

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, September 9, 2026

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Randy L. Filiault, Chair
Philip M. Jones, Vice Chair
Robert C. Williams
Edward J. Haas
Laura E. Ruttle-Miller

Jay V. Kahn, Mayor

Staff Present:

Elizabeth A. Ferland, City Manager
Amanda Palmeira, City Attorney
Brandon Latham, Deputy City Attorney
Paul Andrus, Community Development
Director
Ryan Lawliss, Compliance Inspector
Rick Wood, Fire Marshal

Members Not Present:

All Present

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

1. Councilor Williams – Request to Consider Restricting the Sale of 7-Hydroxymitragynine (7-OH) and Concentrated Kratom Products

Chair Filiault requested opening comments from the petitioner, Councilor Bobby Williams. Councilor Williams noted this was about a letter he wrote to the Council in July 2026, specifically concerned about a product called 7-Hydroxymitragynine (7-OH) and a number of related products that are quite similar, such as a Kratom product that he knew the Committee would hear a presentation about this evening. Councilor Williams said this is a very similar product to an opioid, and it is being sold over the counter in gas stations and convenience stores all over the City, which has not changed since the July meeting. He knew there had been some developments at the federal level since July but said that effort seemed to be moving a little slower than he thought it might.

Chair Filiault noted that he had spoken with the City Attorney about this because it would involve legalities, so he asked the City Attorney to address what could be done about this at the City Council level, so they would not find themselves in a legal quagmire. City Attorney Amanda Palmeira spoke about the concept of preemption. As Councilor Williams mentioned, there is federal regulation in the works at this time. The most recent update from Deputy City Attorney Brandon Latham was that the Drug Enforcement Administration (DEA), the week before this meeting, added three 7-OH products to the Schedule I Federal Controlled Substances. So, three products are already federally prohibited. City Attorney Palmeira said there would always be some weird ambiguity between what is preempted federally under the Controlled

Substances Act and what the City can regulate: marijuana is a good example of how states have handled that differently. She said that for the City to determine exactly what the federal government has regulated and where there are gaps that we could regulate, it takes a lot of research. She noted that other towns in New Hampshire had started regulating this product and as far as she knew, there had not been any activity by the federal or state governments to invalidate those. She said it is one of those situations that does appear as though the City could give it a good shot. It is not something she would always say: "It looks like it is preempted, go for it." Yet, given that other towns were doing it and the feds were moving on it very slowly in small portions, she said there would probably be some room to more broadly address it locally. So, Chair Filiault said the City would not be creating precedents; this has already been tried in other areas and upheld to this point. City Attorney Palmeira said she did not know that they had necessarily been challenged yet, so those in other areas were still on the books.

Councilor Haas asked the City Attorney if she had information on how enforcement was going in other New Hampshire towns: were they enforcing it or just considering it a guideline? The City Attorney did not have information on that. She also did not know given the DEA was adding the three 7-OH substances to Schedule I to be federally prohibited throughout the country.

City Manager Elizabeth Ferland recalled when the City of Franklin put a similar ordinance in place for "Spice." They ultimately had to change that ordinance several times as the formula for that drug changed. Their prevention coalition worked with all the local stores. Once the ordinance was adopted, the organization provided preventative information to the stores, letting them know it is no longer something they can sell. She thought it was pretty effective once those ordinances were adopted and most places complied.

Chair Filiault recognized Dr. John Curtis, who indicated he is an Emergency Room Doctor with a background in emergency medicine and medical toxicology. Dr. Curtis noted that he knew a little bit about this topic, but it had not been a great focus of his own work.

Dr. Curtis explained Kratom. *Mitragyna speciosa* is a Southeast Asian tree, which can get to be about 70 to 80 feet tall at full maturity. It has been used for several centuries. The raw leaf or tea products are often chewed to give energy and relieve pain for workers. It is also used recreationally. "Kratom" refers to the tree or any products derived from the leaves of that tree.

Dr. Curtis talked about Kratom pharmacology. The active components are chemicals called alkaloids. The most studied and prominent one in the leaf is "Mitragynine." 7-OH Mitragynine is naturally occurring. It is probably well under 2% of the naturally occurring alkaloids in the leaf, although that changes during the life cycle. The more mature the plant is, the more 7-OH there is in it, but it is still generally a small percentage of the naturally occurring alkaloids in the leaf. 7-OH is also produced in the body as a metabolite of the primary alkaloid, which is the Mitragynine. 7-OH is an agonist at the opioid receptors. It is probably more of a partial agonist similar to buprenorphine or Suboxone. So, it does activate those receptors and produces opioid-like effects. However, it is not the only active compound in the naturally occurring leaf.

Next, Dr. Curtis described Kratom effects. There are multiple neurologic systems that seem to be affected by this mixture of alkaloids. It works on serotonin syndrome, similar to LSD and

antidepressants. It is active in noradrenergic receptors; that is the kind of thing responsible for your fight or flight response and that is also responsible for the mild stimulant effects that this can have, as well as the opioid effects. Dr. Curtis stated conventional wisdom is that low doses are more apt to produce mild stimulant effects and energy concentration, allowing one to maybe work longer or harder, or focus a little bit more. Whereas the higher doses tend to be the ones that cause relaxation, sedation, promote sleep, and offer some pain relief. He said it is seen used sometimes for pain relief and sometimes for its psychoactive effects. There is also a population that tends to use it to ease opioid withdrawal effects because of the at least partial activation of opioid receptors. He stated that a lot of the early interest in this substance in this country was with people trying to wean themselves off opioids and ease those withdrawal effects.

Dr. Curtis explained that Kratom is available in a variety of formulations. You can eat the raw plant matter by chewing the leaves; they are often dried and powdered, and in some cases fermented and placed in capsules. It is available as a ground leaf to make tea and a ground leaf in capsules to ingest without having to taste it, since most of these alkaloids are somewhat bitter. It is offered in a powder that is designed to be mixed into food or beverages. There are also extracts either in alcohol as a solvent that are sometimes used to absorb from the mucosal tissues in the mouth and placed under the tongue for rapid effects.

Dr. Curtis also discussed concentrates and synthetics: There are also synthetic forms of this chemically produced 7-OH. There are a variety of these on the market and that is what has caused most of the controversy. Whereas the natural leaf will contain a small amount of this substance and the body will change some of the alkaloids into 7-OH, that is a fairly slow process, so it is hard to get a lot of opioid stimulation at once and the effects typically last five to eight hours after ingestion. He said the 7-OH opioid agonist is very gradually produced, so you do not really see with natural products a lot of the consequences that are sometimes seen with opioids in terms of respiratory suppression. Although in a lab setting, 7-OH has produced respiratory depression that can be reversed by opioid antagonists like Narcan.

Dr. Curtis talked about the legalities of Kratom. He reiterated news about rescheduling some of these substances the week prior. He said in general, until very recently, there was no federal regulation on this. Various states have different regulations, some of which involve just concentrates and 7-OH products, some of which involve everything, and some of which are just age restrictions. He showed a map of the United States as of July 2026, which showed where 7-OH products were banned, illegal but leaf products are legal, and the Kratom Consumer Protection Act legal area. There are various regulations that vary state to state and even within states. When talking about local ordinances that change what can be sold, he said this is not common, but it is not rare either. A national survey in 2021 for teens and adults showed less than 1% or 1.5 million or more people who reported using kratom in the last year. He called that a fair number of people and was sure those numbers had only increased in the past five years.

Dr. Curtis discussed the potential harm of 7-OH/Kratom. Like for many herbal products, regulation and testing is not mandatory, although good producers will often have third party labs certified. However, there have been cases of heavy metal contamination that is often reported by suppliers. There has been bacterial contamination of products, so that is a common concern with many supplements and herbal products. But in terms of the Kratom itself, he cited nausea and GI

side effects as the most common and noted that both diarrhea and constipation have been reported. Dizziness or drowsiness occur, particularly at high doses. Occasionally also, again with high doses, more serious things such as seizures have been reported, as well as confusion, high blood pressure, and low heart rate. There have been liver problems reported with Kratom use; it is not clear exactly who develops that but it is generally associated with high dose, long term use; it is not a universal effect, so it probably has something to do with the person taking it as well. He talked about lifestyle factors, noting that co-ingestance effects in pregnancy have not been studied and are not well known. In some cases, neonatal abstinence syndrome, similar to babies born to mothers who are opioid addicted, have been reported, but that has been rare, probably because it is both less common than opioid use and under recognized. Kratom is not detected on routine drug screens. It would be possible, but it is not something that is routinely screened for. So, Dr. Curtis said that if someone does not tell you, there is not much way that you would know, even though mothers are routinely drug tested for the safety of the children.

Dr. Curtis stated that Kratom is a lot less dangerous than a lot of other things that are on our streets. One report from about seven years ago said that over a period of about six years, 11 deaths were associated with it, but almost all of them were mixed exposures where it was used with other things. According to this article, it said two deaths were associated with Kratom exposure alone, although the underlying medical conditions of the user were not entirely clear. So, Dr. Curtis said that death from Kratom, while possible, seems to be extraordinarily rare.

Chair Filiault said this was actually brought to his attention about one year prior and he commended Councilor Williams for bringing this forward. Chair Filiault said it was a Police Officer who kind of raised his alarm on this because he had been to a couple of calls on Kratom and said it created a violent atmosphere with people they encountered. He asked whether Dr. Curtis had seen that in the ER or if it is more prominent on the streets. Dr. Curtis said he had surprisingly not seen a lot of it compared to when K2 and Spice were common. He had not seen a lot of Kratom in the ER; he had seen people who say they use it, but no actual medical encounters driven by that use. He noted there is some sort of degree of Kratom users because there are three widely available types called white, green, and red; referring to the little veins in the stems on the leaves. On very immature plants, the 7-OH in those veins and the leaves are white and they tend to have more stimulant effects and seem to be more dose-dependent. Whereas green is kind of a mixture. The mature leaves have these red veins in them, and they have the highest concentration of 7-OH; they are generally thought to be more relaxing, sedating. He reiterated that the white Kratom, which also varies depending on region of origin and methods of processing, tends to cause more powerful stimulant effects that might be more prone to being associated with agitation or violence. Dr. Curtis' understanding is that the red vein substances are most used by those trying to get opioid-like sedative effects, but he said it was not something he had commonly encountered in his emergency department.

Councilor Ruttle-Miller said she understood there is a difference between medical literature versus general news reporting and that those things can sound incredibly different. However, she said there seemed to be a big polarity between what Dr. Curtis was presenting as far as a concern and danger versus what you see when you look this up. She said it does seem like there has been a dramatic increase in the number of deaths or very dangerous situations. Specifically, an article in the NIH around poison control reports. She asked Dr. Curtis if there was more recent data or

anything specific to New Hampshire in general that he could share. Dr. Curtis said no, he did not have anything specific to New Hampshire and the survey he looked at was about six years old. He said there had probably been much more usage recently. He thought the problems probably come from either the synthetic or concentrated 7-OH products, particularly if mixed with other sedatives such as alcohol or other opioids: that is also where we see more reports of addiction and withdrawal. He provided an analogy to demonstrate that taking active compounds and concentrating them will cause more dramatic psychoactive and health effects.

Vice Chair Jones said he is a little naive about this but knew these products were readily available in convenience stores. Dr. Curtis said it is not hard to come by, showing a picture from a store in Keene the other day. It is like getting a pack of cigarettes or beer; you would probably have to prove your age. Vice Chair Jones said the packaging and labeling is called Kratom or 7-OH, or is it just branding? Dr. Curtis said most 7-OH is sold as 7-OH or Hydroxy, but it will usually specify Kratom on it depending on the producer. You can also order and have Kratom shipped to you but some of the more reputable producers will have analysis of the alkaloids, results of heavy metal testing, and results of bacterial testing. He said most of it is labeled Kratom because that is how people who are looking for it know to buy it.

Councilor Haas asked Dr. Curtis to speak about the addictive properties of Kratom and compare it to other opioids. Dr. Curtis again said it was not something he had seen clinically, but from reviewing internet reports and overall kind of experience with it, even the leaf product can cause some physical dependence with long enough use. The 7-OH products being more powerful at opioid receptors and getting that effect do have very similar withdrawal; some people have stated that withdrawal can last for weeks to months and can be difficult to wean off. He said it may be a lot harder to distance yourself from a product that might be at the gas station where you are getting your coffee as opposed to having to go seek it out from a dealer. So, Dr. Curtis stated that it does have potential to cause addiction, even though it is often used to ease withdrawal symptoms when someone no longer has access to opioids.

Councilor Williams first wanted to speak to those three substances that were added to Schedule I. It was his understanding that those were not 7-OH, but chemicals closely related to 7-OH and perhaps not in wide circulation. He thought the 7-OH question was still out there. City Attorney Palmeira believed that was right. She noted that it was a struggle not only to read and pronounce, but to match what was being regulated and what was been identified in other places. She said there were a lot of skills there that she did not have the education for, but she did think the three that were on the Schedule I had been synthetic products of 7-OH. The City Attorney added that it is a temporary order: it is two years on Schedule I, with a one-year extension possible.

Councilor Williams asked about patterns of usage: on the internet he saw people talking about spending \$50–\$100 per day and buying several at the store per time. He wondered whether that was common. Dr. Curtis thought it was very common to spend that much on it, noting that there is a tolerance that develops; some people will rotate types to avoid over tolerance. He said there is also patterns of usage. People may use the more stimulating products during the day to be more functional and use the more sedating products at night (e.g., to relax or as a sleep aid). Anything with addiction comes with people spending a lot of money. He explained the general internet subculture advice to rotate strains and take a few days off per week to avoid tolerance

much like opioids, or it will require a larger dose to produce the desired effects and that necessarily involves spending more money. It was not Dr. Curtis' impression that a lot of people were "going broke" from this but said there were certainly cases where that happens.

Councilor Ruttle-Miller heard the doctor mention something about proving age and asked if there is an age associated with buying this (i.e., could a 15-year-old access it?). Dr. Curtis said in general it is 18 years of age and over. Councilor Ruttle-Miller said there was no law. She asked if it depends on the store. Dr. Curtis thought it first would depend on the state: it is age restricted in many states, and he believed the age is usually 18 and not 21. He deferred to the City Attorney. There being no law on the books, Chair Filiault questioned how there could be any age restrictions. The City Attorney agreed, having not seen the restriction, she said there was not one. The federal restriction does not concern age. She speculated that the local shops have age restrictions on other things they sell, so they probably do it for this too, but she had not seen the restriction in the law. Dr. Curtis said it is often sold in smoke/vape shops, where other products are age restricted. Chair Filiault said he had personally gone around Keene and there are several convenience-type stores that have it on the market, so it is not just restricted to vape stores.

Councilor Haas noted that he had seen no national publications or education going on about this. He wondered if there should be some more movement toward educating the population/public about the dangers of this natural drug and synthetic drug before the Council tries legislating it. He said this would be worth the City's effort and time since there had been no real widespread education. That came across the Councilor's eyes with the young people in his life.

Councilor Williams asked Dr. Curtis if he was aware of the Kratom and Kava combination. Dr. Curtis said he had heard the name. He added that both drugs are used for sedating effects, and both have been associated with some reports of liver injury.

Chair Filiault opened the floor to public comments.

At Large City Councilor Michele Chalice thanked the Committee and the Council for their time looking at this issue preemptively. She said it seems a shame to wait until there is severe community damage. She said things are moving so quickly in our society in addition to all those stressors. So, she really appreciated taking the time to deliberate and give some thought to this issue.

Chair Filiault agreed with Councilors Williams and Haas, which put him somewhere in the middle. He thought he had more questions than answers that came up during the meeting. He was leaning toward an ordinance. However, at the same time, he wanted to personally give himself a few more weeks to do some more digging. He did not think he was quite ready for an ordinance yet, but he was leaning there. Personally, he wanted to place this matter on More Time and bring it back in a couple of weeks to take another hard look at it. He told Councilor Williams that he was not suggesting by any stretch of the imagination to dismiss this item. He thought the Committee was leaning in the same direction and asked to hear from them. He did not think they were ready to make a unanimous decision this evening.

Councilor Ruttle-Miller was a little thrown off by the presentation because she spoke recently to somebody who works in a rehab facility and who said that they do not see a single person come through at this point who does not have some sort of usage (on top of anything else that they are also being treated for). She said it is viewed as a definite problem within their facility. So, Councilor Ruttle-Miller was expecting a little more based on that. She said there were no statistics, no study, and nothing behind the presentation other than somebody who works with folks who use these products regularly. She was not quite sure what she was anticipating for a presentation, but she came in thinking she knew what the Committee was going to hear. She tended to lean toward something, especially because there is no age regulation; that was what concerned her, like when kids started vaping a lot. Councilor Ruttle-Miller said she is always confused when she sees this weird herbal supplement and wonders what it is. She noted that she was a little more confused right now than she thought she would be. Chair Filiault agreed.

Chair Filiault added that in the coming weeks he would like to go back to the Police Officers he had spoken with to hear from them more about what they have seen on the streets; Chair Filiault wants to dig a little deeper. He agreed with Councilor Ruttle-Miller that he came into the meeting thinking one way and now was a little bit more in the middle, leaning toward restriction, but he wanted to hear from more experts, including the Police Department.

Councilor Haas agreed: more information is always good. As the City Manager mentioned, this would lead toward an education program. He was curious whether there were already education programs like that out there, which the City might adapt and start to roll out so people could get behind the City. Councilor Haas said that addictive personalities tend to use whatever they can pile on, stating that he was generalizing, of course. He compared it to the health food industry. He said that if the City is going to regulate Kratom specifically, he thought they would want to have more of the public's understanding of the problem and education around it. Councilor Haas leaned toward holding the item for a bit to see what the Committee could come up with.

The City Manager noted that there is also the Monadnock Youth Coalition, which is like the prevention group that was in Franklin, New Hampshire. It was under the same federal grant, and the City Manager said she would love to hear from them and what they had seen. In addition to that, she mentioned Keene Youth Services, which works with a lot of youth who are sometimes getting into trouble with the Police and finding ways to divert them from that type of activity. The City Manager was sure both of those groups would be able to provide a great deal of information about what they are seeing in the use of Kratom and these types of products.

Chair Filiault hoped Councilor Williams knew and could appreciate that nobody likes waiting when they want to see something go forward. Still, Chair Filiault agreed with the City Manager and did not want to send something to the full Council that could be kicked back to the Committee for more answers. Chair Filiault wanted to place this on More Time until the next PLD meeting so the Committee could get it right before sending it to Council.

Councilor Williams did not mind taking the time to get it right. He thinks people know he is not necessarily a prohibitionist. He thinks the Council should be calculating and smart about these things. His general feeling is that it is a very bad idea to put seriously addictive substances in easy reach of just about anybody, including the youth. He noted the federal government may be

doing something or not, so the City should be keeping an eye on that. Councilor Williams agreed that waiting a few weeks for this to be continued would not be such a bad thing.

Vice Chair Jones also liked the idea of More Time. He said he favored legislation but did not think the Committee could ask staff to draft an ordinance without giving them some direction. He thought that the suggestions to hear from the Police and other experts would provide that direction. He said the Committee did not even know if they wanted to put an age limit on the substance, so he said they needed More Time, with the aim to give more direction. As far as educational awareness is concerned, Vice Chair Jones said sometimes legislation creates awareness. He hoped some of that could happen by creating legislation.

The following motion by Councilor Williams was duly seconded by Councilor Haas.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends placing Councilor Williams' Request to Consider Restricting the Sale of 7-Hydroxymitragynine (7-OH) and Concentrated Kratom Products on More Time.

Councilor Haas asked if there was a means of requesting that the youth committees join the next meeting's conversation. The City Manager said yes, she had already sent a message asking for that information and for someone to be present at the next meeting.

2. **Councilor Filiault - Request for Consideration of an Ordinance Amendment Regulating Dogs at Downtown Events**
3. **Paul Allen-Webber - Request to Reconsider Ordinance O-2004-15-A Section (e) Regarding Dog Restrictions During the Pumpkin Festival Ordinance O-2004-15-A Relating to Dogs Running at Large**

Chair Filiault took these two items on the agenda together. He noted that Paul Allen-Webber (not a Keene resident) was not present to speak to his letter but had spoken with the Chair by phone. He added that he would take up consideration of this ordinance and the potential amendments, and accept and file Mr. Allen-Webber's letter into the record as part of the overall discussion related to dogs at downtown events.

Chair Filiault explained that his letter to the Mayor and City Council is to request the consideration of an ordinance regulating dogs at downtown events. He noted that there is already an Ordinance to regulate dogs at the Pumpkin Festival. The unfortunate part is that it relies on the organizers to regulate the dogs being at the event, which creates a problem within itself. This was brought to Chair Filiault's attention at the last Taste of Keene Food Fest downtown, where multiple times, various groups of dogs got together; there were some situations that could have gotten out of hand rapidly. Chair Filiault witnessed it and had several citizens approach him saying the City must do something about this before something happens. During that time, he said his wife was unfortunately recently bitten by a dog. Thanks to Councilor Williams' efforts to enact enforcement, a fine was put forward; he appreciated Councilor Williams working on that Ordinance. Chair Filiault noted all that comes with being bit by a dog, like many hospital visits and shots. Fortunately, the dog that bit his wife had its shots and could prove it. However, he said there could be situations downtown with people from out of town who cannot. Chair Filiault

suggested that this would be a case of being preemptive. He does not think that when there are a few thousand people downtown that it is the best place to be dragging your dog. With that said, he spoke with the City Attorney about the hope of putting together an ordinance so that people cannot bring their dogs within the footprint of downtown events. Chair Filiault welcomed input.

Vice Chair Jones noted that Ordinance O-2004-15-A was included in the meeting packet and asked if this would be an amendment to that Ordinance, or if a new Ordinance would be created based on festivals. City Manager Ferland thought they would need to look at where it makes sense to include that in the 2004 Ordinance, which has the language specifically for the Pumpkin Festival. She said it might make sense to get rid of that and write some new language in a new Ordinance and repeal O-2004-15-A.

To clarify the types of events, City Manager Ferland asked Chair Filiault whether he was looking at community events, which are specifically licensed and go through the City process; those are the larger events. Chair Filiault agreed that the larger events when there is a certain square footage in the footprint are the most concerning and having dogs be prohibited within the footprint of those major downtown events is what he is looking to achieve. Regarding defining major events, Councilor Haas could see it defined as anytime street closures are involved because that is when people are transiting and walking in different ways than they usually do, and they might be unaccustomed to where the flow goes. City Attorney Palmeira said it was brought to her attention that some events possibly have closures of very small roads that do not actually disrupt much and may not have a significant footprint; she said it might not be the same targeted event the Chair was thinking of if talking about an Ordinance. She said they might need to be aware of whether some events will fit into this concept.

The City Manager said that was why she talked about community events, which are specifically defined. Those are events that come before the Council each year for some funding; they are the larger events that get licenses through the City. Chair Filiault agreed, stating that he thought it is there that there is potential for a problem because you are within a footprint, which the dogs get crowded into. He called it a good place to start and said it could be expanded down the road. Chair Filiault said this would be a new Ordinance, which would be enforced by the City and not by the event organizers. He cited the case of the Pumpkin Festival, which at this time has no Police; he said there is not an Ordinance that the Police enforce. It is set up so the event organizers must enforce the Ordinance, which puts an unnecessary burden on them and can put the average person in some uncomfortable situations. He said it would be different if it were a Police Officer enforcing it. He said public information would help also. The City Manager said that she thought if the Council were to do this, she talked with the City Attorney about including it within event licenses, to state that dogs are not allowed in the footprint of the event. Councilor Williams brought up the example of No King's Day as an instance when this would not apply, and Chair Filiault agreed because there is not a footprint, although Councilor Williams said it uses the Gazebo. In general, Councilor Williams said political events (small to large) happen there, and he thought it should generally be kept out of this category.

Councilor Haas asked if it could be possible to create this ordinance the Committee was tending toward for all community events, but then empower the protocol committees to make exceptions, if possible, as needed where appropriate. The City Attorney understood the protocol was that

these details would usually come up during the process with licensed events and there is a distinction between having something in the license and having an Ordinance separate from license conditions, so that it is enforced by police, which Chair Filiault was seeking. If the stipulation were through the license/protocol process, it would be something the license holders would be responsible for enforcing. Chair Filiault said that would be like what exists now for Pumpkin Festival. The City Attorney clarified that the Pumpkin Festival Ordinance in the City Code is a prohibition enforced by the Police, but it is currently the only event identified as such in the Code.

Chair Filiault said he did not disagree with Councilor Williams, but like all things where politicians get together, he did not want to overcomplicate it. He wanted to start with the footprints of City events and if there is a need to expand, they could. Chair Filiault wanted to get something they could enforce sooner than later. He reiterated that it could be expanded later. Chair Filiault said the City had been lucky so far and stated that if somebody gets bit on City property, no matter who is organizing the event, they are coming after the City.

Vice Chair Jones asked for this to come back as a draft Ordinance, so it would not have to be amended through many versions. Chair Filiault said he talked to the City Attorney about having a draft to get most of the decisions out of the Committee.

Chair Filiault opened the floor to public comments.

At Large City Councilor Michele Chalice wondered about the criteria of when surrounding streets are blocked off and whether the isolated area created by the City's large trucks and concrete barriers could be the trigger for the associated size that would make this necessary. Chair Filiault said he heard what the Councilor was saying but that usually within a bigger footprint, it means a bigger crowd and vice versa; a smaller footprint does not necessarily make it any easier, it is just going to be more concentrated. He personally wanted to try to keep it simple and make it start off with downtown events. Chair Filiault agreed about bringing back a draft ordinance, so the Committee could get it right and it would not be kicked back by the full Council.

Councilor Ruttle-Miller noted that she likes dogs (they all do), but that there are specific instances when she could see that this could be problematic. On the other side, she said most of the time, dogs she has seen at these events do not want to be there; they are there because of somebody who does not understand that their dog does not want to be there. It is way too much pressure for that animal to behave in that scenario. Then, she said there could be a lovely person with a dog at Pride Festival wearing a "hug me" shirt, which is nice and well behaved. Councilor Ruttle-Miller noted that unless it were an actual service animal, this would not preclude that. She stated this would also cut out any sort of emotional support animals, which do not fall under the same regulation. Chair Filiault said he was not disagreeing with Councilor Ruttle-Miller: Chair Filiault and his wife love dogs, until they get bit by one. Councilor Ruttle-Miller stated that this is a hard topic for her and it has nothing to do with the dogs and everything to do with the people putting dogs in bad situations. Chair Filiault said they are all dog lovers.

Councilor Haas said they would hear from the dog lovers when this comes to full Council. He said one thing to have in mind for the future is how the City defines service dogs or emotional comfort dogs. Chair Filiault said service dogs are totally separate, and every dog is an emotional comfort dog.

The following motion by Councilor Haas was duly seconded by Vice Chair Jones.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends that the City Attorney draft an ordinance restricting dogs at all licensed downtown community events and return it as a draft at the next PLD meeting.

4. Councilor Jones - Request for Consideration of an Ordinance Establishing a Temporary Moratorium on Data Centers and Cryptocurrency Mining Facilities

Chair Filiault welcomed comments from the petitioner, Councilor Philip Jones. Vice Chair Jones said he first got thinking about this when he was up in the Statehouse and there was a bill before the house. It was Senate Bill 439, which would have allowed these entities to happen in any industrial or commercial zones of a municipality. Fortunately, it was tabled at the House and never brought back, so it died on the table, he said thankfully. He said that got his mind going about this. He noted it had been in the news a lot lately. He cited that Arizona had 180 of these data centers suddenly; they decided they wanted to be reactive, and they are suddenly finding out there are a lot of things they do not like about them, so they are putting a moratorium on them. Vice Chair Jones explained that Texas was inviting them to come to their state. Now, just this week, Governor Scott decided that they need to have regulations. The Governor of New York just introduced a two-year moratorium so they can create more regulations. The City of Lowell, Massachusetts, has the largest data center in New England and Councilor Jones said they were going through lots of problems with the neighbors, for example. They have 28 generators running all day long with long diesel spewing fumes, with the diesel motors going all the time (air conditioners on the roof are humming all the time because they must keep it cool). So, he said it is bad quality of life for the people in Lowell, and they are finding out the hard way.

Vice Chair Jones said the reason for suggesting a two-year moratorium is an indefinite sunset. He was asking for the two weeks so the Committee could be educated; there is a lot on social media, and they do not know what to believe. He called the keyword *impact*. He thought one way they could educate people on this would be to have a presentation or report from the Energy and Climate Committee on how this would impact Keene's Sustainable Energy Plan, the 2015 Greenhouse Gas Emissions report, and how it would affect Keene adapting to climate change. He wondered how it would affect Keene's 2004 Climate Action Plan. He also thought about the Community Development perspective and how the data centers would affect Keene's Master Plan; the Building, Health, and Fire Codes; the Water Department; and the Assessing Department and certain neighborhoods. He thought it would be great to hear from the Monadnock Economic Development Corporation because they might have another side to it: they might have the features and benefits to the City, especially ratables and employ-ables. He also thought the Council should hear from Southwest Region Planning Commission because this should be a regional issue. Vice Chair Jones added input from the New Hampshire Department of Environmental Services would be beneficial because they may already have some restrictions

and they could help the City to write some restrictions or regulations. He also believes that the New Hampshire Public Utilities Commission already has some regulations that would be great for the Council to hear. He suggested hearing from Eversource and Liberty Utilities as well about what is available for power (e.g., some of these places run off propane gas). He said there is a lot to be learned about all of this. Finally, he said the Council should hear from the public about this because it could affect their neighborhoods. He was not saying the City should not have data centers, he was just saying the Council should be proactive and not reactive.

Vice Chair Jones said he asked City staff whether a resolution or an ordinance would be more appropriate, because an ordinance creates a law and a resolution creates a policy. Chair Filiault said he spoke with City Attorney Palmeira about that today and her recommendation was that the next step should be to send this to the Planning Board. Chair Filiault asked if that would be the correct procedure. City Attorney Palmeira said there is a specific channel to go through for the process they would recommend for the moratorium. There is a state statute on moratoria, and it is specifically for all the reasons Vice Chair Jones just described; these are all the various areas of information we want to adhere to while regulating it.

The City Attorney said it would take a lot of research and a lot of understanding. She stated that a moratorium is the tool to freeze the status quo and to prevent any development while the City is doing that research. She said the moratorium does get referred to the Planning Board and first, the Planning Board by statute makes a recommendation of the need for a moratorium on the specific categories of use. Then, that recommendation would come to the legislative body, our City Council, to pass an ordinance. So, the City Attorney noted that the statute says that it would go through an ordinance. She also wanted to flag that the statute states a time frame for a moratorium of no more than one year, so the City would try to get all its work done in that time period.

Chair Filiault recalled that the City would not set a precedent here because as mentioned, the Town of Nottingham, New Hampshire, and others have already made moratoria. That reminded Vice Chair Jones that there was a recent announcement that the Governor of New Hampshire was going to request a moratorium because of Nottingham and now Bow, New Hampshire, dealing with issues. He said unfortunately, the Governor is putting it through the budget process, which means it would go to House Bill 2, which is the "Christmas Tree Bill" where everybody puts their "ornaments" on it. It would not even be heard until April 2027, and it would not be finished until June 2027. Vice Chair Jones thought that was too much time. He thought Keene should get something on the books before that happens because there is no guarantee she would even be the Governor; there is no guarantee what the House and Senate would do.

Councilor Haas thought there was a process laid out where it goes through the Planning Board and he imagined this Committee would make that recommendation. Reviewing the Land Development Code as the Committee had, Councilor Haas said there were virtually no limitations as such right now. The LDC does define data centers, but they are widely permitted with no special restrictions. He appreciated the City Attorney's guidance.

Councilor Williams said he had a few thoughts. First was that he was not terribly concerned about data centers opening in Keene soon because our price of electricity is so expensive. He

said they are opening in Texas and Arizona, which are places with ample solar renewable energy, and that is really what these things are moving into to take advantage of. Councilor Williams added that data centers have some very negative environmental effects. He cited particular concern about the effect on water: not just that it uses water, but that it heats water up, which is terrible for an ecosystem if it is then released into the environment. Nevertheless, he said he was not super concerned about them opening in Keene. He said we could see that here. Which was not to say he was against a moratorium. Yet he wanted to make sure it is not “bigfooting a lot of the, I wouldn't call them a data center.” He compared these giga scale centers with their own power plants to the office where he works, which has a server room and several racks of servers. He would like to continue being able to have a server room and several racks of servers. He would like to be able to build that without too much hassle anywhere in Keene. Councilor Williams said he recognized there is a certain scale at which the City would probably want to say, “let's not do that,” but he wanted to understand what that scale is before agreeing to a moratorium.

Vice Chair Jones added that at the Joint Planning Board-Planning, Licenses and Development (PB-PLD) Committee meeting he would have a request for definitions to use for zoning purposes. He said it would be a little bit different than how they are identified as uses within certain zones. He thought they would probably be conditional uses or overlays, where they can be regulated and not put up against neighborhoods (e.g., like the City did with casinos). Vice Chair Jones asked whether the Planning Board (PB) would make a recommendation that would come back to the Council, because the Planning Board cannot create an ordinance, the Council can. The City Attorney said that is right.

The City Attorney said, to Councilor Williams' question, part of the City Council's requirement for creating a moratorium is identifying categories of development to which the ordinance applies. She said staff spoke internally about how data centers are already defined and the City's own IT Department was a little concerned about prohibiting its own servers. So, there would be an intent to narrow it down to not prohibit what the City wants and have it really serve as a temporary definition while staff do the work for the Zoning Ordinance. To Vice Chair Jones, the City Attorney said he was correct and that his letter would be coming up at the Joint PB-PLD Committee, starting the conversation of how the City is going to define data centers for more of a permanent Zoning Ordinance, not the temporary one that would be in the moratorium. The City Attorney's office will be at the Joint Committee to talk about that, and their recommendation is going to be if this Council does suggest going forward with a moratorium, then the Joint Committee should put that on more time while the moratorium gets in place. Then, that would be the trigger to start the long-term work for the regulation. Vice Chair Jones said that was exactly the way he would like to see it and thanked the City Attorney.

Mayor Jay Kahn (of Mountain View Drive) said it was good to hear the one-year guard rail. He thought it was helpful that there would be some standard established across the state. He thought there would be a lot of evidence that comes from legislation, regardless of whether it is finalized in April, but he thought Keene was clearly in an investigative point in our country. He did not think that anybody wanted to act out of fear in prohibition because this is progress and we ought to be trying to set up what are the appropriate guardrails to that progress. The Mayor shared a story about being on Dan Mitchell's radio show and discussing data centers in Keene. He agreed

with Councilor Williams about questioning the definition of a data center. Mayor Kahn said there are lots of potential data centers: there is a website on WMUR listing about one dozen in New Hampshire; four of those are under the name of First Light and one of those First Light locations is in Keene. There is also one in Lebanon, Portsmouth, and Manchester. The Mayor said the City does not want to put a prohibition or a moratorium on existing data centers; they are not causing much harm currently and he has not heard complaints. So, Mayor Kahn said the City's definitions really need to be forthcoming. He suspected if this went to the PB, there would be a Public Hearing. There is not necessarily action to be taken following a Public Hearing but at least the Council would get more perspective on what the definitions ought to be. Mayor Kahn called it a good question that Vice Chair Jones raised. The Mayor said the City does not want to make guidelines that inhibit current uses because its definitions were not accurate enough.

Al Smith (of Keene) has lived in Keene for one year and has 30 years' experience in the data center industry working for a private company, which wrapped up with the design and build of data centers globally (a private company; they were all very small). The question Mr. Smith kept coming back to is "what is a data center?" He worked with ASHRAE and some other significant industry experts and said no one can answer the question because they range from a small telecom closet to in the case of Lowell, 350,000 square foot buildings, which is a reuse of an old factory. Mr. Smith called the latter a great opportunity, but it does come with the negatives: the noise, the diesel exhaust. In the company he worked for, they ran generator tests every single week on a Tuesday morning and they knew not to park their cars near the exhaust, or they would be covered in diesel soot. He provided other examples of how neighbors might have been disrupted on the weekends. He explained the noise that comes from the commercial locations, which could be next to residential locations, and it is very concerning because the noise carries. He shared experience of being at "data center row" in Ashburn, VA, stating that they never get a break. Mr. Smith commented on how the background humming noise is still there even when the cicadas go away. He said to imagine that in this nice valley, stating that it would be all anyone hears in the background: there would never be another quiet night.

Mr. Smith continued that most companies who are building a data center are going to get a deal with an electric company because they are buying a lot of power, so they get a better price, and that is something else to be concerned with as well, because that raises the demand. If they are getting a better price, then the people who are just living in a house that are not making a big payment are not going to get the same deal. Those are the concerns Mr. Smith has as a resident. He continued about when you start talking about the thousands of gallons of water. It is not always cooling; sometimes it adds humidity to keep the equipment running. He pointed out that Keene is not heavily connected. Unlike Lowell, Keene does not have a main heavy duty fiber connection into Boston. That is why Lowell was a potential connection. So, Mr. Smith said there are a lot of negatives. He knew one of the big pluses was that states like Texas and Arizona were convincing companies to move there. He said that does not make sense when you look at the water requirement, and they promise jobs. Mr. Smith wanted to warn people, having worked in a couple of data centers that were 50,000 plus square feet, he said they minimize the number of people on the floor: there are not a lot of jobs actually on site, they are remote workers doing things, possibly in another country sending the instructions to those servers. He said for every positive that is sold there is a negative. He added that they are great for construction jobs in the

short term, but he did not think there were any companies in Keene that were experts at building data centers; they would come in from outside as well.

Vice Chair Jones asked, when Mr. Smith said Keene does not have the connection, was he talking about the data connection? Mr. Smith said yes, the heavy-duty fiber connectivity to bring in gigabits of data transfer, which would be more in the metropolitan areas. He discussed the subsea cables that come across the Atlantic Ocean, terminating in Virginia, making Ashburn, Virginia, the perfect spot for data centers. Boston has some of that connectivity as well, in addition to New York. Without access to subsea cables, Mr. Smith said it would be less likely that companies would move heavy duty colocation facilities like the one in Lowell, Massachusetts, to Keene, New Hampshire. It would involve a lot of heavy-duty trenching and underground work. Mr. Smith shared an experience building a remote site in Western Maryland and leasing cables that were run already along Route 70 all the way up to Colorado. The big telecommunication companies have already put these in; they generally stick to the major highways. He said Brattleboro is closer to Hwy-91, so those commercial facilities would be more readily available to connect than Keene's. Mr. Smith called it something to think about, stating it was nothing to do with the moratorium and more to do with education. He closed by stating the four things needed for data centers: (1) water, (2) power, (3) cooling, and (4) connectivity. Vice Chair Jones appreciated Mr. Smith as an excellent resource.

Councilor Williams reiterated what Mr. Smith said about connectivity. Councilor Williams investigated hosting servers in Keene. It is far more expensive because of the lack of connectivity.

Chuck Redfern (of 9 Colby Street) thanked Mr. Smith for providing great information. In Mr. Redfern's opinion, stating he is no expert at this, but he thought Mr. Smith did throw a bit of a cautionary tale not to jump into it with blinders. Mr. Redfern said that feeds into the need for a moratorium, not to stop it, but to give us a chance to figure it out. Technology is moving at a rapid rate, just like so many things in the technology field, but this is one that we need to grasp where in Keene a data center would likely go. He said a lot of things in the "unknown" column end up in the East Keene neighborhood, where he resides. So, Mr. Redfern had some concerns that he wanted addressed during the moratorium. He would like to look at the other towns that were mentioned and do an AI of the pros/cons on the subject. He mentioned considerations like noise generated from the AC units on roof fixtures. He asked why to be the first in the area to implement it. He asked what would be wrong with a relatively short moratorium of one year, which he hoped would be two years; he felt one year was short. Mr. Redfern said the output value to the community has got to be the bottom-line question. He said we must somehow limit the output from these facilities (i.e., water use, which is precious). Mr. Redfern cited a Mayoral study from a few years ago about trends occurring with the water supply and change in the environment with global warming. Mr. Redfern said this is something that must be careful and well thought out. He said none in the room were experts; the closest was probably Councilor Jones. Mr. Redfern asked whether this would be going to the Joint PB-PLD Committee, and Vice Chair Jones said no, the Planning Board. The City Attorney clarified that Vice Chair Jones submitted two letters so there were two tracks: (1) if this Committee recommended to the City Council to refer this to the PB, (2) if that gets carried out the second letter from Vice Chair Jones, would be at the Joint PB-PLD Committee, concerning definitions for a data center. Mr.

Redfern concluded by stating that he does question the value of cryptocurrency and whether it is a value to our society or not. He suggested a moratorium to do some more serious research on this.

Robin Walden (157 Pako Avenue) said she has a lot of concerns around data centers in our community. First, electricity. Also, a lot of times when data centers install new plants, substations, and lines, often those costs get downshifted to residential customers. Ms. Walden cited water usage; any research she had done, or news reports, showed that communities near these data centers do not have water pressure. She asked what would happen if that occurred in Keene? Next, she cited the constant noise of the data centers. Ms. Walden stated that she has lived a blessed and quiet life at her home for the last 29 years and she is not looking to change that. She said the diesel generators emit fumes and fine particle pollutants that harm local air quality and human health: the decibels emitted from these generators can reach 90 decibels and levels over 85 are harmful to hearing. Ms. Walden mentioned lower property values and the taxes: "if I ever go to sell my house and there's a data center near me, that's not going to happen. I'm not going to recoup what I've put in." Her research agreed that there are far fewer jobs after data centers are built. For the case in Lowell, Massachusetts, she believed they had 12 people on site for that massive facility. So, she thought that advertising more jobs to Keene would be a false narrative. She also read that public health researchers have started evaluating how the broader environmental and structural footprints of data centers, specifically emissions from generators, cooling chemicals, and resource strain, could indirectly act as risk factors for reproductive health. Finally, Ms. Walden mentioned wildlife: we are disrupting their ecosystems, pulling water from rivers, and disrupting all of that. Ms. Walden stated that she would love the whole thing kiboshed but would be happy if the Council at least did a moratorium to look into this further. She does not think the City should put progress ahead of human health and quality of life.

Councilor Laura Tobin (of Center Street) said she, like a lot of people, has concerns. She thought there were a lot of unanswered questions. She cited a couple of things she hoped the Council would consider if it chose to do a moratorium. She cited the City's renewable energy goals and how that would fit in with this. She noted that a lot of people are using AI now, and she wondered what the City's fair share is of carrying that infrastructure. She wondered how that fit in with the PB's Process. She does not want to be the City that says we have to just build somewhere else; she felt that the City had been there with a lot of other things too.

Eli [last name not given] (of Keene) said his concern is about the ecosystem and the environment. He has some knowledge in that as a fisherman. He said the biggest thing is studying and knowing your environment and how the ecosystem works. He noted there are a lot of great ecosystems locally in and around Keene, and if you are pulling water from the watersheds to cool that down, possible pollutants could easily cripple some of the great ecosystems we have. Let alone he said it is probably not the best for animals or human consumption on top of that if it produces a noise. He noted that high humming and everything else is not the best for anyone's health, from animals to people, and could lead to some different syndromes. Still, Eli said the biggest thing is the not the water being cooled but the pollutants that cripple the ecosystem and make it a lot rougher for outdoorsmen especially to make money from guiding and everything else that is very fragile. It could very well impact the environments

locally too. Eli said that is the biggest thing to keep in mind when doing research into it: it is something that a lot of the outdoorsman would want the Council to keep in mind. He said on top of whether this is something that we should allow in our communities or not.

Councilor Michele Chalice said she received two calls about this, so she thanked Councilor/State Representative Jones for bringing this to the Council's attention. The two calls Councilor Chalice received were requests to add U.S. Department of Human Services Immigration and Customs Enforcement (ICE) detention centers to the list of data centers and cryptocurrency mining facilities due to the fact that a large facility would be potentially having similar impacts to our natural resources: water quality, water quantity, air quality, and potential sound disturbances. They were specifically requesting that if the Council were going to go through all this research that they would make sure they cover all their bases of potential large impacts to our community by these larger developments. Vice Chair Jones stated that detention centers were in his request to the PB-PLD Committee for definitions.

Jeannie Kingsbury (of Spruce Street) was glad to be having this meeting on data centers and about these broader impacts that can be called progress, but she questioned whether progress is so great when we live in a bowl. So, she said all that noise and pollution is trapped here with all of us; it is foggy, you can smell things, and you can see the pollution. She said they already get poor air quality alerts on their phones, and this would have an impact. She said these other places like Texas and Arizona are large, big, flat areas with a lot less populace, where the noise is less of a problem. Whereas in Keene, with the populace the noise and pollution would be a problem. She said it would not bring in jobs, citing the example from Lowell. She said these data centers are meant to replace people and jobs nationwide, which is why the people with the money are pushing for them. So, Ms. Kingsbury said the Council has to look at what kind of community we want here in Keene: do you want a welcoming community to manufacturers or companies that are actually going to employ people or places that are actually going to work to get rid of people. She was glad that the City was saying that it needs to slow down on this and look at what is going on. She agreed that there are businesses with server rooms, yes, but said those businesses employ a lot of people, using the hospital as a prime example. In the big scheme of things she said they were talking about impacts to people, to public lands and animals, and the environment. Ms. Kingsbury was glad Keene was saying to investigate this a little bit more. She said we cannot just let these companies steamroll themselves in saying progress, because progress is not always a good thing. Chair Filiault agreed.

Terry Clark (of 14 Barrett Avenue) did not come to necessarily speak for or against data centers, AI, or any of that, because as been noted, data centers and AI have been around here for a long time. The data centers especially. He thought the reason that we had been hearing so much about it is the dramatic increase in the interest in AI and in the number of companies that have that have formed to get into it in a big way. Mr. Clark is a member of the Nonpartisan National Association of Counties, Energy, and Land Use Steering Committee, which has been helping to craft a resolution urging protection of local authority over data centers, data privacy processing facilities, and which include cryptocurrency mining operations. He said the reason they got involved is because President Trump, in March of 2026, issued an executive order 14-318 titled Accelerating Federal Permitting of Data Center Infrastructure that was directing federal agencies to ease regulatory burdens and rapidly build out large data center projects. He said the translation

of that is to cut local governments out of the regulatory loop and forego the usual impact studies that could identify problems and implement solutions. State and federal lawmakers have already proposed or enacted legislation that limits or prohibits local governments from regulating the development of these energy and water hungry facilities, and it had been noted about the price of electricity around these data centers. Mr. Clark said utility customers in Maryland and Washington, DC, are some of the first in the country to see the effects of the data center boom show up on their residential electricity bills. Much of that price increase is due to the anticipation of future demand. That is the way the pricing works and is a part of the reason we have very high energy costs in New England data centers; they can be built faster than new supply resources like power plants, so the market is not competitive because projected demand exceeds supply and new supply cannot be timely built to restrain the prices.

Mr. Clark said the Nonpartisan National Association of Counties, Energy, and Land Use Steering Committee's proposal urges Congress to pass legislation to protect the authority of local governments to regulate, restrict, or ban data centers within their jurisdictions. The National Association of Counties, Energy, and Land Use Steering Committee is a 3,600-county strong organization that has been very effective in influencing the actions of Congress. So, Mr. Clark said the technology is here to stay, and he does not really oppose it; in fact, it can be beneficial if applied with proper safeguards. He said that if we do not let technology get ahead of the society curve. We will have a medical breakthrough and implement something just to find out that this miracle drug causes mass addiction, for example. So, he said we must be careful to slow things down, so that we can understand them before we start acting with them. Mr. Clark thanked the Councilman for bringing it all up because we really need time to sort all these things out. He said there are a lot of really serious questions: who owns and benefits from the technology and the centers, and where are they best located? How do we safeguard our electrical grid and water supplies? Most importantly, who makes those decisions? Mr. Clark was glad the Council was getting involved because this was really taking off at the County level and he hoped the City would be successful.

Vice Chair Jones agreed with motion but first wanted to ask the City Manager if the various entities, boards, departments, and so on that he mentioned in the beginning could be notified and asked if they would like to present some data that the Council or Planning Board could use in their research. The City Manager thought we would want to invite them to the Planning Board for their process when they are considered. Vice Chair Jones said that was what he was asking: for the Planning Board Public Hearing.

The following motion by Vice Chair Jones was duly seconded by Chair Filiault.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends that the Request for Consideration of an Ordinance Establishing a Temporary Moratorium on Data Centers and Cryptocurrency Mining Facilities be referred to the Planning Board.

5. Relating to Amendments to Article VII. - Food Service Establishments - Ordinance O-2026-14

Chair Filiault welcomed Compliance Inspector Ryan Lawliss (who also does Food Inspections) and Fire Marshal, Rick Wood. Mr. Lawliss said that before the Committee this evening was a proposal to remove and replace Chapter 46, Article 7, which would update the Keene Food Code from the 2009 FDA Food Code to the 2022 FDA Food Code. The Food and Drug Administration (FDA) updates the Food Code periodically to reflect current food safety, science, and practices. So, this will bring the City in line with the balance of the rest of the state and most of the nation. No other jurisdiction in New Hampshire is currently operating under a version older than 2017. Mr. Lawliss made the Committee aware that the City had been notifying its food establishments over the last year that this would be coming and talking to them about what that may entail, as well as how City staff will be working with them once it is in passed to bring them into compliance. It will be a work in progress with them and not something that happens right away. Chair Filiault said this is basically just staying in compliance with state statute/code. Mr. Lawliss said no, Keene has authority as a self-inspecting municipality and adopts its own Ordinance along with 14 other municipalities. Keene would be the last one to do this update. Keene is just trying to be more in line with the rest of the state, so that as businesses and people are in town, they can understand that we are following the most current up-to-date sciences.

Councilor Haas thanked Mr. Lawliss for putting this forward and getting the City up to date on codes. Councilor Haas is always worried about the impact and what the issues will be with our existing food purveyors and restaurant/food establishments. He asked Mr. Lawliss to comment on what he had heard from them as far as what they would need to change or how this would impact them. Mr. Lawliss said the food Code was from 2009, and this went into effect in 2017; this would also be seen in 2022 as well. It is called a Certified Food Protection Manager Requirement, which requires somebody to have training on certification as being able to handle food safely and to oversee the staff. This puts a responsibility for food safety on the management level, which helps to, rather than relying solely on inspectors, and inspectors being there all the time to make sure that the consistency of health and safety is contained throughout. While this is one of the largest changes, Mr. Lawliss said it would shock him to understand that a lot of even some of the smaller, locally owned establishments have somebody who has undergone this training.

Councilor Haas said it is basically like an upgrade from ServSafe. Mr. Lawliss said ServSafe is basically the norm. In having owned food service establishments in the past, Chair Filiault said it was always upgraded year to year in most levels, so he did not think this was “inventing the new light bulb here.” Mr. Lawliss agreed that almost all the larger chains require all their supervisors and managers to do this, and a lot of the local restaurants too, like Sole Bar, where the owner is a trainer for ServSafe, so she offers training to staff throughout in different restaurants. Mr. Lawliss said this is nothing new, the City is just codifying the requirement.

Councilor Haas said this requires some certified training to be acquired. He asked where this training would come from: does the City need to hire a professional agency to train and certify them? Mr. Lawliss said yes, ServSafe is one of the most common examples that is done online. The one the City is looking into is making sure they are certified. He said a lot of people with 20

years of experience could probably go take that test tomorrow and pass it without any issues. It is online and not overly burdensome. Councilor Haas asked if there is a cost associated with the training and certification. Mr. Lawliss thought it was a couple of hundred dollars. Councilor Haas asked how many years the certification is good for, and Mr. Lawliss said five years. Councilor Haas asked if any Keene food establishments already have this on their own. Mr. Lawliss said yes, most do; certainly, the chain restaurants or establishments that are franchises and other local places like Sole and Grenada. The City would work with the smaller establishments case-by-case to connect them with the resources and get them on track. Councilor Haas noted the City has a lot of smaller establishments in the downtown, so he would be looking to hear information back from the food purveyors.

Fire Marshal Rick Wood pointed out that the enactment of this is planned for after the City's current food license renewal. So, the goal is to get this enacted post-September 30, 2026, because that is when the City's food licenses are renewed. That means that everybody is going to have one year before any of the changes really hit from that training perspective because they are already licensed. So, there is that one-year working period as well as the fact that some of the fee adjustments are going to be one year out. Fire Marshal Wood thought that was helpful to understand the context of implementation.

Councilor Haas was a little disappointed that there was no representation from our food industry here to speak as to how well they can take this on or adapt it / comply with it. He asked what kind of communications have gone out to them about this happening. Mr. Lawliss said a lot of the new restaurants that came to town from Manchester or out-of-state on Main Street in the past year were shocked to learn that they did not have to provide certification. He said it is common practice to have to provide that information. He said when vendors for festivals come from out-of-state, they send him certifications out of habit. So, Mr. Lawliss thought this would bring the City more in line with what is a custom for many. He was sure there were a few they would have to work with more and staff would work with those establishments as they do all the time.

Fire Marshal Wood asked if this affects all classes of food licenses. Mr. Lawliss said there are some exceptions. It is based on risk. For example, a convenience store that has all prepackaged food and items would not be required to have this type of certification.

Chair Filiault knew there were two variations: ServSafe Food and ServSafe Alcohol. He asked whether ServSafe Alcohol would be included in this. Mr. Lawliss said this is ServSafe Manager Training.

Councilor Ruttle-Miller said she had experience in the restaurant industry, having spent several years serving and bartending, and as a consumer. She said she has no qualms with requiring additional safety certifications because she had worked in both places that do follow ServSafe and places that do not. She said she had experienced a variety of people willing to follow those rules regardless, and consumers always just have to kind of make choices for themselves where to go. Councilor Ruttle-Miller said that it is not like multiple weeks of training and multiple thousands of dollars of investments. She did understand for smaller establishments that these are higher hoops to jump through. However, she thinks that making sure your staff is certified and knows how to properly handle food in a safe manner is an important component in owning an

establishment. Fire Marshal Wood noted that not all staff have to be certified. There must be one person who is a Certified Food Safety Manager when the business is open, which he called an important delineation. Chair Filiault said hopefully everybody is trained by that manager.

Councilor Haas said he was troubled that this was all new to him due to his own ignorance of the topic. So, he thanked the presenters for the update. However, without hearing the acceptance of this from the food service community, Councilor Haas said he was troubled with it. He said it appeared like another change that the City is just putting out that the stakeholders have not had a chance to react to. He could imagine hearing from them later about having to do a \$200 training session when their margins are so thin; they may feel like the City is pressing them again. So, Councilor Haas said he was uncomfortable with this on that basis. He said it would have been great if staff had brought several restaurant owners to the meeting to speak about how great it is and how happy they are with it making their businesses better because they can put the decal in their front window. Chair Filiault said he would be interested in that feedback also and to hear someone say why they are not ServSafe. Fire Marshal Wood said another thing to realize was that staff had been talking about this with those restaurants for about one year as they had been working through this process; this is not something that had just started within the past few months. Staff had been having those conversations and checking to see who has credentials. Most places have Time Temperature Controlled Foods (TCS), so they have somebody already. Fire Marshal Wood said there are very few in that category who do not have somebody. Chair Filiault added that they would not have to do this by September 30, 2026, they would need to get their licenses by September 30 and then have one year to comply.

City Manager Elizabeth Ferland added that it was important to remember that by adopting this, the City would still be behind. This is based off the 2022 FDA model food Code, which updates every five years. The City Manager said she thought this update is very much needed; it might have been needed a few years ago. It took the City a long time to get here and she did not think it would be a big lift for most organizations.

Chair Filiault opened the floor to public comments.

Councilor Laura Tobin (of Center Street) said she had worked at a food establishment and ate at plenty in Keene. She has had food poisoning multiple times from restaurants outside of Keene. Councilor Tobin said she would feel very uncomfortable if the City did not make food as safe as possible for people to consume. She understood that there may be effort on behalf of some of the food establishments. However, to Councilor Tobin, this is just protecting the people who live here.

The following motion by Councilor Williams was duly seconded by Vice Chair Jones.

On a vote of 4 to 1, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2026-14. Councilor Haas voted in opposition.

6. Adjournment

There being no further business, Chair Filiault adjourned the meeting at 7:54 PM.

Respectfully submitted by,
Katryna Kibler, Minute Taker

Reviewed and edited by,
Terri Hood, City Clerk