a pavilion. He understood the vote was to move forward with a specific bid item placed as an alternate. Chair Greenwald confirmed that understanding and added a vote against would be a vote against the bid alternate.

Councilor Workman was not at this MSFI Committee meeting, so she made a few points, noting that she watched the video. She agreed with Councilor Favolise's comments and added the pavilion was included as a bid alternate because the constituents expressed their desire for it during the project's planning phase. Councilor Workman commended her fellow MSFI Committee members and said she supported the selected pavilion bid alternate.

The motion to add a bid alternate for a pavilion to Railroad Square carried on a vote of 11 to 4. Councilors Filiault, Jones, Powers, and Greenwald voted in the minority.

A motion by Councilor Filiault to carry out the intent of the second Committee recommendation—for the Central Square fountain, with the location being in the center—was duly seconded by Councilor Tobin.

Councilor Workman commented that if she had been present, she would have voted against this recommendation by her fellow Committee members. She did not support including the Central Square fountain in the construction plans. She recalled that a group came forward and expressed interest in working with the City on a peace pole/fountain. However, at this time, when trying to keep costs low, she did not support any change to the fountain. She encouraged the City to continue working with the interest group on something after completing the project. If her fellow Councilors were not amenable to that, she suggested the fountain as a bid alternate.

Chair Greenwald clarified that the Committee's discussion was about the placement of the fountain, not whether there would be a fountain or its design.

Councilor Williams thanked the Public Works Director, Don Lussier, for his effort. He also said the fountain on the side was a good idea, even though it did not pass.

The motion to carry out the intent of the second Committee recommendation for the Central Square fountain, Option 1 in the center, carried unanimously with 15 Councilors present and voting in favor.

A motion by Councilor Filiault to carry out the intent of the third Committee recommendation—for deployable bollards to be purchased outside of the contract—was duly seconded by Councilor Tobin. The motion carried unanimously with 15 Councilors present and voting in favor.

#### MSFI REPORT - PROPOSAL TO IMPLEMENT A “PROTECTION OF STREETS” PROGRAM

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the City Manager be authorized to draft an ordinance to disincentivize the cutting of newly paved roadways and sidewalks for a period of five years after construction. A motion by Councilor Filiault to carry out the intent of the Committee report was duly seconded by Councilor Tobin.

Councilor Jones mentioned the City’s dig once policy and asked if this could just be an amendment to that policy, which he did not think the City had used in a long time. The City Manager, Elizabeth Ferland, said that the City uses the policy during the planning of any project. For example, efforts to align water and sewer work with a road project and sidewalk work. She said this Protection of Streets program would be different. It might be a utility company cutting a trench to put something in or a homeowner with a sewer break who needs to cut into the roadway to make a repair. The City Manager said this program was being called a disincentive, but it would really be a five-year penalty (as recommended by the Public Works Director) during which time there would be an added penalty for cutting into the pavement.

Councilor Roberts said the Council did a great job fixing Marlboro St., but then utility companies and others were allowed to cut the roadway, turning it into a roller coaster; an

example of what should never be done. He said the City recovered with Grove, which is a perfect example of how it should be done.

Councilor Workman said she would vote in favor of this to move it forward. She said it did not sound like the residents would be the ones, per se, digging up the streets within the five-year period. For the next MSFI meeting, she hoped to hear clearer numbers on residential vs. utility companies impacting our roads. Chair Greenwald agreed and said more information was needed, but that staff could draft an ordinance for the Committee to work on.

The motion carried unanimously with 15 Councilors present and voting in favor.

#### MSFI REPORT - 2025 CONSTRUCTION SEASON UPDATE

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending accepting the report as informational. Chair Greenwald filed the report as informational.

Chair Greenwald said there was a stunning amount of work planned, so when constituents asked where their tax money was going, this would show them what was happening. He was pleased with the report.

#### CITY MANAGER COMMENTS

The City Manager mentioned some key projects in that Construction Season Update:

- Marlboro Street & the Cheshire Rail Trail Project (part of the Complete Streets Program):
  - Anticipated start: April 2025.
- Sidewalk Conversions: Gardner, Jenison, and Willow Streets asphalt sidewalks being converted to concrete with granite curbing.
  - These are expected to go out to bid summer 2025.
- The Key Road Drainage Replacement Project:
  - Anticipated start: fall 2025.
- 160 Water Street, Skate Park property:
  - Anticipated wrap-up: spring & summer 2025.
- The Transportation Heritage Trail Phase I is in final design with Stantec Consulting:
  - Will go out to bid summer 2025.
- George Street Bridge Project final design:
  - Anticipate bidding fall 2025.
- Sewer, manhole, and main lining work:
  - To begin April 2025.
- Parking lot resurfacing (top course of pavement):
  - Summer 2025.

The City Manager also recalled that she previously worked with Senator Fenton on a Bill to change the State's welfare regulations. Now, another was going forward—Senate Bill 167—regarding local assistance for housing costs. The City Manager thanked the Senator for attaching some language to SB 167 to establish payment levels for allowable housing costs under local assistance. It would base housing assistance payments on the U.S. Department of Housing and Urban Development (HUD) and New Hampshire Housing Finance Authority annual updates. It would address the gap in local welfare regulations, ensuring that rising housing costs are

reflected in assistance eligibility to prevent denials due to outdated standards. The City Manager said that Keene does a great job of updating its welfare standards annually. However, many communities do not, and unfortunately, the cost of housing has been soaring. She continued that some individuals had come to the City for assistance, but they had been denied in other communities; in the City's opinion, the amount allowed for housing assistance was too artificially low. So, the City Manager wanted to see more consistency across the State. She would alert the Council when the time comes to support the Bill.

Chair Greenwald welcomed comments from the City Attorney, Amanda Palmeira.

The City Attorney thanked the Councilors again for the opportunity. She was excited to work with everyone and encouraged all the Councilors to reach out to her any time with questions. This would be a working relationship. As their relationship develops, she invites the Councilors to let her know if they see something she could improve upon or work in a different direction; she would be happy to respond as soon as possible. The City Attorney also provided the Council with an update on the Assistant City Attorney search, stating that the job had been posted since the first week of January and there had been a handful of applications, which she expected. In the legal world, she said it was an employee's market. She had started interviews and anticipated those leading to some second interviews and background checks. The search is ongoing, but the City Attorney was encouraged by the caliber of applicants she is seeing.

#### REPORTS - 2025 FLYOVER AND CITY BASE MAP UPDATE PROJECT - FINAL SCOPE AND FEE

A motion by Councilor Powers to suspend the Rules of Order, Section 26, to consider and act upon a contract for the 2025 Flyover and City Base Map Update Project was duly seconded by Councilor Tobin. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

A motion by Councilor Powers was duly seconded by Councilor Remy to recommend that the City Manager be authorized to do all things necessary to negotiate and execute a contract with the selected firm, Kucera International Inc., for their professional services in an amount not to exceed \$150,000.00. Should negotiations fail, negotiations with the next highest-ranked firms will be allowed in order.

Councilor Haas said this was a good thing to do, and it was good to see the cost come in the way it had. He was curious if there were any conversations with neighboring towns about whether they would join this effort. He said there is always leakage along the borders and that having neighboring towns contribute to the cost would be beneficial. Will Schoefmann, the City's GIS Coordinator, said he had talked with some towns about it in the past, but no, to be straightforward, it was not something the City had really entertained. Mr. Schoefmann said it was a good idea that we might coordinate with another agency, like the Southwest Regional Planning Commission, to get it off the ground.

The City Manager, Elizabeth Ferland, recognized the Purchasing Department, stating that this spoke to the policies in place. Once the City Council has adopted a motion and a contract is brought forward, Purchasing reviews the motion for what is authorized before they execute the

contract. In this case, the Purchasing Department identified in the body of the meeting minutes that it was authorized for up to \$150,000, but that was unclear in the motion. The motion carried unanimously with 15 Councilors present and voting in favor.

ORDINANCES FOR SECOND READING - RELATING TO MASTER BOXES -  
ORDINANCE O-2025-03-A

A Municipal Services, Facilities, and Infrastructure Committee report read recommending the adoption of Ordinance O-2025-03-A. Chair Greenwald filed the memorandum. A motion by Councilor Filiault to adopt Ordinance O-2025-03-A was duly seconded by Councilor Tobin. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCES FOR SECOND READING - RELATING TO INSTALLATION OF A STOP  
SIGN ON GILSUM STREET - ORDINANCE O-2025-06

A Municipal Services, Facilities, and Infrastructure Committee report was read recommending the adoption of Ordinance O-2025-06. Chair Greenwald filed the memorandum. A motion by Councilor Filiault to adopt Ordinance O-2025-06 was duly seconded by Councilor Tobin. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RESOLUTION - IN APPRECIATION OF THOMAS P. MULLINS UPON HIS RETIREMENT  
- RESOLUTION R-2025-08

A memorandum was read by the HR Director/ACM, Elizabeth Fox, recommending that the City Council adopt Resolution R-2025-08. A motion by Councilor Powers to adopt Resolution R-2025-08 in honor of Tom Mullins' 17 years of service as City Attorney was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

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

Chair Greenwald removed from the table the communication from Councilor Bosley requesting the reconsideration of the February 20, 2025, City Council vote relative to the three levels of the Keene Community Power Plan.

Chair Greenwald recalled that the Finance, Organization, and Personnel (FOP) Committee recommendation at the February 20 Council meeting had three separate recommendations, the first of which was voted on and was the subject of this reconsideration notice. The second recommendation in the report was amended to add language regarding the "Adder Fee." Before the Council considered a motion to carry out the second recommendation's intent, as amended, the Council tabled the item until this meeting. There was a third recommendation, which the Council never considered. Knowing several potential amendments on various portions of this report, Chair Greenwald allowed action upon Councilor Bosley's reconsideration notice.

Councilor Bosley explained that it became very clear to her halfway through organizing votes for the Community Power Plan that she was uncomfortable with its direction. She had skimmed over

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this recommendation coming out of the FOP Committee and did not fully understand the unintended consequences until the discussion began this evening. It became clear to her that these fees and changes were compounding and would negatively impact the consumer. Councilor Bosley stated that it did not feel like the right direction based on her feeling about the current climate. Still, unfortunately, the decision was already made to approve the menu of items. She saw a path forward and a solution with a compromise that would protect the community and also result in progress of the City toward its climate goals. However, she said that could only happen by reconsidering this menu of options, so she asked the Council to reconsider.

A motion by Councilor Bosley to reconsider the February 20, 2025, City Council vote was duly seconded by Councilor Tobin. The motion to reconsider carried unanimously with 15 Councilors present and voting in favor.

Acting Chair Greenwald stated that based on the amount of confusion at the February 20 meeting and in the interest of transparency and public awareness—including giving the Energy & Climate Committee an opportunity to speak—Chair Greenwald referred the FOP report on Phase 2 of the Community Power Plan and its amendments to the plan back to the FOP Committee.

#### NON-PUBLIC SESSION

A motion by Councilor Powers to go into non-public session to discuss personnel matters under RSA 91-A:3 (a) and legal advice under RSA 91-A:3 (e) was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor. The non-public session began at 7:55 PM.

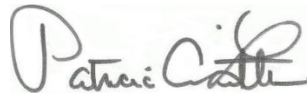
The non-public session ended at 8:12 PM.

A motion by Councilor Powers was duly seconded by Councilor Bosley to keep the minutes of the non-public session, non-public as disclosure would adversely affect the reputation of a person other than a member of the board, and the discussion would render the proposed action ineffective.

#### ADJOURNMENT

There being no further business, Chair Greenwald adjourned the meeting at 8:13 PM.

A true record, attest:



City Clerk