

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, March 12, 2025

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Philip M. Jones, Vice Chair
Andrew M. Madison
Robert C. Williams
Edward J. Haas

Staff Present:

Elizabeth A. Ferland, City Manager
Amanda Palmeira, City Attorney
Paul Andrus, Community Development Director
Terri Hood, Deputy City Clerk

Members Not Present:

Kate M. Bosley, Chair

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

1) Keene SwampBats - Discharge of Fireworks - Independence Eve Celebration - July 3, 2025

Vice Chair Jones welcomed Amanda Young, representing the Keene SwampBats, who said the protocol for this event was unchanged.

Councilor Williams noted the Council was considering changes to fireworks permitting in general. He went on to ask what Ms. Young's impression of the City's current process of applying for the permit was. Was it easy or burdensome, and did she want to see any changes? Ms. Young said she did not complete the permit; the SwampBats President, Kevin Watterson, did. Mr. Watterson could not attend this meeting and Ms. Young could not answer Councilor Williams' question.

There were no public comments.

Councilor Williams made the following motion, which was duly seconded by Councilor Haas.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends granting the Keene SwampBats permission to discharge display fireworks on Thursday, July 3, 2025, at Alumni Field, no later than 10:00 PM. A "rain date" will be coordinated with City staff in case of inclement weather. This approval is contingent upon the following conditions:

- Signing a revocable license and indemnification agreement.

- Providing a certificate of liability insurance from both the Keene SwampBats and the fireworks vendor, each listing the City of Keene as an additional insured with coverage of \$1,000,000.
- Submitting a signed letter of permission from SAU 29 for the use of their property.
- Obtaining a State Fireworks permit.

Additionally, the petitioner must comply with any recommendations from City staff and cover any City service costs exceeding the funding allocated in the FY 26 Community Events Budget. Payment for these costs must be made within 30 days of invoicing.

2) **Direct Referral to Committee: Birdies - Request for Permission to Serve Alcohol - Sidewalk Cafe**

Vice Chair Jones welcomed Beth Wood, owner of Birdies, who had nothing to add to her request.

The City Manager noted that when a business seeks to serve alcohol as part of its Sidewalk Café License, the first time it requests to serve alcohol on City property, it is required to appear before the Council for permission. Then, the City shares that provision with the State of New Hampshire Liquor Commission, and the business goes through the normal administrative license procedures for its Sidewalk Café.

There were no public comments.

Councilor Haas asked if these sidewalk tables would be against the building. Ms. Wood said no, they would go against the curbing on the sidewalk's other side, aligned with the Sidewalk Cafe spaces in front of Fireworks' and the Shadow and Soul Emporium. Vice Chair Jones confirmed that Ms. Wood was aware of the six-foot clearance.

Councilor Madison made the following motion, which was duly seconded by Councilor Haas.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that Birdies be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code, and compliance with any requirements of the NH Liquor Commission. This license shall expire on March 1, 2026.

3) **Farmers' Market of Keene - Request for Use of City Property - 2025 Farmers' Market**

Vice Chair Jones welcomed the applicant, Kati Woodard of the Keene Farmers' Market, who inquired about the possibility of public restroom use as well as having benches out again this year. The Vice Chair asked if those were past practices. Ms. Woodard said there were porta

potties in the past and she knew there had been previous issues with them, but it was still something the Farmers' Market wanted to work out. Vice Chair Jones asked if it was in the recommended motion. The City Manager, Elizabeth Ferland, said no, and in fact, she would not recommend putting porta potties there, given recent challenges with them. The last vendor the City utilized for this service said they would not place another porta-potty at this location, so she thought it would be difficult. The City Manager explained that the Public Works Department puts benches in locations they identify throughout the downtown. She continued that this bench on Gilbo Avenue was damaged last season, and the highway crew developed a solution. Ms. Woodward expressed her hope they could again have a bench in the Gilbo Avenue location this season that could not be vandalized.

Councilor Haas asked if the applicant wanted to have porta potties if possible, and Ms. Woodard said yes, even if one could just be delivered on Saturdays. Councilor Haas asked the City Manager how the Farmers' Market could have a porta potty if possible. The City Manager was unsure that could be worked out, but if the Farmers' Market arranged for the service, took over the maintenance and liability, and paid for the service, this might be possible. Vice Chair Jones said the porta potty could be added to the license later if that was the case. Ms. Woodard noted she would be grateful.

Councilor Haas made the following motion, which was duly seconded by Councilor Madison.

On a vote of 4 – 0, the Planning, Licenses, and Development Committee recommends permitting the Farmers' Market of Keene to use 22 parking spaces along Gilbo Avenue and 18 spaces on the opposite side of the median strip in the Commercial Street parking lot from Saturday, April 26, 2025, to Saturday, October 25, 2025. This approval is contingent upon the following conditions:

- Submission of a certificate of liability insurance for \$1,000,000, listing the City of Keene as an additional insured;
- Execution of a standard revocable license and indemnification agreement;
- Payment of a total rental fee of \$932.00, with monthly installments of \$155.00 due on the first day of each month;
- Access to City electrical service for a seasonal fee of \$60.00;
- Obtain all necessary permits and licenses, comply with applicable laws, and adhere to any recommendations from City staff.

Additionally, it is recommended that the Farmers' Market of Keene be permitted to place sandwich board signs on City property before sales begin, subject to City staff review and approval regarding quantity and placement. These signs must be removed immediately after sales conclude.

At the end of this discussion, the City Manager said she went into the audience to speak more with Ms. Woodard. The City Manager said that initially, the Farmers' Market's request was for the City to place a porta potty at this location during the summer, which she very much opposed.

However, the City Manager said that if the Farmers' Market wanted to place the porta potty itself as a part of its license, the City Manager would bring that forward as additional language for the Council to consider as an amendment to the Committee report at the March 20 City Council meeting.

4) Copper Cannon Distillery - Request to Participate in the Keene Farmers' Market

Vice Chair Jones welcomed the applicant, Kevin Blake Amacker, owner of Copper Cannon Distillery. Mr. Amacker said Copper Cannon had been at the Keene Farmers' Market for a couple of years, and it had been an integral revenue stream, allowing the Distillery to employ a staff member local to Keene.

There were no public comments.

Councilor Williams made the following motion, which was duly seconded by Councilor Madison.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the Copper Cannon Distillery be granted permission to sell alcohol and provide individual product samples to patrons at the 2025 Keene Farmers' Market on City property licensed to the Keene Farmers' Market in accordance with the requirements of the State Liquor Commission. Said permission is contingent on submitting a signed letter of permission from the Keene Farmers' Market, obtaining all necessary permits and licenses, and compliance with all laws.

5) Cabana Falls - Request to Participate in the Keene Farmers' Market

Vice Chair Jones welcomed Alyson Lefebvre, Co-Owner of Cabana Falls Winery, applying for its fourth year at the Farmers' Market. Ms. Lefebvre said it had been successful with a large customer base.

Councilor Haas was curious if Cabana Falls earned revenue at the Farmers' Market or if it was more of an opportunity to introduce people to their products and develop future markets. Ms. Lefebvre said the Winery did so well at the Keene Farmers' Market that Cabana Falls was able to close its Jaffrey location and focus more on other farmers market events where they see revenue. With products in Hannah Grimes too, Vice Chair Jones and Ms. Lefebvre agreed that Cabana Falls was benefitting from a lot of local business. Ms. Lefebvre said that the Farmers' Market draws a huge variety of people, so when people visit for weddings, for example, she'll also gain new business from out-of-state because she ships. Vice Chair Jones said outside money made local is even better.

There were no public comments.

Councilor Madison made the following motion, which was duly seconded by Councilor Haas.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the Cabana Falls Winery be granted permission to sell alcohol and provide individual product samples to patrons at the 2025 Keene Farmers’ Market on City property licensed to the Keene Farmers’ Market in accordance with the requirements of the State Liquor Commission. Said permission is contingent on the following: submitting a signed letter of permission from the Keene Farmers’ Market, obtaining all necessary permits and licenses, and compliance with all laws.

6) Michael Remy/Keene Young Professionals - Request to Use City Property - Taste of Keene Food Festival - June 7, 2025

Vice Chair Jones welcomed Michael Remy who was present as the Events Chair of the Keene Young Professionals Network (YPN), requesting permission for the fifth annual Taste of Keene Food Festival, June 7, 2025, 11:30 AM–3:30 PM. Councilor Remy recalled the history of the Festival, which was conceptualized in April 2020 by the Reopening Committee, that had been formed to help the community rebound from Covid. The first Festival was in June 2021. Councilor Remy said that this year would be much the same as 2024, with no changes to the layout or plan. A notice goes out to businesses that are not participating so they are prepared. Almost every year, there was a great partnership with the Art Walk on Railroad Street on the same day, which would be the case again this year. Discussion ensued briefly to confirm that the June 7 date would not be the same date as the Art in the Park, which would be occurring the weekend before (Memorial Day).

Vice Chair Jones recalled that when Taste of Keene was initiated, it was a part of Keene rebounding from Covid, and he thanked the YPN for sponsoring it. He said it was always a well-organized event. Councilor Remy said he would be aging out of the YPN but he would continue supporting the event.

Councilor Haas asked if the YPN reaches out to vendors outside of the downtown area and invites them to have a space. Councilor Remy said they invite as many restaurants across the City of Keene as possible. In 2024, there were over 40 participants, which is more than there are on Main Street. Any new restaurants that opened in the past year could reach out, and the YPN would work to incorporate them.

Councilor Remy added that the YPN learned that a Food Festival produces a lot of trash. Now, C&S Wholesale Grocers donates compostable supplies that are provided to each vendor to make it an entirely green event. The Elm City Compost Group does a great job sorting it out at the end of the event.

Vice Chair Jones highlighted the following benefits of the Taste of Keene Food Festival to the City of Keene that were included in Councilor Remy’s letter:

- Draw people back to our downtown businesses to kick off the warmer weather,

- Put Keene “on the map” as a tourist destination and food hub,
- Highlight local cuisine and beverage options,
- Showcase a diversity of local talent with live entertainment,
- Welcome new community members to town.

Councilor Jones offered that another attribute of the event was that its waste was entirely compostable.

Councilor Remy added that there is also always live music on Central Square and Colonial sponsored a showdown in prior years. The event was featured in AAA Magazine two years ago as a featured event for the summer in New England.

Vice Chair Jones opened the floor to public comments.

Alyson Lefebvre, Co-Owner of Cabana Falls Winery, stated that she had attended Taste of Keene as a vendor and called it an amazing event. She received a lot of repeat business from it, and everyone she talked to loved it, so she called it great for the City.

Councilor Haas made the following motion, which was duly seconded by Councilor Madison.

On a vote of 4 – 0, the Planning, Licenses, and Development Committee recommends granting the Keene Young Professionals Network permission to use downtown City rights-of-way on Saturday, June 7, 2025, for a Food Festival, subject to the following conditions:

- Submission of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured;
- Execution of a standard revocable license and indemnification agreement;
- Agreement by the Petitioner to cover any City service costs exceeding the allocated City funding, with payment due within 30 days of invoicing;
- Permission for the Petitioner to place porta-potties in City parking spaces at the base of Washington Street and on Railroad Street (north side near Cherry Garden) from Friday, June 6, 2025, to Monday, June 9, 2025. These units must be secured to prevent vandalism when unattended overnight. Additional porta-potties may be placed in the alley between the former Miller Brothers building and the Colonial Theatre with consent from private property owners;
- Permission to serve alcoholic beverage samples for consumption within the event footprint, in accordance with the terms of a one-day license from the NH Liquor Commission and any conditions set by City staff;
- Submission of signed letters of permission from private property owners for any use of their property;
- Compliance with all required permits, licenses, applicable laws, and any recommendations from City staff.

The event footprint and layout shall include the traveled portions of Central Square, both sides of Main Street from Central Square to Emerald Street and Eagle Court, and part of Railroad Street. Road closures may also extend to other streets as necessary for detour routes, with final closure and detour plans determined in coordination with City staff. The event will take place from 11:30 AM to 4:00 PM, with setup and cleanup times to be coordinated with City staff. Free parking is granted under the City's free parking policy for designated spaces on Washington Street and Railroad Street for equipment storage from Friday, June 6, 2025, to Monday, June 9, 2025, as well as for spaces within the event footprint on the day of the festival.

7) Councilor Remy - Potential Implementation of Consent Agenda by Committee - City Council Meetings

Vice Chair Jones welcomed Councilor Michael Remy to speak about his communication, requesting that the City Council consider using a consent agenda in certain circumstances at its meetings. He was familiar with consent agendas through boards he had been on, particularly the Monadnock United Way. He said consent agendas are primarily used to allow for voting on a group of non-controversial items that everyone agrees on simultaneously. If any conversation were needed on an item, it would be removed from the consent agenda and considered as part of the regular agenda. Councilor Remy listed Finance, Organization, and Personnel Committee reports on the February 20 City Council agenda that he thought would have worked for a consent agenda: Resolution R-2025-05 (sewer main lining) and Resolution R-2025-06 (sewer manhole lining). These were examples of things he did not think would be different than 15–0 votes and could have been voted on as a group. Councilor Remy stated that he did not know if this was right for the Council to do, but he wanted to start the conversation because everyone's time is valuable—the public, the Council, and the City staff. He imagined a better way to do it for some very routine things. He was not suggesting this for matters like the budget, for instance. However, he said that if the PLD Committee had multiple similar licenses come to the Council, perhaps they could be grouped on a consent agenda, for example. Councilor Remy reiterated that anything controversial could always be removed from the consent agenda.

Councilor Haas thought this was a great idea, commenting on how long the Council Standing Committees' motions are. For example, he thought several of the previous agenda items at this meeting could be bundled. He understood that allowing petitioners to talk about and advertise their events is good, but he thought it would be incumbent upon the Council to point out when some of that is unnecessary. Still, he felt a consent agenda could save everyone time and effort, so Councilor Haas hoped to see this move forward. He recommended asking staff to outline how this could work.

Councilor Madison agreed with Councilor Haas. Councilor Madison recalled that the Council had already tried a consent agenda at the December 19, 2024, meeting and said it was one of the most efficient meetings ever and that no one had problems. He agreed with Councilor Remy that everyone's time is valuable, recalling that the time commitment is the main barrier to people

running for City Council or volunteering for a City committee. Councilor Madison said that if one hour of “fluff” could be cut from a two-hour Council meeting to be more efficient—without reducing the public’s input or transparency—he would support it.

Councilor Williams said he thought a consent agenda would be some improvement, although his understanding was that these long motions would still exist. Councilor Remy clarified his intention to have consent agendas for Council meetings, not Standing Committee meetings. Councilor Williams understood that, but he was concerned about not at least having the details of the motions presented to the Council, though he welcomed standardizing the very long motions. Otherwise, he thought the consent agenda was a good idea because there were times when the Council would reach the most important issue on its agenda late in the evening when Councilors are burned out; they might stay fresher if there was a way of moving things along.

Vice Chair Jones asked to hear from the City Clerk’s office. The Deputy City Clerk, Terri Hood, said she understood the draw to move in the direction of the consent agenda but following research, the Clerk’s Office did have concerns, and she wanted to share that perspective with the Council as they determined whether to proceed in this direction.

Ms. Hood began with the schedule for releasing agenda packets, noting it is already a very strenuous and truncated schedule. Other municipalities using consent agendas do not meet weekly. Their bi-weekly meeting schedule provides the Council an entire week to review their consent agenda items so they do not inadvertently miss something they want to talk about at the next meeting. The current schedule we work within would only provide Councilors with 24 hours to review. She continued that larger communities like Manchester, New Hampshire, use the consent agenda format for routine items of business. On a given night they may deal with 50 to 75 items of business and use of a consent agenda that can expedite a number of those items is a huge win for them in terms of efficiency. Even with consent items, their meetings tend to go as late as 10:00 PM. In contrast, the Keene Council meets more frequently with shorter agendas, so it can review items in more detail.

Ms. Hood went on to describe the added administrative burden related to consent agendas. A typical consent agenda requires creating two agendas instead of one, adding to the workload for the Clerk. In addition, Councilors would only have 24 hours to decide and provide notice of what they want to pull something from the consent agenda. In terms of the public record, the City is accustomed to minutes that provide good historical knowledge and reference for the public of what occurs at meetings. Typically, minutes are based on spoken words at meetings and this approach would require some thought on a new way to document things to ensure the record is clear about what happened at the meetings and why.

Ms. Hood went on to discuss what might be appropriate to consider as “routine” items of business, noting the Clerk’s office consulted the former City Attorney, Tom Mullins on this point. Attorney Mullins recommended a discreet list of routine items of business that he thought would be appropriate consent items, which might not align with Councilor Remy’s idea. Those

items included: acceptance of minutes, nominations and confirmations, referral of items to a Standing Committee, ordinances for first reading, and donation memos. Examples of items of business Attorney Mullins felt were *not* recommended for a consent agenda included: Joint Committee recommendations on public hearings, Rules of Order changes, adoption of Ordinances, and adoption of funding Resolutions. Ms. Hood went on to note that the sewer main and sewer manhole linings Councilor Remy mentioned were related to funding. She added that, based on the rationale provided by our former attorney, staff analyzed the agendas from the past two years and determined that grouping these items into a consent agenda would save approximately five minutes of meeting time.

Ms. Hood noted the potential loss of public transparency was also a concern to the City Clerk's Office, and the Council should carefully consider this point. She further noted this change would need to be incorporated into the Council's Rules of Order, and the Rules would need to clearly define what items of business potentially go on a consent agenda because City staff would not want the discretion of making those decisions.

Ms. Hood concluded that if this is the direction the Council wants to take and the concerns around it could be addressed, then staff would be willing to champion it.

Vice Chair Jones agreed that the Rules of Order must be amended. He said he had seen consent agendas implemented differently, citing the NH House of Representatives, for example, where the Committee itself votes on whether to put it on the House's consent agenda after each action item. In other places, a chairman (like the Mayor) would choose to place an item on a consent agenda. So, Vice Chair Jones thought there were different procedures to make it work potentially.

Councilor Remy asked whether the approximate five-minute time savings Ms. Hood cited was only in reference to routine items of business the former City Attorney recommended for the consent agenda. Whereas Councilor Remy was suggesting the consent agenda for longer Standing Committee reports. Ms. Hood said yes, the five-minute time savings represents the recommended routine items of business that former City Attorney Tom Mullins had identified. Ms. Hood added that she could look more closely at the potential time savings if this was applied to Committee reports. She said the opinion the Clerk's office received from the City Attorney's office was that the Committee reports are not routine items of business and require some discretion from the Council to consider whether they want to move forward with those. Although there are a lot of unanimous votes on the Committee reports, Ms. Hood said the Council would not want to inadvertently pass through something that really should have warranted more discussion. Ms. Hood went on to state the current City Attorney may have a differing opinion on what is appropriate to include on a consent agenda.

Vice Chair Jones recalled in the past when there were annual sidewalk permits, the Council would approach them in a sort of consent agenda form to act on them all at once. Councilor Remy said he was functionally looking for something similar. He referred again to Resolutions

R-2025-05 and R-2025-06 on the sewer main and sewer manhole linings as an example, which were both similar, and he thought those could have been taken together. He said there were plenty of similar instances. Councilor Remy said he was particularly sensitive to this issue as a member of the Finance, Organization and Personnel Committee, which meets twice monthly (vs. the other two Standing Committees that only meet once) and then reports out on their items at every Council meeting.

Vice Chair Jones said that if this were to move forward, he wanted the public's perspective to be considered too. He said that sometimes the Council does something that might not be clear to the public. For example, after the last Council meeting, he got a phone call asking what a master box is because the Council voted on them but never stated what they are; the Council knew, but the public did not. So, Vice Chair Jones said he shared the Clerks' concern about public transparency.

Councilor Haas said he would be against anything that increases City staff burden. However, he thought there could be ways to find opportunities to use a consent agenda and he thought that was Councilor Remy's intent. So, Councilor Haas recommended exploring this. Even if it would only save two minutes per meeting, he advocated for the City becoming more efficient in all its processes.

There were no public comments.

Councilor Williams said he would not mind seeing a process where—after a meeting like this one—the Committee could vote to group certain items. That would provide staff with guidance and leave control in the Council's hands. Councilor Williams was not in favor of a significant change.

Discussion ensued to help Councilor Haas determine the type of motion he wanted to make. His goal was to get this consent agenda idea in front of more Councilors to gauge their opinions on the matter.

A motion by Councilor Madison to place Councilor Remy's request for potential implementation of consent agenda on more time was duly seconded by Councilor Williams.

As the petitioner, Councilor Remy did not think that more time would accomplish what Councilor Haas was trying if the goal was to understand the broader support of the Council; more time would only indicate this Committee's interest. Councilor Remy suggested recommending that staff draft a proposal, which would force the Council to take an opinion on whether staff should come back with a proposal at a later date. Ms. Hood said that made sense. Councilor Madison asked if staff would need more time to work on that proposal. Councilor Remy said he did not want to make staff come to the March 20 Council meeting with a full proposal based on the will of this Committee to find out that the full Council is not in support of seeing a proposal for consent agendas at all.

Councilors Madison and Williams duly withdrew their motion and second which would have placed this item on more time.

The City Manager, Elizabeth Ferland, advised on new motion language recommending that the City Council direct her to work with staff on a policy, so the Council could decide whether this is something they support have staff spend their time on. Councilor Haas agreed that he did not want staff working on a proposal until the Council's full opinion was solicited. The City Attorney, Amanda Palmeira, agreed with the City Manager that if the Council directed staff to draft something, staff would take the Council's input in doing so. The City Attorney also clarified for the motion language that the Attorney's and Clerk's offices agreed that a potential change to the Rules of Order would be necessary, and this was more encompassing than just a policy change.

Councilor Haas made the following motion, which was duly seconded by Councilor Madison.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends directing the Charter Officers to investigate and present to the City Council a plan for development and potential implementation of a consent agenda format for City Council meetings.

8) Adjournment

There being no further business, Vice Chair Jones adjourned the meeting at 6:55 PM.

Respectfully submitted by,
Katrnya Kibler, Minute Taker
March 14, 2025

Edits submitted by,
Terri M. Hood, Deputy City Clerk
Patricia Little, City Clerk