

A regular meeting of the Keene City Council was held on Thursday, May 21, 2026. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:01 PM. Roll called: Randy L. Filiault, Michele A. Chalice, Catherine I. Workman, Bryan J. Lake, Jacob R. Favolise, Laura E. Tobin, Robert C. Williams, Philip M. Jones, Kris E. Roberts, Edward J. Haas, Laura E. Ruttle-Miller, Molly V. Ellis, Thomas F. Powers, and Mitchell H. Greenwald were present. Bettina A. Chadbourne was absent. Councilor Jones led the Pledge of Allegiance.

#### MINUTES OF THE PRECEDING MEETING

A motion by Councilor Greenwald to adopt the May 7, 2026 meeting minutes as presented was duly seconded by Councilor Powers. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Chadbourne was absent.

#### ANNOUNCEMENTS

Mayor Kahn led the Council in celebrating Councilor Mitch Greenwald, who celebrated his birthday in May.

The Mayor also announced upcoming dates of interest in May and June 2026:

- Monday, May 25, 2026: Memorial Day – the City of Keene is closed. Councilors were invited to meet at 9:45 AM on Gilbo Avenue by the Transportation Center to participate in the Memorial Day Parade. Mayor Kahn hoped it would be a beautiful day like the prior year to greet people along the way down Main Street to Washington Street, over to the Recreation Center. At the Recreation Center, there would be a commemorative ceremony led by veterans and the VFW beginning at 11:00 AM.
- Friday, June 5, 2026 through Sunday, June 14, 2026: Keene Art Walk sponsored by Monadnock Arts Alive.
- Saturday, June 6, 2026: Taste of Keene Food Festival in Downtown Keene.
- Saturday, June 6, 2026: New Hampshire D-Day Remembrance Day.
- Friday, June 19, 2026: Juneteenth Celebration – Freedom Day. Councilor Workman reported a series of events planned and hosted by the City of Keene Human Rights Committee, the YMCA, and Badger.
  - June 12, 2026 through June 22, 2026: Freedom Journey Trail through the YMCA. It is outside, free, and self-directed.
  - June 18, 2026 at 6:00 PM: Film screening and question and answer (more mature audience) at the Keene Public Library – *Billy Preston That's the Way God Planned It*.
  - June 19, 2026 from 5:00 to 8:00 PM: Juneteenth Concert at the Recreation Center's Fuller Park. Spoken word performances by Jazlynn Mota and Samir Evans, and a musical performance by Johnlu Devo.
  - June 20, 2026 at 11:00 AM: Film screening of *Arco* at the Keene Public Library. Geared towards children and adolescents.

Mayor Kahn also announced a City Council Fiscal Policies workshop on Tuesday, June 30, 2026 at 6:00 PM in the Council Chambers. Additionally, the Public Hearing for the Budget will be held on June 4, 2026.

## PROCLAMATION - NATIONAL PUBLIC WORKS WEEK

The Mayor welcomed Public Works Director, Don Lussier. Mayor Kahn read into the record and presented Mr. Lussier with a Proclamation declaring Sunday, May 17, 2026 through Saturday, May 23, 2026 as Public Works Week in Keene, and called upon citizens to join the City of Keene, the American Public Works Association, and government agencies in activities and ceremonies that recognize the substantial contributions Public Works staff and professionals make to protecting our communities, health, safety, and quality of life. He thanked Mr. Lussier for his and his staff's efforts.

Mr. Lussier thanked the Mayor for recognizing the contributions of the women and men at the Public Works Department. While City Engineer was a much more fun job, Mr. Lussier said that as Public Works Director he gets the opportunity to work with 77 exceptional human beings, calling them a really amazing team that does not get a lot of attention but are absolute professionals. They know their crafts inside and out. Normally he does not even know there is a problem until they have already solved it. Mr. Lussier called it a joy to work with them all.

## PUBLIC HEARING - ORDINANCE O-2026-02: RELATING TO THE DEFINITION OF "FAMILY"

Mayor Kahn opened the Public Hearing at 7:13 PM and the Deputy City Clerk read the Notice of Hearing.

Mayor Kahn welcomed the Senior Planner Mari Brunner, who explained that Ordinance O-2026-02, Relating to the Definition of "Family," came about because of a change to state law. As a result of that, the City had to look at its definition and change it. She said there were a few ripple effects to deal with from this, but overall, she thought this change would be a plus. One of the proposed changes is to switch from a definition that defines family based on how people are related to each other to a definition that focuses on the transiency or non-transiency of the group and how they function together as a household unit.

Ms. Brunner explained that at present, the City's definition of family states that people must be related through adoption, blood, marriage, foster children, etc., or you can have four or fewer unrelated people living together in the same unit. That (definition) is no longer allowed under state statute. So, the City proposed replacing it with the following definition: "Family shall mean a natural person living alone or a group of natural persons living together as a single housekeeping unit that is primarily non-transient. For the purposes of this definition, 'transient' shall mean occupancy of a room or dwelling unit for less than 30 consecutive days or rental of a room or dwelling unit for a term of less than one month." So, the focus is more on transiency or non-transiency as well as how the group operates together. This Ordinance was first introduced to the Council on February 5, 2026 and it had a Public Workshop on March 9, 2026. During the Public Workshop, there were a number of questions that were answered regarding how health, safety, and property standards would be enforced.

Ms. Brunner explained that one of the ripple effects that could come from this is that it does change occupancy limits. Right now, the Zoning Code sets that four people per unit or less are

unrelated, and this does get rid of that. However, Ms. Brunner probably thought this would not be that big of an impact for the community because there are many other ways to address any issues that might come up via public health or safety issues. There are a lot of other codes that the City can rely on to address any potential issues. Another potential ripple effect is with respect to Congregate Living and Social Service uses. That category of uses includes things like homeless shelters, group homes, resident care facilities, among others, which could be impacted by this change. That issue is being looked at separately through a different ordinance that would come before the Council later in 2026. The final item that could be impacted by this is short-term rental uses and Ms. Brunner would be introducing an ordinance to start the process of discussing how to address those moving forward later during this meeting. Right now, Keene's regulations are essentially silent with respect to short-term rental uses. This definition of family that focuses so much on transiency and non-transiency would make short-term rentals illegal in Keene. She said they have not been much of a problem so far in terms of emergency calls or complaints and she cited approximately 50 active short-term rentals in Keene. She said the goal is to create a path for those to move forward. So, those would also be handled through a separate ordinance.

In addition to changing the definition of family, staff proposed changing the definition of "dwelling unit" regarding transiency: "A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. *This use shall not be deemed to include such transient occupancies as hotel/motel or bed and breakfast.*" Otherwise, the definition remains the same as current.

The final change Ms. Brunner explained would be to fix a potential loophole that staff identified in going through the Ordinance. Although the definition would change the zoning regulations quite significantly, technically, the definition of family was not in the zoning regulations. So, they wanted to make it clear in the Land Development Code that anytime someone proposes a change to a definition that would actually change the meaning or the effect of the zoning regulations that it would go through the zoning amendment process, so there would be that extra level of scrutiny and public input.

Councilor Jones said he had a lot of questions, but this would be going through the Planning, Licenses and Development Committee, where he could ask them. He recalled putting in the more than four unrelated people regulation a few years prior when developing the Congregate Living regulations related to frat houses and a lot of students living together; student housing caused the issue. He asked if that would be changing now: if they have more than four unrelated people, they no longer have to apply for the license? Ms. Brunner said it was a great question that should be addressed during the update to the Congregate Living and Social Service Ordinance that should be coming to the Council relatively soon. Although she said yes, it could potentially impact that.

Councilor Tobin had a similar question related to college housing. She understood that a four-bedroom house would fall under "family" if rented as a house, but not if renting the individual rooms in the house as four leases. Ms. Brunner said it actually would be determined by whether they live there for more than 30 days and how they function together. So, if college students rent the house together and eat meals together and function as a household or "family" unit, under the current definition, they would be a "family." From an enforcement perspective, she thought the

easiest metric is how long they have stayed or intend to stay; more than 30 days would be considered a family at this time. Councilor Tobin asked about the definition of “dwelling unit” and when there are multiple dwelling units within the same building. Ms. Brunner said there are two definitions in the Code, one for “dwelling” and one for “dwelling unit.” Dwelling refers to the building that is used for living in and a dwelling unit is each independent unit within that building. So, a single-family home is both a dwelling and a dwelling unit. A two-family home is a dwelling with two dwelling units. The units are their own self-contained living areas that must have “complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.” A house with four bedrooms, for example, is one dwelling unit, even if they are renting out the bedrooms individually. Mayor Kahn thought some confusion was that changing the definition of family would not change it to household unit.

Councilor Favolise heard multiple questions about college students. He asked if he was correct that the state law that triggered this change specifically called out college students as a group that the City cannot write zoning codes to discriminate against in terms of housing. Ms. Brunner agreed that the law very clearly calls them out and is very protective of different groups that have historically been discriminated against. Councilor Favolise said Ms. Brunner talked very briefly about the possible immediate impact of this on short-term rentals. The Councilor wanted to get a sense of the timeline, recognizing there was an Ordinance on the agenda tonight that would make its way through the process and come back for a final vote at some point in the future about where short-term rentals are allowed. He asked what happens when this “family” ordinance passes and that short-term rental ordinance is still in the process with the status of short-term rentals in the interim. Ms. Brunner said in the interim, short-term rentals would be kind of in limbo essentially, which was why staff wanted to introduce short-term rental ordinance process tonight to get started. However, in the interim, they would technically still not be allowed. At this time, the City did not have a definition for short term rentals and did not explicitly allow them. Once this definition of family goes into place, they will technically not be allowed. However, she said the City does have some discretion with enforcement and so since they know this other ordinance would be making its way through the process, they would not really be going after anyone who is operating a short-term rental in the meantime. The City would still continue its normal code enforcement activities.

Councilor Haas asked if the state law allows the City to define the number of persons permitted in a dwelling unit. Ms. Brunner said yes, it does. The City Manager added that the law being referenced came about from House Bill 457 and the definition talks about municipalities and towns not being able to restrict the number of occupants of any dwelling unit to less than two per bedroom. Then it also goes on to talk about the issue with family and that the body shall not adopt any zoning ordinance within a municipality that discriminates based on the familial or non-familial relationship, marital status among the occupants of the dwelling, including but not limited to college students. Ms. Brunner added that while the City is technically still allowed to regulate the number of people per unit, staff recommends against that for a number of reasons, one of which is if you have traditionally what you would think of as a family, they could be large (e.g., eight kids) or small. The City does not want to make it so that larger families cannot legally occupy a unit just because they only have three bedrooms and there is a regulation of two people per bedroom or something like that. Staff are trying to avoid creating a problem when there is not

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one. Councilor Haas said he recognized the difficulty in that. The state opened up the definition of family, yet he asked how that relates to how many people can live together in one little space. So, then he said we revert to fire codes and other building codes for that kind of control. Councilor Haas said it is a complicated subject.

There were no public comments.

Hearing no further comments, Mayor Kahn closed the Public Hearing at 7:30 PM, except that written comments would be accepted up until 1:00 PM on Tuesday, June 9, 2026 prior to the PLD meeting on June 10, 2026.

A true record, attest:   
Deputy City Clerk

#### NOMINATION - ASHUELOT RIVER PARK ADVISORY BOARD

Mayor Kahn nominated Richard Roth to serve as an Alternate Member of the Ashuelot River Park Advisory Board, with a term to expire December 31, 2027. The Mayor tabled the nomination until the next regular meeting.

#### CONFIRMATION - HERITAGE COMMISSION

Mayor Kahn nominated Karl Sandy to serve as an Alternate member on the Heritage Commission, with a term to expire December 31, 2028. A motion by Councilor Greenwald to confirm the nomination was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Chadbourne was absent.

#### COMMUNICATION - KEENE ELM CITY ROTARY CLUB - REQUEST TO USE CITY PROPERTY - CLARENCE DEMAR MARATHON - SEPTEMBER 27, 2026

A communication was received from Alan Stroshine, submitting the annual request to conduct the Clarence DeMar Marathon and the DeMar Half Marathon on Sunday, September 27, 2026. Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

#### COMMUNICATION - MAYOR KAHN - PERMITTED USES IN COMMERCE, INDUSTRIAL, AND INDUSTRIAL PARK ZONES

A communication was received from Mayor Jay Kahn, communicating that a number of businesses, developers, and property owners have spoken to him about the limitations of Commerce, Industrial, and Industrial Park Zones. He mentions our empty buildings and vacant lands that could accommodate warehousing and precision manufacturing. Further, he would like the City to direct its resources in the near future to examine the future uses of Commerce, Commerce Limited, Corporate Park, Industrial, and Industrial Park Zones and would like to engage residents, manufacturers, property owners, and land use developers in the process of

broadening the allowable uses in these zones. Mayor Kahn referred the communication to the Joint Planning Board and Planning, Licenses and Development Committee for a future date when the staff can come back with some thoughts on these different zones, not necessarily coming back with that all at once. He said let's start with consideration.

Councilor Jones asked if by the time this reaches the Joint Committee, the Committee will be able to get input from the people doing the City's revaluation. Would they be able to comment on the disparity between residential, commerce, and industrial of four years ago and whether it would continue? The City Manager said there would be a presentation from the assessors, probably to the Finance, Organization and Personnel Committee, when closer to knowing what the breakdown of the new values would be. She was unsure of the exact timing but would look to see when those two items may come up.

#### COMMUNICATION - COUNCILOR RUTTLE-MILLER - REQUEST TO REINSTATE THE COLLEGE CITY COMMISSION

A communication was received from Councilor Laura Ruttle-Miller requesting the City to make an immediate effort to reinstate the now-defunct College City Commission. She believes there is an urgent need for the City to partner with Keene State College to identify meaningful ways to support the institution during this tumultuous period in its history. Further, this partnership aligns with the City's Master Plan. Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

#### COMMUNICATIONS - KENNETH KOST - IN OPPOSITION TO REVIEWING AMENDMENTS TO LAND DEVELOPMENT CODE - ADOPTED SEPTEMBER 18, 2025 (O-2025-15-A); KRISTEN PETRICOLA - PETITION - IN OPPOSITION TO REVIEWING AMENDMENTS TO LAND DEVELOPMENT CODE - ADOPTED SEPTEMBER 18, 2025 (O-2025-15-A); ROBERT AND SANDRA HAMM - IN SUPPORT OF REVIEWING AMENDMENTS TO LAND DEVELOPMENT CODE - ADOPTED SEPTEMBER 18, 2025 (O-2025-15-A); AND ROBIN KOST – PETITION FROM EAST KEENE RESIDENTS - IN SUPPORT OF REVIEWING AMENDMENTS TO LAND DEVELOPMENT CODE - ADOPTED SEPTEMBER 18, 2025 (O-2025-15-A)

The first communication was received from Kenneth Kost indicating that he is a member of the Planning Board, and was in service on the Board when Ordinance O-2025-15-A was reviewed. He is opposed to re-opening the ordinance based solely on theoretical concerns related to its impact. Mr. Kost further provides background that informed the Planning Board as they deliberated as well as his rationale for retaining the LDC in its current form. A second communication was received from Kristen Petricola submitting a letter and a petition with 50 signatures that asks the City Council not to roll back Ordinance O-2025-15-A, adopted on September 18, 2025. They further ask that the City Council not re-deliberate these recent decisions but instead continue to work on expanding housing opportunities and implementing pro-housing initiatives as outlined in the City's recently completed Master Plan. A third communication was received from Robert and Sandra Hamm in support of the City Council revisiting Ordinance O-2025-15-A. The Hamms indicate their observation that the residents of medium density districts are not in favor of this ordinance. They further state that they feel the

PLD committee vote of 2 in favor and 2 opposed should have translated into a recommendation against the implementation of this ordinance. A fourth communication was received from Robin Kost on behalf of East Keene Residents submitting a petition from 14 East Keene residents who would like the City Council to revisit Ordinance O-2025-15-A. They ask the City Council to consider adding minimum standards to this ordinance relating to feasibility requirements. Further, they would like capacity analysis to be included in the ordinance in order to ensure that new housing created is safe, high-quality, and beneficial to the community. Mayor Kahn stated that these communications are in reference to a tabled item that will be taken up later on the agenda this evening. The communications will be filed into the record as informational.

#### MSFI REPORT - DOWNTOWN INFRASTRUCTURE PROJECT FINANCING PLAN

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a contract for the Construction of the Downtown Infrastructure Project to Casella Construction, Inc., in the amount of \$26,058,836. Any such contract so awarded shall include language allowing the City to amend the scope of work as necessary based on the City Council's final Fiscal Year 2027 Budget approval. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Workman.

Councilor Greenwald was very happy to be standing here this evening. The MSFI Committee had worked on this project for over four years and through three mayors. They reviewed all aspects of the project plans that were reviewed and modified. The numerous public hearings and public input sessions were held at MSFI every month as a regular item on the agenda. The public is always encouraged to come and speak and ask questions. A lot of features were considered, and many were eliminated. A lot of compromises were made. Councilor Greenwald went through a list he received from the Public Works Director of items that had been cut from the project so it would be "no frills": reduce the amount of temporary pavement during construction, budgeted hours for uniformed officers, eliminated lighted bollards, eliminated granite seating wells, eliminated the shade structure from Railroad Square, eliminated compacting trash compactors, modified the storm drains, reduced the amount of textured colored concrete, changed the curbs—he said it is not trivial, it is all money and things the Committee worked hard to consider—the field office is going to be in the transportation center (a savings of \$75,000), electrical system upgrades will be modified, eliminated the catenary lighting system in Railroad Square and the bike path. He said the priority is underground and putting back a first-class project. Public Works would be doing a lot of the work in-house, so that will save a lot of money. Now prices have gone up as time has gone on. Project was put off so that the downtown merchants could accommodate their purchasing. That costs an additional amount of money. Councilor Greenwald said the City finally managed to get two bids. So, he said this all worked out really well. Now, he noted we all know that this project is going to be long. It is going to be difficult. But in the end, the results will be there for future decades. Councilor Greenwald said it is a statement that says to visitors and residents the Keene cares about this City. He personally felt the Council should leave the project intact as submitted and not chip away at some of the features that will make it unique and high quality. Considering the cost and the effort and what the whole downtown community is going to go through, he said we must not end up with a

mediocre result. Councilor Greenwald urged the Council to vote to authorize the contract without amendment.

Councilor Favolise also rose in support of the Committee report as presented. He knew he had been a part of these conversations for just a fraction of the time that some of his colleagues had. However, when he started on Council, it was a more expansive, more aesthetically pleasing project, and he said it had been whittled down to what he thinks is really necessary to invest in the downtown and most importantly, to fix the pipes that are under Main Street. One of the things he wanted the public to keep in mind moving forward is that, yes, this will be disruptive and yes, this is an expensive project, but at every turn the City Council and City staff have done their best to really put together a project that addresses the City's needs and minimizes the impact on the tax rate. It is using Fund Balance, it is using grants where we have been able to get them, it is being creative in the ways that we think about placing the folks that are going to be on site using the Transportation Center for the Hub, and more. Councilor Favolise said this is not a project that the Council has taken lightly. They have heard a lot of feedback and incorporated a lot of feedback. Staff have done the same. He hoped the Council would vote unanimously to support this motion and allow the City Manager to finally move into the construction phase of this project.

Councilor Filiault agreed with Councilor Greenwald on one thing, that this had been a long road on this project. Councilor Filiault recalled sitting on the advisory committee together five plus years prior. He appreciated everything everyone had been through on this, calling it tedious at best. He also agreed with Councilor Greenwald that this had been a very transparent project, whether people had agreed on everything, and he commended the City for the transparency. He thought this might have been the 86th meeting on the topic. He also thought the project was getting a lot closer to final, but thought that a few more reductions were still needed after going through four years of meeting minutes. He said a couple of weeks ago the City received its first real bids on the project and it was \$2 million over what Stantec thought it would be based on estimates. With that said, Councilor Filiault applauded the City Manager and staff for finding ways to come up with \$2 million and not putting that on the taxpayers. He appreciated the hard work that went into that. However, Councilor Filiault decided to waiver when only a few days prior, the City Council received four pages of line items for the first time. He said where staff could make a \$2 million difference from departments, this is what the Council could control. He hoped his fellow Councilors had read every line. He addressed a couple of his concerns this week with the Mayor and City Manager. They urged him to bring the concerns up with the Council tonight. Councilor Filiault's personal opinion was that these issues should go to the Committee level not at a Council meeting. That said, he respected the Mayor and Manager.

Councilor Filiault continued reviewing the line items that stood out to him.

- 670.751 - Rail Tracks: Councilor Filiault said he had to go back two years in the minutes to look at this discussion about how it would be nice to embed rail tracks in Railroad Square and cover them to look like they did when the trains went through. The comment at the time was questioning the cost and the answer was that tracks were in surplus and it would be insignificant. Now, he saw the line item with \$57,000 allotted and said that is significant in a multi-million-dollar project.

- 670.93 - Gateway Archway: The next item that he looked at was archways at the entrances to Railroad Square. He recalled there being one, now the Budget called for two at \$37,000 each. That is \$74,000. As a matter of opinion, he did not think they would be needed. He called \$74,000 significant. After those two items, he scrutinized every line item in the memo.
- 908.24 - 4" Concrete Sidewalks (basic): \$160.00 per square yard that comes to over \$1 million. He said yes, the sidewalks are needed, but this line item is for four-inch exposed aggregate concrete sidewalks at \$232 a square yard, which is twice as much as the regular sidewalk. Why is it twice as much? Bike lanes. He has never been in favor of the bike lanes, but said he was a minority on that. Now, he said he was seriously opposed to them because now the City would be paying twice as much for the concrete for a bike lane. He said to call them a sidewalk and save \$126,000 just by using the same concrete.
- 908.241- 4" Textured Concrete Sidewalks (stamped): He said this for Railroad Square around the fountain and buffers at \$300.00 per square yard. Using regular concrete for those particular areas would save \$532,000 from the taxpayers. He said it is not cheap to add another half million dollars.

Councilor Filiault felt those and other line items needed adjusting at this time. He wanted to hear from his fellow Councilors. He said the line items he cited came to approximately \$1.1 million and he thought about the City's need to add four new firefighters in the near future for \$500,000. He said that is what those funds could get without interfering with the downtown project. They could just be considered minor changes that would not require redesign but just sitting with the contractors. He did not think it would be a delay of more than a few weeks. He still agreed that time is of the essence to get the pipes in the ground, but so is getting the best value for the City's dollar. The City had gone on with this for four years. He said no one is more critical than him about the state of New Hampshire's downshifting to the municipality, but Councilor Filiault felt he just found \$1.1 million that could save the taxpayers without jeopardizing the project. He understood everyone's frustration and wanting to just get the project done; he agreed. Still, he suggested taking a couple more weeks especially if it could save the taxpayers money after four years. He felt the proper procedure would be at the Committee level. He said the Committee of the Whole Council could never decide issues like this. Councilor Filiault reiterated his position. He appreciated that time is of the essence but wanted the best value for the project.

The following motion by Councilor Filiault to refer the MSFI Committee report back to Committee for a full Council recommendation and input was duly seconded by Councilor Jones.

Councilor Ruttle-Miller said the report the Council heard over the past week identified \$2.32 million that would come out of all these funds, which would not impact the taxpayer. The City Manager said that was correct. Councilor Ruttle-Miller asked if she was correct in understanding that reducing the project cost by another \$1 million would not change that fact; there would still need to be \$1 million coming out of these funds to cover the additional amount on the project? The City Manager said that was correct.

Councilor Roberts wholeheartedly disagreed with the motion referring the project back to Committee. He said that for any big project, every single Councilor could sit and say they do not like certain items. He asked how many Councilors are engineers and project managers on

multi-million-dollar projects. He said that when they start nitpicking, they do not see potential consequences that taking something out could cause subsequent issues. He said 10 years ago, the bond was 1.37% and yesterday it was 4.56%; it is expected to be 6%. He asked if everyone knew how much money that adds to a long-term project when having to bond this. He said individuals could nitpick but must look at the construction and the cost of delaying; the contractor could say the prices went up and come back with a change order or say they cannot afford to finish the project. He said there are so many unknowns on the contract side and finance side. Councilor Roberts talked about how the Committee could discuss it in two weeks and disagree, or the decision could be made here in one night.

Mayor Kahn addressed that when speaking with Councilor Filiault, it was to say that an amendment this evening would be entirely appropriate for debate amongst the Council. Similar to when there are Council amendments on the Budget. Mayor Kahn added that the municipal bond rate is fortunately much more stable because of its tax-exempt status, so fluctuations in bond markets commercially do not affect the municipal bond market as severely.

Councilor Workman said there were several other Councilors in the room at the MSFI meeting, including Councilor Filiault, who could have spoken about these concerns without stating their opinions on the project (according to the Rules of Order). So, Councilor Workman said all the things Councilor Filiault just raised could have been addressed at the Committee level as he requested, but Councilor Workman said he just chose not to bring them up at the time. She said these things were in the Budget, so even without the documentation four days prior, he could have suggested omitting or changing them; they were not added at the last Council meeting. Councilor Workman also wanted to highlight that the City of Portsmouth is going through this exact same process and was recently highlighted on WMUR News; it is costing them just as much. She said the conversation was almost identical to the one Keene had been having, so Keene is ahead of the game on moving this ball forward. She supported the Committee's recommendation.

Mayor Kahn appreciated the City Manager sharing the full details of the bid with the Council because it gave some transparency to the costs that are below the bottom line and gave some insight to the things Councilor Filiault raised. The City Manager pointed out that the bid tabulation was not at the MSFI meeting, she provided it to the Council the following day. She said Councilor Workman was absolutely correct that these items were in the Budget all along; they were a part of the design. The City Manager said there had been a lot of compromises along the way, but she wanted to clarify the bid tabulation. Councilor Filiault agreed with the City Manager and said if the tabulations had been available at the MSFI meeting, he would have mentioned the line items at that time, but they were not, so this meeting was his opportunity.

Councilor Haas said this is a three-year project and there would no doubt be learning along the way. It looks like Phase I is when the City will find out what is actually underground, how processes work, how the City deals with ongoing construction, and how to deal with possible contract changes. In the second and third years, he said the project is not cast in iron, there has to be some variability going forward either in additional costs or possible reduced costs for some items later in the project. He is curious to see how that process will go forward. Mayor Kahn

asked the City Manager to address this question during the conversation on the full motion to accept the Committee report not the current motion.

Councilor Jones has opposed this project since the beginning, with a different Mayor and Committee that did not separate wants from needs. He supports what needs to be done to fix the underground infrastructure. He said there is a price that comes with the wants and that was not always clear. He said a lot of things in this process went round-and-round, back and forth, trying to save the taxpayers some money. He did not see how it could hurt to send it to the Committee to address these small issues when one Councilor could find \$1 million. He wondered what the other 14 Councilors could do. Councilor Jones thought sending it back to Committee would be worthwhile for the taxpayers without holding up the timeline.

Councilor Ellis respectfully disagreed with Councilor Jones' opinion. Councilor Ellis thought that this project had already been delayed unnecessarily and sending it back to Committee right now, even if it would only cause a delay of a few weeks, would be too much. She said there could be another water main break and boil water advisory during that time. In her opinion, it made no sense to send this back to Committee. Councilor Ellis suggested voting and passing it on.

On a vote of two Councilors voting in favor and 12 Councilors opposed, the motion to refer back to the MSFI Committee has failed. Councilors Filiault and Jones voted in the minority. Councilor Chadbourne was absent.

Councilor Greenwald said he left something out of his list of project dilutions: the City would not be buying a new fountain at this time.

Mayor Kahn said the Council turned to Stantec and staff a number of times for value engineering. The Council knew the project costs were challenging, and staff came back with changes that reduced the project costs by millions of dollars, and while they were things that might have been deemed unnecessary, they could have added value to the project. He said this could be debated for a long time, but a contractor and bid were here and ready to go.

Councilor Tobin said she needed to learn in this role to trust people and the information they are giving her. She needs to trust the recommendations and decisions of past Councilors, some of which she was not involved in and probably would have chosen something different. She makes decisions and accepts responsibility from there. When talking about this project and the wants vs. needs, she thought about the "spirit of place," stating that without some of these things to make it special, it really impacts the entire downtown and who we are. She thought back to the first project meetings in 2018, and the question was asked, "We need to dig up downtown. Do we put everything back the same or change anything?" Since then, she said the community had come to a decision together by taking input from different perspectives and found a common ground on the project here tonight. Councilor Tobin would vote to approve it.

Mayor Kahn returned to Councilor Haas' question about process review during construction. The City Manager explained that once the Council allows staff to move forward and award the contract, they really do not come back to the Council for any more decisions unless there is a

change order required that is above their purchasing authority. However, City staff already committed to providing monthly updates to the MSFI Committee on the work. She said there will be things learned during the first phase they will want to adjust in the second phase, so she thinks those monthly conversations at MSFI will be helpful. In terms of purchase order changes, there is a limit and if staff need to come forward with a contract change above that limit, then they come to the Council. Councilor Haas could envision as the public experiences the new Central Square and what it feels like with new light poles and sidewalks, etc., and how the City has managed construction during that time, there will be a lot of input—preferably positive—from the public going forward. He said the City must be ready to accommodate that input as it happens. Mayor Kahn said it sounds like the regular MSFI briefings will be the chance.

Councilor Williams said this has been a very long project. He thanked everyone for their participation and for working very hard. He thought everyone had done a pretty good job in reaching this conclusion. He appreciated what Stantec had done and what the Councilors in the room had done, as well as the Mayor, and City staff. Councilor Williams predicted with confidence that when this is all over, everyone would be very happy that this project happened.

Councilor Ruttle-Miller commented on one of the comments she had seen come up over and over again. She said change is very hard and she empathized with that feeling. She was not lucky enough to grow up in Keene her whole life, but it became her home in 2009, and she understands the community is used to seeing things in a certain way. Councilor Ruttle-Miller also studied history and knows the only constant in life is change. She hopes everyone is lucky enough to be in Keene at a time when changes come up in the future and people do not want to change Main Street because it will be the way they have always known it. She said there is always a version with generational changes that does not make them easier to accept. She hoped the community knew that these changes were being made in good faith and the whole Council wants to see Keene be the best version of itself. Mayor Kahn agreed.

Councilor Roberts said when this project started, there was a group of people who wanted bare bones and a boring, sterile Main Street; another group wanted everything, such as a \$20 million example from California to attract visitors and housing. He said the City had gone back and forth and neither side had gotten what it wanted, but all the basics would be taken care of, which we have to do because of the climate and more intense periods of rain. He was in the 2005 flood and does not want his home to flood again. He wants extra culverts that are wider to handle the water. He recalled the conversation over bike lanes and using bike racks so people can walk farther. He said while nobody got what they wanted, he thought the Council did a really good job of getting what the City could afford, which is the biggest key; not dreaming, just paying the bare minimums and replacing a downtown that will not be boring. Councilor Roberts thought all the people who worked on it, the public, and the Council were getting something they could afford and that they would be proud of.

The motion to carry out the intent of the MSFI Committee Report carried on a vote with 12 Councilors voting in favor a two voting in opposition. Councilors Filiault and Jones voted in the minority. Councilor Chadbourne was absent.

**PLD REPORT - KEENE FAMILY YMCA - REQUEST FOR ROAD CLOSURE OF SUMMIT ROAD FOR THE OTTER ROMP YOUTH TRIATHLON RACE - JUNE 7, 2026**

A Planning, Licenses and Development Committee report was read, unanimously recommending that the City Council grant a revocable license to the Keene Family YMCA for the Otter Romp Youth Triathlon Race on Sunday, June 7, 2026, subject to the licensing requirements identified in the staff report, including associated road closures. All permissions granted herein are subject to compliance with the City-approved safety protocol document, which becomes a part of this license. A motion by Councilor Filiault to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Chadbourne was absent.

Mayor Kahn said input came from the Mayor's Youth Council at the High School that there needs to be more of these kinds of events in the summer. He offered his thanks to the YMCA for sponsoring something that involves the youth and encouraged other groups to step forward and offer opportunities for the younger population outdoors more often.

**PLD REPORT - BLACK CLOUD BREWING CO. - REQUEST FOR PERMISSION TO SERVE ALCOHOL - SIDEWALK CAFÉ**

A Planning, Licenses and Development Committee report was read, unanimously recommending that the City Council grant permission to Black Cloud Brewing Co. 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 November 1, 2026. A motion by Councilor Filiault to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Chadbourne was absent.

**FOP REPORT - NH HUMANITIES COUNCIL COMMUNITY DEVELOPMENT FINANCE AUTHORITY (CDFA) GRANT**

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 a grant of up to \$3,800 in support of two programs that facilitate community building. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Roberts.

Mayor Kahn appreciated the Library's creativity in going after these grant funds.

Councilor Tobin mentioned running into a stranger and the first thing they mentioned was Keene's amazing Library and specifically, the large print section, and how special it is for their mother.

The motion to carry out the intent of the FOP Committee report carried unanimously with 14 Councilors present and voting in favor. Councilor Chadbourne was absent.

FOP REPORT - ACCEPTANCE OF 2026 AARP COMMUNITY CHALLENGE CAPACITY-BUILDING MICROGRANT

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 the 2026 AARP Community Challenge Capacity-Building Microgrant in the amount of \$2,500. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Roberts.

Councilor Ruttle-Miller noticed that this is an item in the matrix at the end of the Comprehensive Master Plan.

Mayor Kahn acknowledged Councilors Williams and Haas for joining him on the Mayoral Bike Ride the prior weekend. He said they would find ways to improve it for the next year.

Councilor Ruttle-Miller wanted to say it is great that there are services like this where people are being brought into the conversation about how they best use certain things. She did not realize until a few years prior that curbs did not used to have gradual inclines because they did not think about wheelchair users. She said you can only find out by actually talking to people who are really using these things, so it is great to see this. Mayor Kahn appreciated the compliment.

The motion to carry out the intent of the FOP Committee report carried unanimously with 14 Councilors present and voting in favor. Councilor Chadbourne was absent.

FOP REPORT - TECHNICAL SERVICES AGREEMENT - SOUTHWEST REGION PLANNING COMMISSION

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to execute a Technical Assistance Agreement with Southwest Regional Planning Commission for the Ashuelot Greenspace Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Roberts.

Mayor Kahn mentioned Todd Horner, Executive Director of Southwest Region Planning Commission (SWRPC) visiting and noting the creative ways they are also using Northern Borders funding. Mayor Kahn thanked Deputy City Manager, Andy Bohannon, for his efforts applying and advocating for this grant, calling it a win for the City.

The motion to carry out the intent of the FOP Committee report carried unanimously with 14 Councilors present and voting in favor. Councilor Chadbourne was absent.

FOP REPORT - RECREATIONAL TRAILS PROGRAM GRANT - KEENE STATE COLLEGE PEDESTRIAN BRIDGE

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 a Recreation

Trails Program grant for \$80,000.00 for the trestle bridge on the Ashuelot Rail Trail. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Roberts.

Councilor Favolise thanked staff for their diligence on this. He understood that the order of operations at the state level for how and when this grant is apportioned out had changed. He said this project is really important to his constituents and the constituent who first brought it to his attention was in the room tonight. Councilor Favolise called this a critical piece of pedestrian and cyclist infrastructure in Ward One that matters to his constituents. He said the City had been trying to get this done for a long time and he was glad for the opportunity to work with staff to finally move this forward.

Councilor Jones thanked staff for bringing this forward. He said you can feel the softness on the bridge when walking on it, so this is a very good thing to have. He said this was originally going to be a three-way project paid for by the City, Keene State College, and Pathways for Keene. He asked if this grant would conclude that. City Manager Elizabeth Ferland said she was still looking for a contribution from Pathways for Keene. She would be seeking a match portion for the grant from KSC and Pathways, which she believed they were both in favor of. Councilor Jones agreed. Mayor Kahn hoped it would all align.

The motion to carry out the intent of the FOP Committee report carried unanimously with 14 Councilors present and voting in favor. Councilor Chadbourne was absent.

#### FOP REPORT - ACCEPTANCE OF HEALTHTRUST WELLNESS GRANT

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 the 2026 wellness grant from HealthTrust in the amount of \$2,500 to be used for employee wellness activities. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Roberts. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Chadbourne was absent.

#### FOP REPORT - 2025 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT AWARD

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 the 2025 Hazardous Materials Emergency Preparedness Grant award. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Roberts. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Chadbourne was absent.

#### CITY MANAGER COMMENTS

The City Manager, Elizabeth Ferland, reported that the City has received Planning Board approval from the Town of Swanzey for the Airport solar project. It was a long process. They

only requested one thing and that is because a section of the solar array is visible from some homes, and so they asked for some slates in the fencing, and the City agreed to that; just how much will depend on when the installation is and what it looks like. Other than that, they were very supportive. Several regulatory permits remain in process, and the City currently anticipates an August 2026 construction start, with the project expected to go live in late 2027. The City Manager also met with both Cheshire County and the Town of Swanzey regarding potential group net metering agreements associated with the project. Both entities expressed strong interest in participating. At this time, the City was awaiting final municipal electric usage data from Swanzey, after which the next step would be legal review of draft agreements.

Next, the City Manager alerted everyone that the Fire Department would be presenting at the next Finance, Organization and Personnel Committee meeting on May 28, 2026 regarding staffing needs and operational impacts associated with current minimum staffing levels. The FOP Committee will also continue reviewing the FY27 proposed Budget and developing recommendations to the full Council in advance of the Public Hearing scheduled for June 4, 2026.

Mayor Kahn said the solar array has so much potential for the City and its partners, so he was glad that everyone was recognizing the value that can come from it.

**MORE TIME - FOP REPORT - COUNCILOR JONES - DRAFT RESOLUTION FOR CONSIDERATION ADDRESSING THE BURDEN ON LOCAL PROPERTY TAXPAYERS**

A Finance, Organization and Personnel Committee report was read, unanimously recommending placing "Councilor Jones - Draft Resolution for Consideration Addressing the Burden on Local Property Taxpayers" on More Time. Mayor Kahn granted more time.

**ORDINANCE FOR FIRST READING - RELATING TO WATER & SEWER UTILITY CHARGES - ORDINANCE O-2026-07**

A memorandum was read from the Public Works Director Don Lussier recommending that Ordinance O-2026-07 be referred to the Finance, Organization and Personnel Committee for their consideration and a recommendation to the City Council. Mayor Kahn referred Ordinance O-2026-07 to the Finance, Organization and Personnel Committee.

**ORDINANCE FOR FIRST READING - RELATING TO SHORT-TERM RENTAL USES - ORDINANCE O-2026-09**

A memorandum was read from the Senior Planner Mari Brunner recommending that Ordinance O-2026-09 be referred to the Joint Committee of the Planning Board and Planning, Licenses and Development Committee for a public workshop. Mayor Kahn referred Ordinance O-2026-09 to the Joint Committee of the Planning Board and Planning, Licenses and Development Committee for a public workshop.

05/21/2026

Councilor Favolise asked the City Manager to confirm that there was just a flash vote survey done on this. The City Manager replied that yes, there was a survey and she had not read the results yet but would be happy to share those with the City Council.

ORDINANCE FOR FIRST READING - RELATING TO THE DEFINITION OF SHORT-TERM RENTAL - ORDINANCE O-2026-10

A memorandum was read from the Senior Planner Mari Brunner recommending that Ordinance O-2026-10 be referred to the Planning, Licenses and Development Committee for review and recommendation. Mayor Kahn referred Ordinance O-2026-10 to the Planning, Licenses and Development Committee to be placed on more time until after the public hearing on Ordinance O-2026-09.

ORDINANCE FOR FIRST READING - FISCAL YEAR 2027 WAGE SCHEDULES - ORDINANCE O-2026-11

A memorandum was read from the Human Resources Director Darcy Newport recommending that Ordinance O-2026-11 Relating to Fiscal Year 2027 Wage Schedules be referred to the Finance, Organization and Personnel Committee for discussion and a recommendation to the City Council. Mayor Kahn referred Ordinance O-2026-11 to the Finance, Organization and Personnel Committee.

ORDINANCE FOR SECOND READING - RELATING TO DELINQUENT ACCOUNTS - ORDINANCE O-2026-05

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Ordinance O-2026-05. Mayor Kahn filed the report. Ordinance O-2026-05 Relating to Delinquent Accounts was read into the record for the second time. A motion by Councilor Powers to adopt Ordinance O-2026-05 was duly seconded by Councilor Roberts.

City Manager Elizabeth Ferland said a big part of this change is to bring the City into compliance with allowable interest rates it can charge on delinquent accounts. She said the City would be pushing out a lot of information about this change before it begins because the City had not done this charging before. So, this would be new for some people, but the City has a growing amount of past due accounts. Thus, the City Manager thinks this is something the City really needs to do in order to ensure the system is funded appropriately. However, there would be the necessary information push first.

The motion to carry out the intent of the FOP Committee report carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Chadbourne was absent.

ORDINANCE FOR SECOND READING - RELATING TO THE PROCESS TO AMEND THE ZONING TEXT AND ZONING MAP - ORDINANCE O-2026-08

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Ordinance O-2026-08. Mayor Kahn filed the report. Ordinance O-2026-08

Relating to the Process to Amend the Zoning Text and Zoning Map was read into the record for the second time. A motion by Councilor Powers to adopt Ordinance O-2026-08 was duly seconded by Councilor Roberts.

Councilor Jones called this a simplifying version, and he was glad it was going through. He said it would help handle it administratively at the Committee level. He mentioned that when the Planning Board votes on whether something is supported by the Master Plan, they should give reasons why. He was told that does not need to be a part of the Ordinance but something the Planning Board is asked to do. So, he hopes that does happen. He noted that whether the PLD Committee votes against an Ordinance, the petitioner still has a right to a Public Hearing before the full City Council.

Councilor Haas said this would help to expedite the process between committees and called that a great thing. He said anything to get things closer on timing would be better because people forget what happened originally when they run over the course over several months. He encouraged the other committees to seek out such opportunities.

Mayor Kahn said the Council is a public body and aligning that with the City Clerk's actions is a challenge with public notice, so this would accelerate her actions. The Mayor also agreed with carrying Councilor Jones' message to the Planning Board back to City staff. The City Manager said that would absolutely happen. She clarified that it would be a recommendation because the City Council cannot direct the Planning Board to do anything, but the message would definitely be carried forward.

The motion to adopt Ordinance O-2026-08 carried unanimously on a roll call vote with 14 Councilor present and voting in favor. Councilor Chadbourne was absent.

RESOLUTIONS - RELATING TO APPROPRIATION OF FUNDS FOR THE FY 2026-2027 BOND ISSUES: ASHUELOT RIVER GREEN SPACE, RESOLUTION R-2026-10; ASHUELOT RIVER DAM REPAIR OR REMOVAL, RESOLUTION R- 2026-11; DOWNTOWN INFRASTRUCTURE IMPROVEMENTS & RECONSTRUCTION PROJECT, RESOLUTION R-2026-12; GILBO AVE SOLAR PAVILLION PROJECT, RESOLUTION R-2026-13; LOWER WINCHESTER STREET RECONSTRUCTION, RESOLUTION R-2026-14; ROADWAY PRESERVATION & REHABILITATION PROGRAM, RESOLUTION R-2026-15; ROBIN HOOD PARK IMPROVEMENT PROJECT, RESOLUTION R-2026-16; STORMWATER RESILIENCY PROGRAM, RESOLUTION R-2026-17; MARTELL COURT BYPASS PROJECT, RESOLUTION R-2026-18; DOWNTOWN: SEWER IMPROVEMENTS PROGRAM, RESOLUTION R-2026-19; WATER DISTRIBUTION IMPROVEMENTS PROGRAM, RESOLUTION R-2026-20

A memorandum was read from the Finance Director/Treasurer Kari Chamberlain recommending that Resolutions R-2026-10, R-2026-11, R-2026-12, R-2026-13, R-2026-14, R-2026-15, R-2026-16, R-2026-17, R-2026-18, R-2026-19, and R-2026-20 be introduced and read at the May 21, 2026 meeting of the City Council and be referred to the Finance, Organization and Personnel Committee for consideration, discussion, and a recommendation back to City Council. Mayor Kahn referred the Resolutions to the Finance, Organization and Personnel Committee.

RESOLUTION - RELATING TO FUNDING FOR THE DOWNTOWN INFRASTRUCTURE PROJECT - RESOLUTION R- 2026-21

A memorandum was read from the Public Works Director Don Lussier recommending that Resolution R-2026-21 be referred to the Finance, Organization and Personnel Committee for their consideration and a recommendation to the Council. Mayor Kahn referred Resolution R-2026-21 to the Finance, Organization and Personnel Committee.

RESOLUTION - RELATING TO THE ABSOLUTE DISCONTINUANCE OF A PORTION OF A RIGHT OF WAY ACROSS A PORTION OF PROPERTY LOCATED ON ELM STREET (IDENTIFIED BY TAX MAP NUMBER 521-004-000) - PETITION AND RESOLUTION R-2026-22

A memorandum was read from Attorney James M. Callahan submitting a petition and Resolution R-2026-22 Relating to the Absolute Discontinuance of a Portion of a Right of Way Across a Portion of Property Located on Elm Street (Identified by Tax Map Number 521-004-000) on Behalf of Property Owners Paul C. and Gail M. Dubriske. The petitioners request that the City of Keene discontinue a portion of an existing “paper” right-of-way known as the Old Elm Street ROW that crosses property owned by the Dubriskes on Elm Street. They indicate that the ROW is no longer needed for public access or safety purposes and its removal would facilitate the planned development of an 18-unit condominium project expanding housing options in Keene. Mayor Kahn referred Resolution R- 2026-22 to the Municipal Services, Facilities and Infrastructure Committee meeting of June 24, 2026 to allow notice to abutters to occur.

TABLED ITEM - REQUEST TO REVIEW RECENT AMENDMENTS TO LAND DEVELOPMENT CODE - ADOPTED SEPTEMBER 18, 2025 (O-2025-15-A)

At the April 16, 2026 City Council meeting, on a vote of 13 in favor and one opposed, a motion to table the matter until the City Council meeting of May 21, 2026 passed. The Mayor said the Council would now take up the Communication requesting to review amendments to the Land Development Code (LDC) adopted September 18, 2025 with the passage of Ordinance O-2025-15-A. The Council received letters over the prior 30 days, both pro and against, related to this request. In order to allow the full Council to debate this, the Mayor asked for a motion to determine the disposition of the request to review these LDC amendments.

The following motion by Councilor Filiault to refer the Communication back to the Planning, Licenses and Development Committee was duly seconded by Councilor Jones.

Councilor Chalice said there had been many communications. She asked if this motion would be granting the request to review the actual Ordinance itself. City Attorney Palmeira said the item in front of the Council was just the original letter from Councilor Filiault, which did not have a Committee recommendation attached to it or anything for the Committee/Council to carry out. She said it was really like a new item, similar to when a communication comes in without any Council involvement. Those were the options available to the Council.

Councilor Workman clarified that this would be basically restarting this process from scratch, from when it was originally referred to and heard by PLD on April 8, 2026. So, this would just be reinventing the wheel, which the Councilor called “silly.”

Councilor Williams had a lot to say but would let the conversation go forward. He wanted to mention that there was a petition with 50 signatures on it in opposition to rolling back the progress the City made on housing and asking not to go back from six to four units in the Medium Density District; it was signed by people all over Keene. He was especially proud that it was signed by a whole bunch of young people and renters.

Councilor Filiault said that since the last hearing, the Councilors had time to hear from constituents about this. He said the only intent regarding the Ordinance—and he was not on PLD at the time it passed—was to discuss it more. He said everybody who wrote a letter and signed a petition, expressing their concerns, wanted to talk about it, and would be welcome to come to PLD and express their concerns one way or another. By sending it back to PLD it would let the constituents speak and not censor anybody, letting them have their say either way. Councilor Filiault said the relevancy here is sending it back to Committee to allow constituents and taxpayers of Keene to have their say either way.

Councilor Ruttle-Miller said the Council received a lot of communications, but she thought it was from the same people who communicated back in the late summer into early fall of 2025. She did not say that was right, wrong, or indifferent, but it was a lot of similar sentiments. She said new people provided information as well. One thing she really wanted to ensure is that the Council sticks to facts because there were a lot of things included in letters that were easily refuted with what is in the LDC and what is allowed in Zoning and by City laws. She thought a lot of people’s potential concerns could be referred back to what is required of parking, the building, etc. She wanted to make sure that whatever conversation is happening is based on facts not based on theoretical concerns, or because of what is being imagined as what might happen, not what is allowed to actually happen based on zoning and ordinances. She read all of those communications, creating an e-mail folder specifically for this ordinance to keep track of pros/cons. Councilor Ruttle-Miller said her feeling on more time is that the Committee needs to essentially create a list of all the issues that were brought up, which she believes somebody wrote in a very good letter. She was not trying to say that feelings do not matter, they do. She understood the concern. She said concerns and feelings can sometimes be easily quelled with what is actually happening.

Councilor Ellis had a handful of communications from constituents, mostly requesting the Council not to go over this again. One person had a couple of concerns, and when she addressed them, they thanked her because they had been misunderstanding what the Ordinance actually did. Councilor Ellis also thought it would be disrespectful to those that served on the Planning Board, PLD, and the Council in 2025, when they weighed all these issues; she thought it was very disrespectful to the work that they did to just rehash the same information over again. She also thought it was very significant that of the two petitions the Council received, the one in favor of leaving this ordinance as is and not reviewing it had 50 signatures and the one in favor of reopening it had 14. Councilor Ellis thought that it demonstrated what the constituents believe about this matter.

Councilor Workman had seven pages of bullet points that she was happy to go over tonight to avoid this going back to Committee again, but in essence all the reasons that were brought up and addressed for either revisiting or submitting the communication originally, or reasons for more time both from counselors and from constituents, both noted at April 8 and April 16 meetings were addressed by Councilor Ruttle-Miller. Councilor Workman said this communication/review would just be repetitive and was based off people being unhappy with the original vote. She said if that is how the Council is going to use its time, every person could bring up every vote at any time and the discussion is never going to end, because someone is always going to be unhappy with a decision made by the Council. Councilor Workman saw no new arguments for why this Ordinance needs to be revisited: it is not quelling free speech, she said it is just, “putting a period at the end of a sentence that has already been discussed at length.” She said all concerns have either been acknowledged and/or addressed. She noted the Councilors’ jobs are to bridge the gap between City government and constituents. It is their responsibility to listen to constituents and then ease those fears or address them. However, Councilor Workman said they did that already on this issue, so she did not see a need to continue this conversation anymore.

Councilor Williams reminded everyone that City staff time is a limited resource and he does not like the idea of spending it on issues that the Council has already gone through at length. He said the Council came to a decision after numerous meetings on this topic and after a lot of input from many of the people more recently. He said the Council came to a decision: “We put a period on it. Let’s not change that into a question mark.” He does not want to spend a lot of city staff time on this when there are more important things that they can be doing. He had asked that City staff take a look at what the City can be doing to move forward with the Master Plan on housing, which he said is really the priority that needs to be figured out: how to make housing more affordable in Keene. He said this has been a problem for years and we have worked very hard on this. Additionally, the Mayor just sent in a communication asking City staff to take a look at industrial and commercial areas, which Councilor Williams also thinks is a worthwhile way to spend the Community Development Department’s time. However, if they are distracted by figuring out how to rewrite this Ordinance, they are not going to get to these other priorities. He said he felt bad for those who felt like they did not get their way in the original vote, but that should not necessarily mean they get another chance by going through this entire process all over again. He said to accept the communication and let it go. With that, he said it could perhaps be revisited in the future after the Ordinance has had some time to take effect. There have been no buildings under this Ordinance so far; he really hoped for some soon. He said that indicated that it is really not having a huge impact on the community, and he does not expect that it will. He called it a minimal change. He said in five to 10 years’ time it could result in six to 12 more units on the market at an affordable price. Councilor Williams thinks that is worthy for the City to be doing. He asked not to send this back to Committee for another round; he was unsure there would be a different answer this time and he did not want to spend all that valuable staff time.

Councilor Filaault agreed with Councilor Ruttle-Miller that facts are exactly what the Council wants. Councilor Filaault said none of the Councilors are experts on this to be giving facts. If someone calls him for facts, they will get his opinion based with facts. He said facts are when it comes back to Committee and they get facts not from City Councilors but from the Community Development Department and City Attorney, who work with the issue on a daily basis. He said

facts coming from City Councilors can vary quite a bit. He said to, “let this come back to Committee and let the chips fall where they may. I don’t know where they’re going to go, but I’m certainly not going to stifle the comments from our constituents on either side of the issue.” City staff will address their comments and whether they are facts or opinions. Once again, Councilor Filaault said this should go back to Committee to let constituents have their say.

Councilor Ruttle-Miller addressed the statement just made. She said that if she is ever asked a question and she does not know the answer, she does not share her opinion, she asks City staff because they are experts. She had been in touch with the Community Development Department about the changes to this Ordinance and historically to other areas around Keene based on the inference that it is targeting a specific community, which she said it is not. She said there had been other changes to Zoning over the years that have otherwise sometimes been unpopular as well. She spoke about a lot of zoning changes that need to take place in more than just Keene because unfortunately a lot of the history of zoning has been exclusion and making sure certain types of housing cannot be in certain neighborhoods. It was not in reference to anyone in Keene, but a historical fact of what zoning was often used for. Councilor Ruttle-Miller was clear that if constituents call her, she will find out the facts before she tells them.

Councilor Haas said of all the discussion over past few Council meetings and the PLD meeting, there was way more conversation on this topic than there was originally on the issue. He said it was great seeing more people stepping up and coming to the meeting and expressing their opinions. He said the original PLD meetings had talk but they were very limited audiences. He said there were many more people engaged in the government process by continuing the discussion with the basis of reviewing this at PLD. He said there are concerns about how the process went forward: the idea of putting four disparate ordinances into one, where the Council had to vote on them all at once, whether they liked it or not, among other things in the process. He called it enough of a minority with an 8 to 7 vote. He recalled Councilor Tobin talking about how the Council needs to trust each other sometimes and maybe go against what their instincts are. Councilor Haas said further that this would not be a new burden to staff, they were not yet being asked to rewrite any new ordinances. It would just have to come back for that direction. He said they were just asking to have another time to allow people to come forward. Finally, he said was a great opportunity for a springboard for those 50 people Councilor Williams mentioned to come forward and express the opinion that this is good and to do more like it. So, Councilor Haas said there would not be more burden on staff.

Councilor Tobin did not feel great the first time she read this letter and saw that three of the Committee members signed it. It seemed like the Council knew where it was heading. She did not feel great about reopening an Ordinance or conversation that has essentially no scope and would not be addressing a specific point. It would be addressing a now codified Ordinance that has different pieces, which to her sounded like revising any part of the Land Development Code just because it came through as one Ordinance. She did not feel great about all that, but the Council went along with it and sent it back to Committee. She expected there would be some clarification about what the goal was. She listened to or attended all the original meetings, and it was the petitioner who decided it was important to go through all as one Ordinance as they presented it. So, to hear it is a bad idea now, after the Council voted on it, seemed confusing to Councilor Tobin. She recalled allowing the topic to be reopened, denying it more time, and now

it was in front of the Council again, and to give it more time sounded to her like a vague idea; it would just be conversation time. She would have expected there to be something new about how this Ordinance is being implemented that is a problem in order to refer it back to the PLD Committee. However, she called this a decision to talk about an unused ordinance again. If that is the case, she said the Council could go through all its ordinances, which she is fine with, but she suggested doing so sequentially.

Councilor Greenwald called the question.

The Mayor took comments from Councilor Jones for the first time. Councilor Jones said a lot of this is about clarity and transparency. Starting with the fact that this came from a private petitioner, who paid a lot of money for this permit and for the notifications to go out, and Councilor Jones said that petitioner did not get his action voted on. It was amended along the way, so when it arrived at Council, it was a different version than what he asked for and what he paid for. Also, the Planning Board did vote that the Ordinance is supported by the Master Plan, but he looked right at the new Master Plan under Pillar 4 – Vibrant Neighborhoods: “support vibrant community neighborhoods that reflect their unique identity.” He thinks the Council is taking that away. Councilor Greenwald countered that the debate was whether to send this to Committee not a debate of facts of the Ordinance. Councilor Jones said he was giving reasons it should go back to the PLD Committee. He concluded that the Senior Planner said to the Council that the Ordinance might be better if dissected into different ordinances. The City Manager clarified that the Senior Planner actually said there were a lot of things going on with the Ordinance and it might have been easier if it had been separated, not that we should go back and separate it.

The motion to refer the Communication back to the Planning, Licenses and Development Committee failed on a vote with 5 Councilors voting in favor and 9 Councilors voting in opposition. Councilors Filiault, Favolise, Jones, Haas, and Greenwald voted in the minority. Mayor Kahn filed the Communication from Councilor Filiault as informational.

#### ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 9:17 PM.

A true record, attest:   
Deputy City Clerk