

A regular meeting of the Keene City Council was held on Thursday, September 18, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, 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, and Mitchell H. Greenwald were present. Having declared that there was a quorum physically present in the Council Chamber, Mayor Kahn recognized that Councilor Michael J. Remy requested to participate remotely due to work travel; Councilor Remy was calling alone from his vehicle, enroute to the Council meeting. Hearing no objections from the Council, Mayor Kahn granted the remote participation. Councilor Remy was absent remotely from 7:07 PM to 7:35 PM. He arrived at the Council Chamber at 8:08 PM. Councilor Jones led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the September 4, 2025 meeting minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

COMMUNICATION - MAYOR JAY KAHN - CONCERNING SOCIAL MEDIA POSTS - COUNCILOR WILLIAMS

A communication was received from Mayor Jay Kahn, to allow the Council to consider public concerns regarding recent social posts by Councilor Williams and determine whether a disciplinary process should be initiated pursuant to Council Policy Resolution R-2013-24-A.

Mayor Kahn thanked members of the public for attending but pointed out that the City Council's Rules of Order would not allow public comments on any agenda items. The Mayor stated that audience disruptions would not be tolerated and if they occurred, he would call for order in the room. If the meeting continued to be disrupted after a second verbal warning, the Mayor would ask the individual(s) causing the interruption to leave the room. If a third warning was necessary, the meeting would be recessed, while the individual(s) were escorted out of the room. Mayor Kahn requested help to conduct the meeting with efficiency and without interruption.

The Mayor explained he had submitted his letter to open the conversation regarding Councilor Williams recent social posts to allow the City Council to discuss the potential necessity of a disciplinary process pursuant to the City Council's policy, Resolution R-2013-24-A. The Mayor said the Resolution specifies that, "The City Council shall vote on the request for the disciplinary process at the next regularly scheduled City Council meeting after the filing of the complaint with the City Clerk."

Councilor Remy lost his remote connection and was temporarily absent.

The Mayor asked City Attorney Amanda Palmeira to explain the process laid out in Resolution R-2013-24-A. The City Attorney said Resolution R-2013-24-A governs the disciplinary process. It gives the Council authority, according to City Charter Section 28 and NH RSA 49-C:19, to remove a Councilor or the Mayor. She said the City Council's policy allows for discipline, short

of or including removal. The Resolution outlines a very specific and helpful process, stating that a Mayor or Councilor may write a complaint that will contain specific facts and reasons that may warrant discipline. Upon receiving that complaint, it is presented to the City Council; the complainant and respondent each provide their respective positions and following those presentations, a motion may be made and seconded to implement the discipline process. If there is no motion, or if there is a motion but no second, the matter is closed. If there is a motion and a second, the City Council may then debate and deliberate on whether to implement the discipline process, which would require a two-third roll call vote. If two thirds of the members present vote yes, the matter would be referred to a City Council Disciplinary Committee. If less than two thirds vote yes, the matter is closed. Once it is referred to a Disciplinary Committee—comprised of the three Standing Committee Chairs and two Councilors appointed by the Mayor or in this instance the Finance, Organization and Personnel Committee Chair (because the Mayor was the complainant). It is the Disciplinary Committee's role to make findings and recommendations on whether or not to impose any discipline. That recommendation would come back before the full Council for consideration. The City Attorney said the question before the Council at this meeting was not whether to impose discipline but whether the Council should form a Disciplinary Committee.

Mayor Kahn began the process, as it was the responsibility of the complainant to bring the complaint forward. Mayor Kahn suggested that the Council initiate the process to consider if Councilor Williams' communications over social media following the murder of Charlie Kirk gave rise to disciplinary action under Council Policy Resolution R-2013-24-A, Relating to City Council Disciplinary Process. By raising this question, Mayor Kahn said he offered the City Council an opportunity to weigh in on public concerns about comments made by Councilor Williams over social media. The Mayor initiated this disciplinary process, which could be done by him or a Councilor in a written complaint, leading to a vote of the Council on whether to proceed with the disciplinary process. The process requires enumeration of reasons for disciplinary action, which the Mayor explained. He said that on September 12, 2025, the day following the murder of Charlie Kirk, City Councilor Robert Williams stated on his Facebook page that, "Charlie Kirk was a piece of s**t who promoted gun violence and died by gun violence." Mayor Kahn said this comment, followed by others, was offensive: "His wife made her choice. His kids need to know." The Mayor said Councilor Williams' rhetoric on social media provoked the public into polarizing perspectives and was insensitive to the loss being felt by some in the community. Mayor Kahn said the Council's policy recognizes that pursuant to Section 28 of the City Charter, "actions may be deemed inappropriate or detrimental to the discharge of their official duties as elected representatives of the City of Keene, which require disciplinary measures short of suspension or removal." The Mayor said that while he respects the constitutional right of freedom of speech, public officials are looked upon as respected voices and as leaders in our community. Mayor Kahn stated that Mr. Williams' comments were divisive at a moment when unity is needed in our community and country, when one thing everyone in our country needs to agree upon is violence against public figures is never warranted.

The Mayor recognized Councilor Williams to respond to the complaint. Councilor Williams stated that he would accept any judgment that the Keene City Council had for him and would bear any penalty imposed. He recognized that his words were unkind and inflammatory at a time when passions were running high. Councilor Williams was sorry if what he wrote on Facebook

caused any pain to those who knew and loved Charlie Kirk. Councilor Williams added that it was a tragedy that two children have now lost their father. While there were aspects of the charges against him that Councilor Williams would challenge, he said they were a trifle compared to the challenge we were facing right now as a nation. Namely, losing our democracy more and more every day.

At 8:03 PM, the Mayor recessed the meeting due to audience disruptions. At 8:08 PM the meeting resumed.

Councilor Williams resumed his comments stating that he believed the death of Charlie Kirk was being used as a pretext for the undermining of the American people's right to free expression. Councilor Williams stated, "If I was just one guy who screwed up and was facing consequences, that would be one thing. But across the country there are hundreds of cases like mine in which people who have expressed negative sentiments about Charlie Kirk are being subjected to organized harassment campaigns of the kind that Kirk himself pioneered. This is being supported by the federal government. We're now using criticism of Charlie Kirk as grounds for deportation. People are losing their jobs and students are getting kicked out of college. This is a concerning and frightening phenomenon, and it is one reason that I am going to sit down and shut up for a while. But before I do, I want to remind my friends on the City Council of one thing. As the leftmost member of our body, if I am the canary in your coal mine, if I am loud and annoying, that is a sign that things are going relatively well. But if I am intimidated into silence, what does that say about the danger we face?" Councilor Williams concluded his statement by quoting James Baldwin: "If they come for me in the morning, they will come for you in the night." Councilor Williams said, "God bless us all."

The Mayor issued a warning to the Chamber due to further disruptions.

Councilor Greenwald stated that he would make the following motion brought forth at the request of numerous residents but wanted it to be very clear that at this time he was not expressing his personal opinion. With the amount of public comment, and in the interest of transparency, he felt Councilors needed the opportunity to express their opinions, which the motion would allow.

A motion by Councilor Greenwald to proceed with the disciplinary process outlined in Resolution R-2013-24-A was duly seconded by Councilor Bosley.

Councilor Roberts noted that he spent 21 years in the U.S. Marine Corps, served in the first Gulf War, and went to a number of places that left him pretty beaten up. Councilor Roberts said there was a saying in the Marine Corps: "I may not agree with what someone says, but I will always defend their ability to say it with my life."

Councilor Workman wanted to start by saying it is important to recognize words do matter, especially from those in public office. Their communication can either build trust or deepen divides, and she said it is their responsibility to choose language that reflects respect and fosters constructive dialogue. At the same time, Councilor Workman said nobody is perfect, nor should anybody be expected to be—public figure or not. She believes the Keene community is best

served when it is focused on listening, learning, and working together toward solutions that benefit everybody. That said, Councilor Workman was reminded of the community response when the town of Troy's Police Chief attended the January 6 protest at the U.S. Capitol that turned into a riot. Many called for his resignation, but Councilor Workman defended his actions at the time. Councilor Workman quoted her comments from January 9, 2021, that she said were just as true now: "I stand with Chief Ellis. Let's all remember, he was acting as a private citizen, not in his professional role. He has a right to attend a protest just like everyone else. Some might point to a Republican Party flyer promoting the protest that encouraged attendees to, 'Put the fear of God' into the opposition. Well, it's certainly dramatic language. It doesn't outwardly encourage violence. The Chief attended the protest using his earned time off, not in uniform, and took additional time off to quarantine upon returning home. We have talked a lot in the last year about implicit bias, but it is quite possible to have personal opinions and yet still objectively do your job." Lastly, Councilor Workman highlighted several key facts she thought were critical to this situation and should inform this vote (not in any specific order of validity): (1) The comments made were on a public page and Councilor Williams was not acting in his capacity as a Councilor at the time. (2) He did not celebrate someone's death, nor did he condone violence, figuratively or literally. She said his initial post included an opinion and then a fact, however unsettling that is. His additional comments were also his personal opinions. (3) While there was a lot of online chatter about the issue at hand, the City only received a total of six emails, five of whom identified themselves as Keene residents; one lived in Councilor Workman's ward, one was a resident of Hinsdale, and none identified themselves as Ward 2 residents—Councilor Williams' ward. Councilor Workman said she had not received one constituent call or text about this matter, which she said was significant because Councilor Williams is a Ward Councilor. Councilor Workman said much of the City was unable to vote for Councilor Williams, and Ward 2 constituents were not initiating, or even supporting, the request for disciplinary action. Councilor Workman did not like the idea of ignoring Ward 2's voices, in essence silencing them to appease what appeared to be nothing more than social media fodder. She said Councilor Williams had not broken his Oath or acted in a way that merited disciplinary action as outlined by the City Charter or Council policies. Councilor Workman noted that "immorality" and "misconduct" were not defined in the Charter, City Council policies, or NH law; they were subjective terms. She did not think any new information would be gleaned from an investigation by a Disciplinary Committee, stating there were no legal documents to request or witnesses to call, and the public would not have a possibility to speak during those meetings. Councilor Workman concluded, encouraging all community members to join her in modeling respectful dialogue, even when disagreements arise. She thought everyone needed to take a moment to pause, reflect on their own actions, and be truthful to themselves; she said change starts from within. By engaging one another with civility, patience, and openness, Councilor Workman thought the community could ensure that difficult moments become opportunities to strengthen shared values and move forward together.

Councilor Favolise agreed with Councilor Workman that the Council was not necessarily talking about the kind of misconduct like corruption or bribery that would very clearly violate a local ordinance or other state law. However, Councilor Favolise did think they were talking about the standards Councilors should hold themselves and each other to as stewards of the public trust and interest. He said each Councilor has a responsibility—collectively and individually—to represent this City with integrity. Councilor Favolise stated that the allegations in the Mayor's

letter, if founded, would to some extent represent to him a failure to meet that responsibility. Councilor Favolise thought people experience politics through their leaders. He said a statement made by a political leader in the wake of an act of political violence that belittles, dismisses, even excuses or justifies that act represents—at its most generous—a lapse in judgment. He stated that in times of division and in moments of crisis, the people rightly look to their leaders to set the example, to unify, to show us a better way forward; and people are rightly disappointed when leaders instead seek to further divide and to fan the flames. Councilor Favolise reminded the Council that a “yes” vote would not remove Councilor Williams, who to Councilor Workman’s point, was a duly elected official by his constituents in Ward 2; a “yes” vote would begin the disciplinary process. Councilor Favolise stated that so long as the Council is considering the rights of a member in their personal capacity to opine on the political issues of the day and public figures, political pundits, and parties—and he did think the Council should consider that—Councilor Favolise said the Council also has to consider a member’s responsibility to conduct oneself in a manner becoming and befitting of an elected official in this sacred office.

Councilor Filiault also proudly served in the U.S. Military. He said the whole purpose of the Military was to serve, and come home and become civilians, where everyone could speak and disagree. Councilor Filiault recalled that he is a stickler for procedure and protocol, like the Council’s Rules of Order. He stated that there is no deviating from the City Charter and recalled all the times he had spoken up to defend both documents. Councilor Filiault said the first place to go for rules and protocols is the City Charter, which he called “the Bible of the City Council.” The City Council does not write the Charter; a Charter Committee is appointed, and the constituents vote on the Charter on a ballot. The Council cannot overturn or change the Charter and is bound by the Charter by law; there is no exception. Councilor Filiault referred to Section 28 of the City Charter and pointed out there was nothing in it about disciplinary action—not a word, no gray area. He thought it might need to be put before the voters with proposed new language. He encouraged his fellow Councilors to read the Charter and particularly Section 28, noting he read it all three times in three days looking for gray areas, which he did not find. He said Section 28 simply stated that at least two-thirds of the elected City Council could remove a Councilor. He said it was vague, meaning with 10 votes of Councilors who did not like one Councilor, they could remove that elected Councilor under Section 28. He said to be careful with Section 28 and encouraged all Councilors to learn and understand it. Councilor Filiault said this was the result of the Charter being vague. Councilor Filiault said the second place the Council goes for protocols is to its 39 Rules of Order, which the Council does write. The Council modifies and votes on its Rules annually. He said everyone should also read the Rules of Order, which also made no mention of how the Council should discipline another Councilor.

Councilor Filiault said the next place to look for guidance would be resolutions, referring to Resolution R-2013-24-A, which was written in 2013 when Kendall Lane was Mayor. Councilor Filiault said this Resolution talks about City Charter Section 28 being vague. Councilor Filiault said he spoke to former Mayor Lane in detail on September 24, 2025 about Resolution R-2013-24-A and hoped some of his fellow Councilors did too. Former Mayor Lane told Councilor Filiault that Resolution R-2013-24-A was not meant for what was happening at this meeting. Councilor Filiault reiterated that his fellow Councilors should read the 4-page, Resolution R-2013-24-A. He summarized that the Council is bound by the City Charter, with no deviation. If

the Council decided, based on the Resolution, that a Councilor was derelict in their duties, then it could form the five-member Disciplinary Committee of City Councilors. Councilor Filiault noted that the Resolution did not say anything about Facebook, posting, or inflammatory comments that really upset people. The Resolution only considers whether a Councilor was derelict in their duties.

Councilor Filiault noted that upon re-reading the Charter, Rules of Order, and Resolution again before the meeting, he found no wording in any of them that would allow discipline of a City Councilor based solely on controversial comments, no matter how inflammatory, whether verbal or through social media. He added that the Council would need to update the Rules of Order because there was nothing included about social media. Councilor Filiault was clear that he did not agree with Council Williams' comments at all and was very unhappy the City Council was dragged into it. That said, Councilor Filiault went back to the Charter, the Rules of Order, the legislation, and Resolution. He challenged anyone to show him—during the meeting—where it said the Council could discipline a Councilor based on something they said on social media. He said the City Council is bound by these laws and rules he had reviewed. If a Councilor violates them, he said they should be held accountable. Councilor Filiault emphasized a *violation* and reiterated there was no gray area for disagreements. He said the laws and rules bind the Council—not social media, rumor, or mob mentality. After reading the Charter, the Rules of Order, the legislation, and Resolution R-2013-24-A, Councilor Filiault said he absolutely found no clear indisputable violation of those rules by Councilor Williams, even though Councilor Filiault disagreed with him. So, Councilor Filiault could not vote for any further action against Councilor Williams based on the facts of law.

Councilor Remy rejoined the meeting remotely.

Councilor Haas built on what Councilor Workman said about the number of direct letters or phone calls the City received about this. Councilor Haas said he received a handful of direct emails. He looked at the online petition just to see what was stated and of the 1,060 names signed on the Sunday/Monday before the meeting, 250 did not have last names, and of those remaining he only recognized 11 (but noted he was relatively new in town and did not know everybody). He did not think online petitions were of much motivation to the Council. He said Councilor Filiault mentioned gray areas. Councilor Haas said there is gray area and that is where judgment comes in, stating that was what the Council was acting upon at this meeting; he said the Council had to judge whether Councilor Williams' actions fall into moral turpitude or abrogation of duties as a leader. Those were the gray areas Councilor Haas said the Council was measuring in this instance. Councilor Haas said he believes the right to speech is the most sacred and absolute right. Barring direct threats, he thought we should be able to say whatever we want without fear of persecution. He said someone might be lambasted on social media, in the press, and in letters from neighbors, friends, and relatives—like many do—but they should still not suffer professionally or especially as elected officials because of what they say.

Councilor Remy asked if he should recuse himself because he missed parts of the Mayor's and Councilor Williams' statements. The City Attorney said to be able to not participate in a vote, it would have to be a conflict of interest rather than the situation Councilor Remy presented. On

the basis the Councilor presented, the Council would have to vote on whether he should be recused. Otherwise, the City Attorney said the policy required all members present to vote.

On a roll call vote with 4 Councilors voting in favor and 11 Councilors voting in opposition, the motion to proceed with the disciplinary process outlined in Resolution R-2013-24-A failed. Councilors Bosley, Remy, Favolise, and Powers voted in the minority.

Mayor Kahn called a recess at 7:40 PM. The meeting reconvened at 7:47 PM.

ANNOUNCEMENTS

The Mayor's Youth Council at Keene High School was up to 27 members. Mayor Kahn announced that the students would be considering whether the City should offer a Native American commemoration during National Native American Heritage Month in November. It would be a program designed by the students; a first in the City, and perhaps the state. Any student interested in joining The Mayor's Youth Council could visit the Principal's Office to sign up.

Next, the Mayor reminded everyone of the Municipal Primary Election scheduled for October 7, 2025. The polls would be open from 8:00 AM to 7:00 PM. Direct any questions about elections and voting to the City Clerk's Office.

Mayor Kahn announced the annual NH Source to Sea Clean-Up, beginning at Ashuelot River Park on September 19 from 9:00 AM until 11:00 AM. A group would also meet where Beaver Brook abuts Pat Russell Park (Water Street Bridge) on the morning of September 20. He said the public is always invited to participate—bring your hip waders and dive in. The Mayor welcomed Councilor Madison for more details, who said when the water is low, a lot of trash is removed from Ashuelot River and Beaver Brook. He noted the event is a part of the Connecticut River Conservancy's annual watershed-wide event and locally hosted by the Cheshire County Conservation District and the Ashuelot River Local Advisory Committee. Councilor Madison said annually they had removed approximately one ton of trash from the local waterways. He called it a great opportunity to get out, meet people, and see some pretty interesting trash.

Mayor Kahn shared some upcoming community events:

- Keene International Festival: Saturday, September 27, 2025, from 11:00 AM to 3:00 PM at the Keene Parks and Recreation Center.
- Clarence DeMar Marathon: Sunday, September 28, 2025, beginning at Keene State College: Full Marathon, Half Marathon, Kids Marathons, and Super Seniors.
- Keene Pride Festival: Sunday, September 21, 2025, from 12:00 PM to 7:00 PM in downtown Keene.
- Constitution Week: September 17–23, 2025, for which Mayor Kahn had delivered a Proclamation to the Daughter's of the American Revolution.

Councilor Greenwald led the Council in recognizing Mayor Kahn's birthday this month and offering best wishes.

PROCLAMATION - KEENE PRIDE

Mayor Kahn read into the record a Proclamation, declaring September 14–21, 2025 as Pride Week in Keene, NH, as an expression of the community’s support for its LGBTQ+ residents.

COMMUNICATION - KEN KOST - IN OPPOSITION TO THE SALE OF CITY PROPERTY
- 100 CHURCH STREET

A communication was received from Ken Kost, in opposition to the proposed sale of City-owned property located at 100 Church Street, noting its visual appeal and suggesting that a transition to private ownership will only cause individuals engaging in problem behaviors to relocate to another area in the City. Mayor Kahn accepted the communication as informational.

MARK REBILLARD - USE OF CITY PROPERTY - SERIES OF SMALL-SCALE
DOWNTOWN FESTIVALS DURING DOWNTOWN CONSTRUCTION PROJECT

A communication was received from Mark Rebillard of the Keene Downtown Group, requesting to conduct a series of small-scale festivals to be held downtown during the various phases of the downtown project. Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

MSFI REPORT - HOWARD MUDGE - REQUEST TO REMOVE A TREE ON CITY
PROPERTY - WESTERLY EDGE OF 9 EVERGREEN AVENUE

A Municipal Services, Facilities and Infrastructure Committee report was read, on a vote of 4 to 1, recommending granting Howard Mudge’s request to remove the tree in front of 9 Evergreen Avenue at Mr. Mudge’s expense, conditional on the planting of a replacement tree to be maintained by the City. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Tobin noted that she voted in opposition at the MSFI Committee meeting because what was said in the petitioner’s letter did not seem to reflect what the Public Works Director reported. Councilor Tobin added that Mr. Mudge was not there to give any feedback or to respond to any questions. The Councilor would have liked to know what the problem was and if the request was just for aesthetic reasons.

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORT - FREDERICK MACMILLAN - REQUEST TO INSTALL A SCULPTURE
AT PATRICIA RUSSELL PARK

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the City Manager be authorized to do all things necessary to accept and install the proposed public art piece by Frederick MacMillan, to be placed at the Ashuelot Park, and to negotiate and execute a memorandum of understanding with the donor, to include the

requirement for certificates of insurance, in accordance with Resolution R-2018-22. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Greenwald summarized the Committee report, noting that the original request was to place this sculpture—on loan to the City for display for an unknown period (because it is for sale)—in Pat Russell Park. However, due to concerns for damage or being toppled near the kid's area because of the sculptures approximate eight-foot eight (though bolted down and assured by a structural engineer it would be safe), the proposal was to move it to Ashuelot River Park. Although Councilor Greenwald heard from constituents in the neighborhood of Pat Russell Park, wondering why they could not have art, he said that was not the case, and he hoped to hear a plan for more art there soon.

The motion to carry out the intent of the Committee report carried on a roll call vote with 14 Councilors voting in favor and 1 voting in opposition. Councilor Haas voted in the minority.

MSFI REPORT - COUNCILOR HAAS - REQUEST FOR HISTORICAL MARKER - KEENE BOTTLE WORKS

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending that the Yankee Bottle Club be authorized to design, fabricate, and donate a historical marker for installation on the Cheshire Rail Trail, and that the City Manager be authorized to take all actions necessary to facilitate its installation. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Haas said The Yankee Bottle Club had been in Keene since 1968. Although there was a sign talking about the Keene Bottle Works at the Recreation Center, the Bottle Works was actually located on the Rail Trail. So, the Yankee Bottle Club wanted to have a sign at the actual location. Alan Rumrill, Bottle Club member and advocate, wrote the text for the sign and with the Council's approval, a design would be underway. Councilor Haas hoped the Council would not hold his previous negative vote against him on this. He also announced the Yankee Bottle Club's Annual Bottle Show at Keene High School on October 12, 2025, from 9:00 AM to 2:00 PM. Councilor Madison noted how many historic Keene bottles would likely be retrieved during the annual Source to Sea Cleanup.

Councilor Remy arrived at the meeting in-person at 8:08 PM.

The motion to carry out the intent of the Committee report carried unanimously with 15 Councilors present and voting in favor.

MSFI REPORT - SALE OF CITY PROPERTY - 100 CHURCH STREET

A Municipal Services, Facilities and Infrastructure Committee report was read, on a vote of 4 to 1, recommending the City Manager be authorized to do all things necessary to negotiate and

execute the sale of 100 Church St., parcel #574-015. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Greenwald noted that some neighbors in the Church/Water/Roxbury Streets neighborhood came forward and expressed interest in partnering with the City to maintain the park. Because the property was not in a rush to be sold and Councilor Greenwald assumed the abutter would still be interested, he made the following motion.

A motion by Councilor Greenwald to amend the Committee report to refer this item back to the Municipal Services, Facilities and Infrastructure Committee for further discussion was duly seconded by Councilor Bosley.

Councilor Filiault agreed with Councilor Greenwald. Councilor Filiault was also notified by a lot of people from this neighborhood, who expressed some kind of interest; he was unsure what they were expecting but he said it was not time sensitive. Although Councilor Filiault felt the City needed to at some point either sell the park or come up with a better situation for it. He agreed with sending it back to Committee.

Councilor Roberts wholeheartedly supported referring this back to Committee. He usually walks early every morning, looked there after hearing about this, and did not see any trash on that piece of property. He said a greater worry was on the Rail Trail, where the day before there were 17 people by the hotel, including one sleeping in the bushes, trash everywhere, and a couple of needles. He saw another person washing with something that they discarded on the ground. Councilor Roberts thought the park was a very low priority for the City to get rid of and it would be really important to work out some type of partnership.

Councilor Favolise said he would vote to send this to Committee for a third time and allow the conversation to continue. He agreed with Councilor Filiault that at some point, it would have to reach a terminus. Councilor Favolise also agreed to some extent that this was not time sensitive and that the abutter would likely still be interested. However, Councilor Favolise had constituents living in the properties owned by the abutter, who he thought probably felt this was a little more time sensitive than the Council because they are there day-and-night to experience the problematic activities. Additionally, much like Councilor Filiault, Councilor Favolise was recently on a ride along with Keene Police Department and he asked about this property, which was well known to the Police. Councilor Favolise said Officers expressed the challenges the Police Department face when attempting effectively “trespass” people from the space, because it is a public space. So, he said that if there was a real plan coming to partner with some sort of neighborhood group/stewardship group and avoid this sale, then Councilor Favolise was willing to hear it out, because he would ideally like to preserve it as a green space. However, he thought it was important for the perspectives of those living in the abutting properties to be represented in this discussion.

The motion to amend the report to refer the item back to Committee carried unanimously with 15 Councilors present and voting in favor.

The motion to carry out the intent of the Committee report as amended carried unanimously with 15 Councilors present and voting in favor.

MSFI REPORT - INSTALLATION OF TRAIL SIGN IDENTIFYING THE CHARLES REDFERN BRIDGE - BPPAC COMMITTEE

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending approval of the attached design for trail signs identifying the newly named Charles Redfern Bridge (formerly South Bridge) spanning NH State Route 101 and that the City Manager be authorized to do all things necessary to install the signage on the Rail Trail. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Jones thanked the Bicycle/Pedestrian Path Advisory Committee (BPPAC) for presenting this to the MSFI Committee and thanked Councilor Greenwald for showing the sign's design to the Council. Councilor Jones noted this idea originally came from the BPPAC. The curvature of the wording at the top of the sign is meant to mimic the curve of the bridge. The full sign reads: "Welcome to the Charles Redfern Bridge, honoring the man with the vision and tenacity to create the magnificent multiuse trail system here in Keene, NH." Danny Mitchell on Morning Radio said it would probably be the only sign in NH with the word tenacity in it, but Councilor Jones called that well deserved for Mr. Redfern. Councilor Jones thanked the MSFI Committee for approving this.

Councilor Haas wanted to ensure this would honor the intention of the BPPAC to have a sign on both ends of the bridge on the Rail Trail. City Manager Elizabeth Ferland said yes.

Councilor Roberts said he joked with Mr. Redfern a few weeks prior that he would be on one of the few signs in the state named after someone who is alive. So, Mr. Redfern would actually get to enjoy and be proud of it. Councilor Roberts said Mr. Redfern was extremely proud of this honor.

The motion to carry out the intent of the Committee report carried unanimously with 15 Councilors present and voting in favor.

MSFI REPORT - DOWNTOWN INFRASTRUCTURE PROJECT - SUGGESTED BIKE LANE RULES - BPPAC COMMITTEE

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending that the list of suggested bike lane rules by the Bicycle and Pedestrian Path Advisory Committee (BPPAC) be accepted as informational. Mayor Kahn accepted the Committee report as informational. He noted this related to Ordinance O-2025-33 for first reading later in this agenda.

**PLD REPORT - KIWANIS CLUB OF KEENE - REQUEST TO USE CITY PROPERTY -
TREE LIGHTING CEREMONY**

A Planning, Licenses and Development Committee report was read, unanimously recommending the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on Friday, November 28, 2025, to conduct the annual Tree Lighting Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square, Roxbury Street from west of the Hannah Grimes Parking lot to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the actual event will be held from 5:00 PM to 8:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for the following: use of spaces with dates, times and locations to be determined in coordination with the Parking Division for volunteer parking during pre-event set-up and post-event break-down activities, and spaces within the event footprint on the day of the event.
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 15 Councilors present and voting in favor.

**PLD REPORT - AUTHORIZATION TO ENTER MUTUAL AID AGREEMENT WITH THE
TOWN OF MARLBOROUGH FOR BUILDING INSPECTION AND CODE
ENFORCEMENT SERVICES - COMMUNITY DEVELOPMENT DIRECTOR**

A Planning, Licenses and Development Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to enter into the Mutual Aid Agreement with the Town of Marlborough. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 15 Councilors present and voting in favor.

**FOP REPORT - ACCEPTANCE OF DONATION FOR MAKERSPACE STAFFING -
LIBRARY DIRECTOR**

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized do all things necessary to accept and expend a donation of

\$15,000 from the Friends of the Keene Public Library to fund Makerspace staffing. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

A motion by Councilor Powers to amend the Committee report to correct the amount of the donation to \$18,000 was duly seconded by Councilor Greenwald. The motion carried unanimously with 15 Councilors present and voting in favor.

Councilor Favolise noted that he had the pleasure of attending this FOP meeting. He wanted to add that in addition to the staff members who Councilor Powers mentioned, the Makerspace program is also run with a lot of help from interns, often from Keene State College. So, Councilor Favolise said this was not just an opportunity to support the community, but it was also an opportunity for the Council to continue building the kinds of relationships that he thought the City wanted with its Institute of Higher Education. The Mayor called it a good partnership.

The motion to carry out the intent of the Committee report as amended carried unanimously with 15 Councilors voting in favor.

FOP REPORT - ACCEPTANCE OF NH JUVENILE COURT DIVERSION NETWORK FUNDING - YOUTH SERVICES

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion to carry out the intent of the Committee report as amended carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT - REVO CASINO HOST COMMUNITY AGREEMENT - CITY MANAGER

A Finance, Organization and Personnel Committee report was read, on a vote of 3 to 1, recommending that the City Manager be authorized to do all things necessary to execute a standard agreement for host communities with Revo Casino and Social House Keene, and to accept and expend the funds. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Powers provided introductory comments before turning it over to City Manager Elizabeth Ferland, who brought this forward through the Committee as an opportunity for the City to have income as the result of changes in state law and because the City has a casino. Every community with a state authorized casino had an opportunity to sign on to a partnership, receiving a portion of the revenue that comes through the casino annually. Councilor Powers said many of the groups the City supports with efforts and work in the City (e.g., school programs) were doing the same thing. This would allow the host community to have some income to offset City services, which the City Manager explained more.

Elizabeth Ferland, City Manager, said the law changed in 2024. Now, host communities could sign a standard agreement with casinos located in their town or city, allowing a percentage of the revenues generated during a week. In 2025, that week for host communities is schedule for December 17–26. The percentage of funds that would be transferred to the City would be similar to what would be transferred to a nonprofit who may sign up at another time during the year; an estimate of \$16,000–\$20,000 was seen for other nonprofits but it depends on activity during the period. The standard agreement only says the “1.) Host Community must be eligible to receive gaming revenue pursuant to RSA 287-D:4-1. 2.) Host Community must comply with all applicable laws and regulations. 3.) Host Community will provide the following insurance (if applicable),” which she said was not applicable in this case. So, there were no additional requirements upon the City to sign the standard agreement. This came to the City Manager through Councilors Filiault and Favolise, who heard about it on WMUR; the City was unaware of the opportunity until then. If the Council chose to move forward, the City Manager would execute the agreement and return to the FOP Committee to determine how to use the funds.

Councilor Roberts said he was the one who voted against this because he had some real ethical concerns that went all the way up to the State of NH. He said the state built the Lottery system to help people, the nation, and education. Then, he said the state took the Lottery—with tickets bought mostly by working class and poor people—and displaced the money that was supposed to be spent on education. Now, he said the state was in this situation, in which the City may get \$25,000–\$30,000 that he said might make a small difference on the tax return. However, Councilor Roberts referred to the casino during the week around noon, when the parking lot is full, and said there would be no “high rollers” but mostly older people; he said most people were spending and losing money at the casino, which was coming out of the cash registers of local businesses. Councilor Roberts stated, “people can only spend money in one place; you can lose it in the casino and not spend on your local economy, or you can do it in the local economy and work on your quality of life.” Councilor Roberts said he personally, and some of the people he talked to, had an ethical problem with the City taking money from a casino that is taking money from citizens. In a certain way, it felt to him like making the casino a middleperson, taking money from the residents like a roundabout tax, which Councilor Roberts called no different than the lottery.

Councilor Favolise said he would vote in support of the Committee recommendation and touched on a few points. First, although he does not typically address some of the things on social media, in this case, he wanted to be clear. Councilor Favolise stated that this action would not be authorizing an additional casino in Keene. This would not lock the City into a long-term contract, meaning the City would not start funding everybody’s salaries and pensions if the casino leaves. Councilor Favolise said this was about the City collecting about \$16,000–\$20,000 in an environment where every little bit not collected through property taxes would be helpful for the City/community. He wanted to correct some of that misinformation. Councilor Favolise also wanted to reiterate the point he made at the FOP Committee, which was that the casino was already in Keene; this vote was not about whether Keene should have the casino or whether the City should continue to have the casino. As far as he was concerned, this was not a referendum, and he encouraged the Council to view it the same way—on the morality of gambling or the ethics of the casino and the Lottery industry. Councilor Favolise said this was the State of NH’s recognition that hosting a charitable gaming facility places a burden on the host community, to

one extent or another, and this is a way to offset that burden. He repeated what he said at the FOP meeting about the negatives that come along with casinos in Keene, no matter what the question was before the Council, so he said the City could try to get a little bit of a positive return on them. Councilor Favolise hoped the Council would join him in answering this question with a “yes”.

Councilor Greenwald said he was not anti-casino. He had visited, and he called it a good casino with a good, clean operation. He agreed with Councilor Roberts that it is not a “high roller” casino but said that is fine because this is Keene, not a high roller town. Councilor Greenwald said his problem with the casino was a little different because the casino was planning to move to another location, which would involve a lot of permitting, work with the Planning and Zoning Boards, as well as non-building permits. It did not look good to Councilor Greenwald for the City to accept money from people it would be permitting. He cited the expression, “can’t buy my love.” He said he is usually all in favor of looking for money for the City and said this might be great after the permitting process. For now, he said, “No way. It is a really bad look.”

Councilor Williams concurred with Councilors Roberts and Greenwald. Councilor Williams did not like the structure of how the City would be getting money out of the casino. He thought that if the City was going to raise money from the casino, the appropriate thing would be for the State of NH to give the City the ability to tax the casinos’ revenues. Councilor Williams was not in favor of taking casino money instead.

Councilor Filiault agreed with Councilor Favolise about the casino money. Councilor Filiault said the money was not perfect, but suggested that if denying this money based on ethics and morality, then the City should also reject money from the state for alcohol sales, the Lottery, and Meals and Rooms Tax in favor of raising property taxes on all these “unethical people.” He said nothing is perfect. Councilor Filiault added one thing that is imperfect: Property taxes from a state that downshifts all the cost of responsibility onto municipalities. He said the state had done it again this year. So, he encouraged his fellow Councilors to think twice about saying no to money that would offset the property taxes.

Councilor Haas referred to Councilor Greenwald’s point and stated that this was fraught with peril. Councilor Haas said if there is a place where corruption lives, it is where things like this happen. Where an entity could come before the Council for permission to change location, borders, curb cuts, etc. Then, the City would be taking money from the casinos because they would be found in a charitable obligation. Councilor Haas called that terrible and said the City could not do that.

Councilor Madison’s concerns were similar to Councilor Greenwald’s. Councilor Madison did not want to pontificate about the morality of gambling. He is not a gambling man, he has no problem with it, has no problem with the casino in Keene or people who want to go spend their money there, said that is their business, and said people should be free to do with their money as they please. Councilor Madison shared Councilor Greenwald’s concern that at this time, the City was in a regulatory capacity over the casino. Councilor Madison was concerned with the optics of the City having authority over the casino in a regulatory capacity, taking money from the casino that is then voluntarily given to the City, as opposed to something like a fee or a tax the

casino is required to pay. Councilor Madison said it felt messy and working as a regulator himself, it did not feel great to him.

Councilor Remy asked, if a city or town that a casino is located in wanted to have a week for revenue generation as allowed by the new law, would the city have to provide those dates, or would they go through a selection process like for other nonprofits. The City Manager said no, the casino would have to reserve time for the City. Revo casino reserves that time in December for all of their casinos. She said if the City wants to participate, we need to give advance notice to be included in the group of non-profits. Councilor Remy said that answer took away some of the moral aspect for him regarding money changing hands because this would be an annual thing and the City would not necessarily be chosen every time.

The motion to carry out the intent of the Committee report carried with 8 Councilors voting in favor and 7 voting in opposition. Councilors Bosley, Tobin, Williams, Haas, Madison, Roberts, and Greenwald voted in the minority.

CITY MANAGER'S COMMENTS

Before recognizing the City Manager for comments, the Mayor referred to statements during the disciplinary communication earlier in the meeting, during which there was indication that there had not been significant input from people in the City. Mayor Kahn wanted to reassure the Council and people who provided input that he received quite a bit of feedback, both through the Mayor's portal on the City website and through his phone number that is posted on the City website. He said he was surprised how many were not within Keene, but most were in the state of New Hampshire, and one came from Maine. He said it would be worth the Council considering—as suggested—forming a discipline committee for the purpose of reviewing whether Resolution R-2013-24-A should be updated. Mayor Kahn said he felt compromised as a complainant in offering testimony that furthered the testimony he provided as a part of his complaint, which was why he did not make these comments at the time. He did not think that influenced the outcome of the debate.

Elizabeth Ferland, City Manager, announced that due to dry conditions and forecasted low humidity and winds in the area, the fire danger was high. As a result, all burn permits, open burning, and consumer fireworks discharge in Keene were suspended beginning September 18 and would continue until further notice. She asked everyone to check the City of Keene Fire Department webpage; until the "High Fire Danger" banner was removed, this open burning and consumer fireworks prohibition would remain active. Any questions or concerns should be directed to Fire Department or on duty Fire Captain.

The City Manager received a few inquiries about the City's water supply. She reported that many towns had placed water usage restrictions. Keene was fortunate not to reach the level needed to trigger any restrictions. At this time, the City had about 180 days of consumption in its surface reservoirs. However, they had noticed a significant drop in the groundwater aquifer elevations. Mixing-in groundwater during summer months helps with maintaining high water quality. Over the next months, staff would monitor groundwater levels closely and could need to begin voluntary water conservation measures if the City needed to enter some sort of an advisory.

Next, the City Manager reminded everyone of an email invitation from the Fire Department, which was engaged in a strategic planning effort. The City Manager announced a work session with community stakeholders on Monday, September 29, 2025, at 6:00 PM at the Keene Public Library. The Fire Department engaged with Emergency Services Consulting International (ESCI), a firm specializing in strategic planning for fire and emergency services. ESCI would facilitate a process with staff and community partners to develop a three-to-five-year strategic plan, guiding the Department's priorities, operations, and investment decisions. The City Manager was aware that several Councilors had a conflict that evening. To ensure full Council involvement in this important effort, any recommended plan would be presented at a Council Committee meeting for discussion and feedback. The City Manager recalled talking to the Council a lot about the staffing issues at the Fire Department and observations about regional EMS, so she thought this planning effort would be worthwhile.

City Manager Ferland also announced Fire Prevention Week: October 5–11, 2025. The Council was invited to participate in the annual parade on Sunday, October 5 at 1:00 PM (rain or shine). The Annual Inspection Dinner was scheduled for October 9 at Central Station (please RSVP to the Fire Department; dinner will be served promptly at 6:00 PM). The FOP meeting scheduled for that evening was cancelled to allow everyone to attend.

Lastly, the City Manager reported that the subdivision of 62 Maple Avenue currently owned by Cheshire Medical Center would be making its way through the process of subdivision in October and November. She reminded the Council that the recent Payment in Lieu of Taxes Agreement with Cheshire Medical Center was executed and included just over one acre (1.24 acres) at 62 Maple Avenue to be transferred to the City for the potential future home of the West Keene Fire Station. So, the City Manager said to expect that process to start moving through the Community Development Department in October and November.

ORDINANCE O-2025-28-A: RELATING TO ZONE CHANGE FOR FIVE PROPERTIES ON PEARL STREET & WINCHESTER STREET - JOINT PLANNING BOARD/PLD COMMITTEE

A Joint Planning Board-Planning, Licenses and Development Committee report was read, with the PLD Committee unanimously recommending the Mayor set a Public Hearing on Ordinance O-2025-28-A and the Planning Board unanimously finding Ordinance O-2025-28-A consistent with the 2010 Comprehensive Master Plan. Mayor Kahn filed the memorandum. He noted that the petitioner submitted a communication to the Community Development Department, requesting for this item to go back to Joint PB/PLD Committee and to not set the Public Hearing at this time. Councilor Bosley and the City Manager were both aware. Without objection, Mayor Kahn referred Ordinance O-2025-28-A back to the Joint PB/PLD Committee.

MORE TIME - PLD REPORT - REQUEST FOR CONSIDERATION OF AN ORDINANCE AMENDMENT TO REGULATE THE MUZZLING OF DOG

A Planning, Licenses and Development Committee report was read, unanimously recommending placing Councilor Williams' Request for Consideration of an Ordinance Amendment to Regulate the Muzzling of Dogs on More Time. Mayor Kahn granted more time.

MORE TIME - FOP REPORT - REQUEST TO PLACE SOCIAL DISTRICT QUESTION ON 2025 MUNICIPAL GENERAL ELECTION BALLOT

A Finance, Organization and Personnel Committee report was read, unanimously recommending that Councilor Remy's Request to Place Social District Question on the 2025 Municipal General Election Ballot be placed on more time until the next meeting. Mayor Kahn granted more time.

ORDINANCE FOR FIRST READING - RELATING TO RULES FOR THE OPERATION OF BICYCLES - ORDINANCE O-2025-33

A memorandum was read from the Public Works Director, recommending that Ordinance O-2025-33 Relating to Rules for the Operation of Bicycles be referred to the Municipal Services, Facilities and Infrastructure Committee for consideration and a recommendation back to Council. Mayor Kahn referred Ordinance O-2025-33 to the Municipal Services, Facilities and Infrastructure Committee.

ORDINANCE FOR SECOND READING - RELATING TO AMENDMENTS TO THE LAND DEVELOPMENT CODE TO ENCOURAGE HOUSING DEVELOPMENT IN KEENE - ORDINANCE O-2025-15-A

A Planning, Licenses and Development Committee report was read, on a vote of 2 to 2, the Committee failed to recommend the adoption of Ordinance O-2025-15-A. The report was filed as informational. A motion by Councilor Bosley to adopt Ordinance O-2025-15-A was duly seconded by Councilor Jones.

Councilor Bosley summarized the Committee report and non-controversial aspects of the Ordinance that had been presented to the Council to date. She also summarized the controversial aspects of the Ordinance, recalling the Council heard mostly at the Public Hearing about changing the Medium Density District from three units to six units by right. Councilor Bosley thought there was a perception after hearing words during the public hearing like the "ghettoization" of the east side or the Medium Density District. She said that as somebody who had their hand on the pulse of real estate, going from three units to six units is not as financially viable some might think. Once you go above four units, a sprinkler is required, and she said a certain number of units are needed in order to make that cost worthwhile to invest in a property. So, Councilor Bosley did not think this was going to be some prolific thing happening in Keene, noting it was already something the City allowed under the Cottage Court Overlay Ordinance. She said this proposal would only occur in instances with parking already on site and no exterior changes to the building. Councilor Bosley said she assumed people would only modify up to four units, which was unfortunate because the Ordinance for up to six units had gone through this whole process already. In order to amend that down to four (which she would be comfortable with at some point, if this did not pass tonight) she said it would have had to go all the way back

through the Joint PB-PLD Committee process, adding several months. She thought the PLD Committee felt the petitioner deserved to have a vote from the whole Council on their petition.

Councilor Bosley continued, stating she also heard that some thought this Ordinance would be targeting the Medium Density District. She stated she could not name all the things she and the PLD Committee had done in six years but wanted to name a few: changed the Rural District from five-to-two acres, changed the Low Density District acreage sizes, added up to six stories of residential housing in the Commercial zones and allowed for residential buildings behind tenatable commercial space in the those zones, created ordinances for Conservation Residential Developments for rural areas and allowed for densification on those lots based on conservation, allowed for Cottage Courts that allow densification based on the size of the units, allowed detached Accessory Dwelling Units by right across the City. Councilor Bosley stated, "I don't think anyone in this room is going to be put in a position where anyone can say that what we are doing is targeting a specific district and I also know what is on more time at Joint Committee, and I know that more changes are coming. It takes a lot of work to see the ship get turned, and we've been working on this since the pandemic." She said the City was not seeing an overabundance of development happening, there were some small projects popping up. Councilor Bosley was excited to get to see the first Cottage Court hopefully breaking ground, noting it would be a substantial size. Councilor Bosley wanted to hopefully assure everyone that these changes were not things to be scared of and that everyone could vote in favor.

Mayor Kahn reminded the Council that there were four or five letters received regarding this ordinance.

Councilor Haas said going from three to six units by right was the difficult one. He said most of the rest of the Ordinance is really good and he complimented everybody involved with bringing it so far. He thought the City should move ahead with everything other than three to six units by right, which he called problematic. Councilor Haas said the City needs housing and this would move in the direction of creating small units in existing structures, without changing the footprint of an existing structure; infilling and improving the existing structure. He said the conversion would be good and investment in the community would increase the tax base. So, he cited good things about doing this. Councilor Haas called the Medium Density Zone a transitional zone, with one side abutting downtown, another side abutting High Density districts, and another against Rural and Low Density. He said if you look at the City GIS maps, there are more open spaces moving away from the center with suitably large buildings on big enough lots to accept this kind of change. Councilor Haas noted the problem is that this change would happen without addressing all the issues that come around it. He said the first issue when you convert a building into six dwelling units by right is the conversion to short-term rentals, noting the City was working on its Short-Term Rental Ordinance but for now there was no control. He said short-term rentals do not address the housing issue; they work against increasing housing. Councilor Haas said the second problem with converting a building into six dwelling units by right is parking. He said Keene struggles with parking everywhere. He said the Code would require a minimum of six parking spots on site and if the site could not accommodate that, it would overflow into the neighborhood and onto impervious surfaces; there was no maximum allowed on site. He said there were no controls in place to make that work. Third, Councilor Haas talked about trash, said it would have to go somewhere, and six units would generate a lot more trash

than three units. He said the City's real control for trash and parking was to enforce them after the processes were underway. He said it would be better to design the systems from the beginning to accommodate the needs of these units. Councilor Haas was not saying it would be impossible to have six units but said these rules and regulations were not written into the codes yet to control these concerns. He noted there were other processes that could be used in the meantime, like the Cottage Court Overlay; several were underway. Councilor Haas was not comfortable passing this Ordinance at this time and allowing developers to proceed retrofitting some of these big, old mansions for six dwelling units and using them as showcases.

A motion by Councilor Haas to amend Ordinance O-2025-15-A to delete Item 3.2.a., which would amend the Use Standards in the Medium Density District from "*no more than 3 units to no more than 6 units*" was duly seconded by Councilor Roberts.

Councilor Bosley asked the City Attorney to confirm if the amendment was an action the Council could take without a Public Hearing on the whole Ordinance. City Attorney Amanda Palmeira said a material change to the Ordinance would basically mean the Council is interested in a new Ordinance that would need to go through the process again. If that was the intent, for efficiency, the City Attorney recommended referring the Ordinance back to the Joint PB-PLD Committee with this conversation appended, so they could workshop a new Ordinance. At this point, she said the Council could not amend the Ordinance and then vote on it.

Councilor Haas noted most of the rest of the Ordinance was acceptable to the PLD and Joint Committee, but he still thought it was worth removing the "bad" things that could come out by having six units by right.

Councilor Haas withdrew the amendment, and Councilor Roberts seconded the withdrawal.

A motion by Councilor Haas to amend the Planning, Licenses and Development Committee report to refer Ordinance O-2025-15-A back to the Joint PB-PLD Committee was duly seconded by Councilor Roberts.

Councilor Bosley addressed some of Councilor Haas's reasons for sending this back to the Joint PB-PLD Committee. Councilor Bosley said the PLD Committee decided that it wanted to give the petitioner an opportunity to find out how the Council felt about this Ordinance. Councilor Bosley thought the term "by right" was being misconstrued with "without oversight." She said *by right* means the homeowner can go into the Community Development Department and apply for permits to move forward with the process but there would still be Code Enforcement, Plan Reviews, Fire Inspections, and oversight of the entire project. She said that if the property had four parking spots and needed five, for example, it would trigger Planning Board review, which includes the neighbors. She reiterated that there would be a lot of oversight, and she thought people were getting really caught up in the term *by right*. Councilor Bosley would not vote for the amendment because she felt the petitioner deserved to get a decision, one way or another. She added that it was close to the end of the year and if this did not go in a certain direction, staff could take the parts that they liked, or the petitioner could reapply in January with an amended version.

Councilor Tobin confirmed that she was reading about the Downtown Growth District because she thought she heard Councilor Haas mention Downtown Transition.

Councilor Remy supported the six units as someone living in the Medium Density District, which he said is not only on the east side; although primarily there. To Councilor Haas's point about there not being permeable surfaces and parking requirements, Councilor Remy said that is the core function of the LDC. Councilor Remy had been on the Planning Board since starting on the Council in 2020 and said a lot of the review is to ensure those screening requirements are done well. To Councilor Bosley's point, Councilor Remy said "allowed by right" would mean the petitioner would not need to go to the Zoning Board to get a Special Exception to allow this; they file an application without a special process. He said even those meetings that would seem simple could be painful. He said there would still be a ton of oversight over this. Councilor Remy said a part of the Housing Needs Analysis showed fewer and fewer people living in big family homes, with an average household of two people, not six. So, Councilor Remy said smaller units would be a good thing for the City and he supported the Ordinance without amendment.

Councilor Madison said he owns a house and lives in the Medium Density District. About one block north of there, still in the Medium Density District, he cited two separate properties on the corner of Spruce and Armory Streets, each of which are six units—12 units on one corner. He said the problems Councilor Haas mentioned that would come from these properties were nonexistent there. He said arguments people were making about what would happen because of six units were the same things people had said would happen in the Rural and Low Density Districts, or with ADUs and Cottage Courts. He said society was not crumbling because of more houses and he was growing really tired of the argument. Councilor Madison said he had learned one thing during his time on the City Council, which is there are two universal truths: (1) Everyone wants more housing, and (2) no one wants it anywhere near them. He said Councilor Bosley mentioned the City bringing housing Ordinances to the Rural District, to Low Density, and now the Medium Density District. Councilor Madison reiterated that after living in the Medium Density District for more than 10 years, he had not seen the issues he heard cited that some thought would arise as a result of this Ordinance.

In response to Councilor Tobin, Councilor Haas clarified that he was not talking about the Downtown Transition District, but about the idea of the Medium Density District being a transitional area because it goes from the inner parts of the City to the perimeters/Rural/Low Density Districts. Councilor Haas thought a lot of people in those areas looked forward to development and understood that it has to and would come to Keene. Rather than just handing that development over to staff reviews, code reviews, and the Planning Board, Councilor Haas wanted to see some stepwise movement that would enable picturing how these developments would fit with buildings at the neighborhood level (e.g., on Lincoln, Castle, or Wilbur Streets), before they are interspersed in/amongst big, old mansions that are fit out from the inside.

Councilor Favolise asked a procedural question. He was thinking that the last time the Council sent something back through the process in this way it was related to the zoning piece of charitable gaming facilities, and the Council made an amendment on the floor, sending it back to the Joint PB-PLD Committee. Councilor Favolise asked if there was a specific instruction; was

the intent to re-refer to Joint Committee with the instruction to delete this part of the Ordinance? He said that was how he understood it based on the conversation, recognizing that the Joint Committee could tinker around with other parts of the Ordinance, and understanding the Council would append it. Councilor Favolise asked how the Council's motion would appear when referred to the Joint Committee. The City Attorney replied that with the City Council being the final decision maker on the Ordinance, there would be incentive to get the Ordinance where the Council wants it to be. That said, the City Council does not have the authority to direct the Joint PB-PLD Committee on how to amend the Ordinance or what to do, other than the Council having to give final approval. The typical practice had been to send the Ordinance back with what the Council seeks to change, the Joint Committee workshops it, and sends it back to see if it satisfies the Council. The City Attorney agreed that our practice would be to provide enough direction for the Planning Board to know what the Council is looking for by consensus.

The motion to amend the Planning, Licenses and Development Committee report to refer Ordinance O-2025-15-A back to the Joint PB-PLD Committee failed with 5 Councilors voting in favor and 10 voting in opposition. Councilors Filiault, Haas, Jones, Roberts, and Greenwald voted in the minority.

The motion to adopt Ordinance O-2025-15-A carried on a roll call vote with 8 Councilors voting in favor and 7 voting in opposition. Councilors Filiault, Haas, Jones, Roberts, Favolise, Chadbourne, and Greenwald voted in the minority.

ORDINANCE FOR SECOND READING - RELATING TO AMENDMENTS TO DEFINITIONS OF THE LAND DEVELOPMENT CODE TO ENCOURAGE HOUSING DEVELOPMENT IN KEENE AND THE DEFINITIONS RELATING TO CHARITABLE GAMING FACILITIES - ORDINANCE O-2025-17

A Planning, Licenses and Development Committee report was read, unanimously recommending accepting Ordinance O-2025-17 as informational. Councilor Bosely explained that although this came out of Committee as informational it would require a Council vote on the Ordinance. The report was filed as informational. A motion by Councilor Bosley to adopt Ordinance O-2025-17 was duly seconded by Councilor Jones.

Councilor Remy temporarily left the room.

Councilor Bosley explained that the Committee hoped the Council would vote "No" to defeat the Ordinance because it was a companion Ordinance, which became outdated when Ordinance O-2025-15 became an "A" version. So, the definitions in Ordinance O-2025-17 no longer applied. Councilor Bosley encouraged everyone to vote "No."

The motion to adopt Ordinance O-2025-17 failed unanimously on a roll call vote with 0 Councilors voting in favor and 14 voting in opposition. Councilors Remy was absent from the room.

Mayor Kahn stepped away temporarily, and Councilor Greenwald directed the meeting as Chair Pro Tempore.

ORDINANCE FOR SECOND READING - RELATING TO SETBACKS AND BUILD-TO DIMENSIONS - ORDINANCE O-2025-20-A

A Planning, Licenses and Development Committee report was read, unanimously recommending the adoption of Ordinance O-2025-20-A. The report was filed as informational. A motion by Councilor Bosley to adopt Ordinance O-2025-20-A was duly seconded by Councilor Jones.

Councilor Remy returned to the meeting.

The motion to adopt Ordinance O-2025-20-A carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCE FOR SECOND READING - RELATING TO DEFINITIONS FOR ACCESSORY STRUCTURE, SETBACKS AND BUILD-TO DIMENSIONS - ORDINANCE O-2025-21-A

A Planning, Licenses and Development Committee report was read, unanimously recommending the adoption of Ordinance O-2025-21-A. The report was filed as informational. A motion by Councilor Bosley to adopt Ordinance O-2025-21-A was duly seconded by Councilor Jones.

Mayor Kahn returned.

The motion to adopt Ordinance O-2025-21-A carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCE FOR SECOND READING - RELATING TO LAND DEVELOPMENT CODE FEE UPDATES - ORDINANCE O-2025-25

A Planning, Licenses and Development Committee report was read, unanimously recommending the adoption of Ordinance O-2025-25. The report was filed as informational. The Mayor noted that at the request of the PLD Committee, a copy of this Ordinance showing the old fee schedule along with the updated fees was provided to the Council on their desks. A motion by Councilor Bosley to adopt Ordinance O-2025-25 was duly seconded by Councilor Jones.

Councilor Jones wanted to make it very clear that he clarified with the City Manager that these funds go into the General Fund, they do not go directly to support the Community Development Department. So, Councilor Jones said that if the Council did not pass this Ordinance, the taxpayers would pick up this burden, and he recommended passing these fees.

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCE FOR SECOND READING - RELATING TO LAND DEVELOPMENT CODE APPLICATION PROCEDURES - ORDINANCE O-2025-26

A Planning, Licenses and Development Committee report was read, unanimously recommending the adoption of Ordinance O-2025-26. The report was filed as informational. A motion by Councilor Bosley to adopt Ordinance O-2025-26 was duly seconded by Councilor Jones.

Councilor Bosley said this was another clean-up/organization Ordinance to identify the different bodies that would be overseeing the various permit processes. She outlined the most important changes in Table 26-1 (page 138 of the meeting packet): Historic District Regulation amendments appear before the City Council, Appeals of Zoning Written Interpretations appear before the Zoning Board of Adjustment, and Conditional Use Permits go to the Planning Board. Earth Excavation and Street Access were new additions. Councilor Bosley added that the noticing requirements were to be updated, and the mailing type was changing from certified mail to "Certificate of Mailing" for more timely notice of hearings.

The motion to adopt Ordinance O-2025-26 carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RELATING TO THE APPROPRIATION OF FUNDS FOR THE LOCAL MATCH FOR THE MARLBORO STREET & CHESHIRE RAIL TRAIL IMPROVEMENTS PROJECT, NHDOT#42515 - RESOLUTION R-2025-28

The Deputy City Clerk noted that a Scrivener's error that omitted the account funds in Resolutions R-2025-28, R-2025-29, and R-2025-31 had been corrected.

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Resolution R-2025-28. The report was filed as informational. A motion by Councilor Powers to adopt Resolution R-2025-28 was duly seconded by Councilor Remy.

Mayor Kahn asked if the City would spend the full grant and the full amount being suggested in this Resolution. The City Manager said yes, the City actually received an additional \$1,000,000 and had to go back and ask for more money. This Resolution was the City's 20% match for that additional \$1,000,000. So, Mayor Kahn said the project could be taken for the resources available with the \$1.2 million plus the \$600,000 reduction in the specification in bid. Councilor Powers agreed.

The motion to adopt Resolution R-2025-28 carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RELATING TO THE APPROPRIATION OF ADDITIONAL FUNDS FOR FY26 WATER INFRASTRUCTURE PAVEMENT REPAIRS - RESOLUTION R-2025-29

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Resolution R-2025-29. The report was filed as informational. A motion by

Councilor Powers to adopt Resolution R-2025-29 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RELATING TO THE APPROPRIATION OF FUNDS FOR FY26 SEWER MAIN LINING PROJECT - RESOLUTION R-2025-30

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Resolution R-2025-30. Mayor Kahn filed the report. A motion by Councilor Powers to adopt Resolution R-2025-30 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RELATING TO THE APPROPRIATION OF FUNDS FOR THE KEENE AIRPORT SOLAR PROJECT - RESOLUTION R-2025-31

A Finance, Organization and Personnel Committee report was read, unanimously recommending in the first paragraph the adoption of Resolution R-2025-31. In the second paragraph, the Finance, Organization and Personnel Committee unanimously recommended the City Manager be authorized to do all things necessary to negotiate and execute a contract with Revision Energy for the construction of a solar farm at the Keene Airport. The Mayor noted that the Council would consider the Resolution first and then vote on the report.

A motion by Councilor Powers to adopt Resolution R-2025-31 was duly seconded by Councilor Remy.

Councilor Powers reported on behalf of the Committee, noting that for most, \$13 million was a large project, but Revision Energy had been the City's partner in all the other solar projects. He said the project was well-reviewed financially. He thought it was one of the better projects the Council could ever vote for to support the tax bill and asked everyone to support it.

Mayor Kahn asked the City Manager for comments and noted that with 5.5 megawatts of power generated in this project, it would truly be a significant step. City Manager Elizabeth Ferland agreed that it would be a significant step if approved as one of the largest municipally owned solar projects in New Hampshire. She said there was a bit of a time crunch because the City was trying to access a federal tax incentive to do so, the City needed purchase 5% of the project before December 31, 2025. If the City met that Safe Harbor Provision, it would receive an investment tax credit of \$3.4 million, which is a substantial benefit. This had not been possible in the past; on projects for other buildings, the city purchased power through a power purchase agreement. The investors had been receiving this tax credit and now the tax credit was going away. So, it was really important for the City to move forward now. She said \$3.4 million returning to the City in a year would help to accelerate the positive cash flow and the payback period for this project. The City Manager said this was a complicated project and staff looked at it a number of different ways with and without the tax credit. She said Revision Energy provided updated project costs and expected savings, which she gave to the Council. It showed the 30% tax credit. She explained that because the City gets nontaxable municipal bonds, it only receives 25.5%. So, she cited a projected 25-year net savings of \$24 million with the tax credit and a projected a 25 year net savings of \$20 million without the tax credit; cash positive either way.

The City had a separate entity look at this, Beacon Integrated Solutions, which reviewed Revision Energy's numbers and found a conservative estimate using different projections. Even with Beacon's projections, the savings would still be \$8–\$13 million over 25 years; there is also a 30- and 40-year period, but the City Manager prefers 25 years as the most realistic. The City Manager said this included replacement of parts that will be necessary midway through and an O&M agreement with Revision or someone else to maintain this project. She said this would be a net metering project, feeding energy directly into the meter and receiving the benefit of not only the energy savings but "reCs," some additional revenue built in. Lastly, the City Manager talked about the environmental savings she discussed during the FOP meeting. This project would offset over 6.5 million lbs. of carbon dioxide equivalent annually.

Councilor Favolise mentioned that he previously lived in a community that was similarly situated to Keene in terms of size and also had a small airport. That community pursued a project like this, and he said it had great results. Even though Councilor Favolise is sometimes critical of asking the City to make a big investment up front for a long-term payoff, he had no concerns that this one was going to be successful. So, he said he would vote in favor. The City Manager added that this property at the airport really could not be developed for anything else; there are restrictions on his property in terms of height, so she said this would be the best use.

Mayor Kahn asked if the City could achieve a 5% spend on this project by the end of 2025. The City Manager said yes. The City Attorney reviewed the contract that the City would need to execute with Revision Energy in short order, including a substantial deposit of \$1 million to meet the 5%. The City was able to do that in a short time with the Finance Director's review of cash flow. The City expected to go out to bond in January, which is the same time as the return of funds, but the City Manager felt confident to accomplish it with what was on hand. Mayor Kahn said the \$1 million is essentially a divisor of the total cost of \$14 million.

The motion to adopt Resolution R-2025-31 carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

RELATING TO ENDORSEMENT OF THE CITY OF KEENE 2025 COMPREHENSIVE MASTER PLAN - RESOLUTION R-2025-32

A Planning, Licenses and Development report was read, unanimously recommending the adoption of Resolution R-2025-32. The report was filed as informational. A motion by Councilor Bosley to adopt Resolution R-2025-32 was duly seconded by Councilor Jones.

Councilor Bosley pointed out that this was not a vote to adopt the Comprehensive Master Plan but the Council's adoption of an endorsement. There would be a Public Hearing held by the Planning Board on September 29, and she explained that the Master Plan is the Planning Board's document, not the Council's. She asked for the Council's endorsement of the process to support the Planning Board moving forward.

09/18/2025

Councilor Jones thanked the staff and the Master Plan Steering Committee, which he was on with the Mayor and Councilor Remy, for 18 months of work and for their open and public ascertainment. Councilor Jones appreciated the Master Plan Implementation Matrix, which he thought was a significant improvement over the previous Master Plan and something that he had asked for since hiring this consultant.

Mayor Kahn said it was well deserved, and he recognized the entire Community Development Department staff, in particular Senior Planner Mari Brunner for her coordination.

The motion to adopt Resolution R-2025-32 carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

TABLED ITEM - EXECUTION OF A CHANGE ORDER WITH INSITUFORM FOR ADDITIONAL SCOPE OF CONSTRUCTION SERVICES AS PART OF THE SEWER MAIN LINING PROJECT

Mayor Kahn removed from the table (August 21, 2025) a Finance, Organization and Personnel Committee report that was read, unanimously recommending that the City Manager be authorized to do all things necessary to execute a project change order with Insituform Technologies as part of the Sewer Main Lining Project (32MI0425), in the amount of \$155,200. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 8:58 PM.

A true record, attest:



Deputy City Clerk