



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
April 18, 2024
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- April 4, 2024, Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Recognition - Kathy Collinsworth - Business New Hampshire First Inaugural Nonprofit Leader of the Year Award, 2023
2. Public Hearing - Cottage Court - Ordinance O-2024-01

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations - Energy and Climate Committee, Partner City Committee
2. Memo to file - Confirming the Nomination of Trustees of Trust Funds
3. Nominations - Energy and Climate Committee, Planning Board

C. COMMUNICATIONS

1. Cabana Falls Winery - Permission to Offer Samples and Sell Alcohol at Keene Farmers Market
2. Keene Elm City Rotary Club - Request to Use City Property - Clarence DeMar Marathon - September 29, 2024
3. Keene Family YMCA - Request for Road Closure - Summit Road - June 2, 2024
4. Keene Music Festival - Request to Use City Property - August 31, 2024

D. REPORTS - COUNCIL COMMITTEES

1. Animal Control Program
2. Farmer's Market of Keene – Request to Use City Property – 2024 Farmer's Market
3. Cathedral Ledge Distillery – Request to Participate in the Keene Farmer's Market
4. Copper Cannon Distillery – Request to Participate in the Keene Farmer's Market
5. Brewbakers Café – Request to Use City Property – Adjacent to Wilson Street – Outdoor Dining
6. Keene Pride – Request to Use City Property – Keene Pride Festival – September 15, 2024
7. Pathways for Keene – Request to Use City Property - 4 on the 4th Road Race – July 4, 2024
8. Keene Young Professionals Network – Request to Use City Property – 2024 Taste of Keene Food Festival - June 1, 2024
9. Cellular Tower Lease Agreement - City Owned Property
10. Councilor Madison – Potential Changes to Council Disciplinary Process
11. Arts Alive - Requesting a Waiver of Parking Fees - Elevate the Arts Event
12. West Side Downtown Parking Structure Project - Consultant Selection
13. ARPA Grant Funding - Request for Time Extension - Downtown Infrastructure Project
14. Sole Source- Filter Media and Underdrain Replacement Project Contract

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Cable TV Franchise Agreement Extension - ACM/Communications and Information Director
2. Resignation of Ely Thayer from Trustees of Trust Funds

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Nuisance, Menace and Vicious Dogs Ordinance O-2024-07

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, April 4, 2024. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Bryan J. Lake, Catherine I. Workman, Thomas F. Powers, & Mitchell H. Greenwald were present. Bettina A. Chadbourne was absent. Ward One Council seat vacant. Councilor Jones led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Greenwald to adopt the March 21, 2024, minutes as presented was duly seconded by Councilor Bosley. The motion carried with 13 Councilors present and voting in favor. Councilor Chadbourne was absent. Ward One Council seat vacant.

ANNOUNCEMENTS

Mayor Kahn announced the cancelation of the April 10 Special Municipal Services, Facilities, and Infrastructure (MSFI) Committee meeting. The project design review will occur during the April 24 MSFI Committee meeting, with an early start at 5:30 PM. The Planning, Licenses, and Development (PLD) Committee will hold its regular meeting at 6:00 PM on April 10. Also on April 10, the public displays of the downtown infrastructure improvement project design will occur at the Recreation Center, at both 3:00 PM to 4:30 PM and 5:30 PM to 7:00 PM.

Next, Mayor Kahn announced that the Operating Budget review by the Finance, Organization, and Personnel (FOP) Committee would start with their first meeting on Thursday, May 9, at 5:30 PM. Additional meetings were scheduled for Tuesday, May 14 at 5:30 PM, and Tuesday, May 21 at 5:30 PM. A light meal will be provided in advance of these meeting times. Mayor Kahn also announced a Special City Council meeting on April 23 at 6:00PM for the purpose of holding the annual evaluation of a Charter employee. Lastly, the Mayor announced the cancelation of the July 4 Council meeting in observance of Independence Day.

RETIREMENT PROCLAMATION – RAY PHILLIPS

Mayor Kahn read a Proclamation honoring Ray Phillips for 22 years of service to the Keene Fire Department. Mr. Phillips thanked the City Council—past and present—for its support over the years. He said it was a long, good career, with a lot of support from the City. Mr. Phillips said it was an honor working for the residents of Keene for so long.

RETIREMENT PROCLAMATION – COLLEEN SWIDER

Mayor Kahn read a Proclamation honoring Coleen Swider for 35 years of service to the Keene Public Library. Ms. Swider read the following statement:

Even just a few years ago, public perceptions of libraries was undergoing a radical change. In the early 19th and 20th centuries, libraries were a means of education and entertainment. With the advent of modern technology, this idea was being questioned, but far from the demise of libraries, as was woefully predicted, a generation of educators and leaders began to pivot the role of the library in the community to one of activism and leadership.

Libraries build good citizens. Not only do they inform and educate, but they are also the so-called Canaries of the Community. Libraries are usually one of the first recognizers of social and cultural changes, whether that be housing, health initiatives, or political unrest. The Keene Public Library [KPL] has most assuredly brought myriad young families and retired active seniors to settle in our community. I've heard myself again and again when I saw your library, I knew Keene was the place for me. Part of this is because the libraries have become the new general store of the community. They are widely used meeting places. The KPL hosts hundreds of public and private meetings every year. The library is a place young mothers meet to socialize and support other young families. It's the place social service agencies can meet with clients privately. It's a place librarians can direct individuals in crisis to City help with housing and food and legal services. The elderly feel safe in our walls, attending lectures, movies, and craft programs, meeting new friends, and possibly finding a new purpose in life. It was the Keene Public Library partnering with the New Hampshire Food Banks and the Community Kitchen, who first realized how many of our children were without food during the summer. It was also the Keene Public Library that recognized the inequality and divisiveness that was engendered by feeding only children and not their caregivers or parents. And it was the KPL who extended the free food program to adults who were without families. All of this was accomplished without direct City funding. Instead, the funding came from our Trustees and our Friends and grants pursued by your librarians. Today, almost all of our lives are facilitated by technology. The Keene Public Library provides instructions for many of our seniors who are desperate to keep pace with today's changing order.

When I first began 35 years ago, we circulated books and magazines, LPs, and framed artwork. And a very, very tiny collection of videos donated by The Grange, which you could watch in a kind of telephone booth. But now, with the advent of our gear library, you can plan and plant your garden from seed to harvest and preserving with our extensive tool collection. You can snowshoe in the winter, kayak and fish and camp in the summer, all with materials borrowed from the libraries.

If you have a creative side, come to the Library and use our vast collection of sophisticated maker materials. You can engrave, carve, laser, and 3D print anything that you can think of with a knowledgeable instructor by your side. Diversity and inclusion is one of our City goals. The Library most assuredly is in the forefront of promoting that goal. We have a growing collection of materials curated to serve the needs of non-English speaking in Hindi, Spanish, Portuguese, and Chinese, among others. We partner successfully with Keene schools, ESL tutors, and the Keene community to ensure that we provide the best assistance and materials to our newest neighbors. When I visited schools often and talked with children about coming to the Library, there were two things that I said that amazed every child and I heard it over and over again. The Library and everything in it was free. They were astounded. And the second thing? The Library belonged to them. The Library belonged to them, and it's what their parents and their leaders gave them.

The KPL is a jewel in our City's crown. We are the best Library in this State in this time of municipal belt tightening. The Library is the most comprehensive egalitarian service that we can offer our citizens. In conclusion, the value that the City has always placed on the Library as a vital underpinning is undeniable, and as we celebrate 125 years in our beautiful building, my wish is that it may always be that way. Thank you.

PROCLAMATION – LIBRARY BOOK SALE

Mayor Kahn read a Proclamation in honor of the Keene Public Library's Book Sale. The Mayor announced that April 19–21, 2024 as Friends of the Keene Public Library Days, and he urged all citizens of the Monadnock region to visit the Spring Book Sale at the Keene Public Library in support of continued excellent library programs and facilities. Mayor Kahn presented the Proclamation to Jan Manwaring, representing the Friends of the Keene Public Library. Ms. Manwaring said this year the sale will be on two floors, with over 40,000 books. She added that on bag day you can fill any size bag with as many books as possible for \$5. She thanked the volunteers for their hard work sorting and moving books, as well as everyone who donated books.

RECOGNITION – KATHY COLLINSWORTH – BUSINESS NEW HAMPSHIRE FIRST INAUGURAL NONPROFIT LEADER OF THE YEAR AWARD, 2023

The Mayor stated this would be postponed until Ms. Collinsworth can be present.

CONFIRMATIONS – LIBRARY BOARD OF TRUSTEES & ENERGY AND CLIMATE COMMITTEE

Mayor Kahn nominated Hollie Seiler to serve as a regular member of the Library Board of Trustees, with a term to expire June 30, 2025. The Mayor also nominated Gordon Lerversee to serve as a regular member of the Energy and Climate Committee, with a term to expire December 31, 2026.

A motion by Councilor Greenwald to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Chadbourne was absent. Ward One Council seat vacant.

NOMINATIONS – ENERGY AND CLIMATE COMMITTEE & PARTNER CITY COMMITTEE

Mayor Kahn nominated Annu Joshi Bargale to serve as a regular member of the Energy and Climate Committee, with a term expiring December 31, 2026. He also nominated Derek Blount to serve as an alternate member of the Partner City Committee, with a term expiring December 31, 2026. Mayor Kahn tabled the nominations until the next regular meeting.

COMMUNICATION – ARTS ALIVE – REQUESTING A WAIVER OF PARKING FEES – ELEVATE THE ARTS EVENT – AUGUST 11, 2024

A communication was received from Georgia Cassimatis of Arts Alive, requesting a waiver of parking fees for their annual fundraising event, Elevate the Arts, to be held on August 11, 2024,

in the Commercial Street parking lot and spaces along the Rail Trail on Gilbo Avenue. Mayor Kahn referred the communication to the Finance, Organization, and Personnel Committee.

COMMUNICATION – GAIL SOMERS – RESIGNATION – PLANNING BOARD

A communication was received from Gail Somers, resigning from the Planning Board. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of her service was duly seconded by Councilor Bosley. The motion carried unanimously with 13 councilors present and voting in favor. Councilor Chadbourne was absent. Ward One Council seat vacant.

COMMUNICATION – CATHEDRAL LEDGE DISTILLERY – REQUEST TO PARTICIPATE IN THE KEENE FARMER’S MARKET

A communication was received from Christopher Burk of the Cathedral Ledge Distillery, requesting to participate in the Keene Farmer’s Market. They previously participated in 2022 and would like to return this year and be able to serve samples and sell their organic spirits. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

FOP REPORT – ACCEPTANCE OF 2024 WELLNESS GRANT

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend the 2024 wellness grant from Health Trust in the amount of \$2,000 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 Remy. The motion carried unanimously with 13 councilors present and voting in favor. Councilor Chadbourne was absent. Ward One Council seat vacant.

FOP REPORT – CONSTRUCTION SERVICES CONTRACT – DOG PARK

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a construction services contract with David O’Neil Construction for services required for the construction of a new dog park for an amount not to exceed \$74,707.00 with funding to come from Project Cost Center (65J0012A). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 13 councilors present and voting in favor. Councilor Chadbourne was absent. Ward One Council seat vacant.

CITY MANAGER COMMENTS

The City Manager, Elizabeth Dragon, reported that the Legislative Delegation meeting at Heberton Hall was a success thanks to the City Clerk’s team, Library assistance, Helen Mattson, and Beth Fox. Ms. Fox serves on the NH Municipal Association (NHMA) Board. NHMA staff provide an excellent overview of bills of interest. In addition to SB 406 related to funding for homelessness housing expenses, the City Manager was also following several bills of interest related to housing and retirement. There are three retirement bills that could prove to be very problematic to the City. So, she reached out to Keene’s Legislative Delegation, requesting that they oppose HB 1647, SB 309, and HB 1451.

The City Manager continued, explaining that at this time, the NH Retirement system required 10 years of service in the system to become vested. SB 309 proposed changing that to five years. While the City Manager understood that this could be a recruitment tool, it would also create issues with retention. Many City employees are between that 5–10-year mark and are staying with the City until they reach 10 years to become vested. Vested balances made up of employer and employee contributions are fully owned by the employee and that employee has earned the right to a pension. Employees leaving before becoming vested are entitled to the contributions they have made plus interest—a pension is not an option. SB 309 could be very problematic to the City if passed, both as it relates to retention and as it relates to increased retirement expense. Employer contributions are expected to increase by \$2.12 million in FY-26 and \$2.18 in FY-27. These increased costs are passed on in our rates.

Next, the City Manager said that HB 1647 would not only cost towns and cities a great deal more, it is extremely unfair to the majority of our employees who are Group I. At this time, there were tiered benefits in both Groups I and II of the retirement system; where an employee falls on those tiers depends on when they started working for the City. This bill would attempt to remove those tiers for Group II (Police & Fire only) at a cost to towns and cities in year one of \$3.69 million. It would also create disparity between the rest of employees who fall under Group I.

The City Manager explained that HB 1451 related to inclusion of mandatory overtime in the calculation of an employee's base rate calculation for retirement benefits. This is again a very costly bill for towns and cities. The exact cost is unknown because they did not define what "mandatory overtime" is. Overtime costs in City departments vary greatly depending on what is happening in those departments. We see this the most in Police, Fire, and Highway. The City sees overtime numbers spike when short staffed (e.g., someone out on FMLA, someone just out sick, recruitment challenges, etc.). Including mandatory overtime in the base calculation for retirement will drive up the employer's pension rate. Projected increases up to \$8.18 million in FY-26 and \$8.42 million in FY-27. The City Manager was also concerned about changes related to people signing up for shifts. Will people be less apt to sign up for a shift and instead wait to be ordered in so that it counts towards their base rate calculations for retirement purposes? What changes might also be needed in our union contracts? The City Manager asked Keene's Legislative Delegation to oppose all three bills.

The City Manager said she was holding hope for one retirement bill, which passed the House. HB 1279 would restore a portion (7%) of the State's contribution toward retirement (the state once contributed 40%; this was fully eliminated in 2011). Those expenses were downshifted to local towns, cities, and schools. This bill would provide some welcomed relief. Some form of this bill has been put forward every year and defeated since 2011. In 2022, Keene received a one-time payment.

Mayor Kahn urged all to echo the City Manager's message to State Representatives. He noted that he was asked to join with other Mayors in supporting school funding bills: HBs 1482 and 1655.

TABLED ITEMS – COUNCILOR ORMEROD – RESIGNATION – KEENE CITY COUNCIL

Mayor Kahn called forward Mr. Ormerod’s tabled resignation, which was effective as of April 1, 2024. The Mayor declared the Ward One Council seat vacant and established the filing period as follows. The filing period will start at 8:00 AM on Friday, April 12, 2024, and will continue until Friday, April 26 at 4:30 PM. Declarations of Candidacy will be available in the office of City Clerk. There is a \$2 filing fee. At the May 2 City Council meeting, each candidate will be given five minutes to address the City Council relative to their candidacy. Immediately following this, the Council will proceed with the process of filing the vacancy. The candidate receiving the votes of a majority of the elected Council will be declared the winner. The oath of office will be administered, and the prevailing candidate will immediately assume office.

Mayor Kahn said that Mr. Ormerod had distinguished himself well during his five years on the City Council. The Mayor thanked him and wished him well in his continued service to the School Board.

TOM MULLINS – GIFT AND CONGRATULATIONS ON RETIREMENT

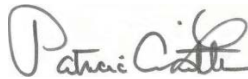
While Mr. Mullins’ retirement would be honored formally at a later date, a group of 23 retired City department heads presented him with a gift.

NON-PUBLIC SESSION

A motion by Councilor Greenwald to go into non-public session to discuss legal advice under RSA 91-A:3, II (e), was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Chadbourne was absent. Ward One Council seat vacant. The non-public session began at 7:50 PM. Discussions relating to the subject matter was held. The session concluded at 8:10 PM. A motion by Councilor Greenwald to keep the minutes of the non-public session sealed was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Chadbourne was absent. Ward One Council seat vacant.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting.

A true record, attest: 
City Clerk



Notice of Public Hearing
Amendment to Land Development Code
Cottage Court Overlay District Conditional Use Permit

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to Ordinance O-2024-01 Relating to amendments to the City of Keene Land Development Code – Zoning Regulations – Cottage Court Overlay District Conditional Use Permit. The application to amend the LDC has been submitted by the City of Keene Community Development Department.

The petitioner proposes to amend sections of Chapter 100, the Land Development Code (LDC), to add a new Article 17 “Cottage Court Overlay District Conditional Use Permit”; Amend Article 3 to allow “Dwelling, Two-Family,” “Neighborhood Grocery Store,” “Office,” “Restaurant,” “Retail Establishment, Light,” “Day Care Center,” and “Community Garden” as allowed uses with a Cottage Court Overlay (CCO) conditional use permit in all residential districts, to allow “Dwelling, Two-Family” and “Dwelling, Above Ground Floor” as allowed uses with a CCO conditional use permit in the Rural, Residential Preservation, Low Density 1, and Low Density districts, and to allow “Dwelling, Multi-Family” as an allowed use with a CCO conditional use permit in the Low Density 1 and Low Density districts.

The full text of the ordinance is available for public review at the City Clerk’s Office Monday-Friday, 8 am-4:00 pm or online at www.keeneh.gov.

HEARING DATE: April 18, 2024

HEARING TIME: 7:00 PM

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and City Council of the City of Keene, this 21st day of March, Two Thousand and Twenty-Four.

Attest:

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Patricia Little, City Clerk
Subject: **Confirmations - Energy and Climate Committee, Partner City Committee**

Council Action:

**In City Council April 18, 2024.
Voted unanimously to confirm the nominations.**

**In City Council April 4, 2024.
Nominations tabled until the next regular meeting.**

Recommendation:

I hereby nominate the following individuals to serve on the designated Board or Commission:

Energy and Climate Committee

Annu Joshi Bargale, slot 5
108 Kendall Road

Term to expire Dec. 31, 2026

Partner City Committee

Derek Blount, alternate, slot 12
47 Gates Street

Term to expire Dec. 31, 2026

Attachments:

1. Joshi Bargale, Annu_Redacted
2. Blount, Derek_Redacted

Background:

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fwd: Interested in serving on a City Board or Commission
Date: Monday, March 4, 2024 8:42:29 PM

Please redact

Sent from my U.S.Cellular© Smartphone
Get [Outlook for Android](#)

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene
<helpdesk@ci.keene.nh.us>
Sent: Monday, March 4, 2024 6:50:27 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Mon, 03/04/2024 - 18:50</p>

<p>Submitted values are:</p>

First Name:

Annu

Last Name:

Joshi Bargale

Address

108 Kendall Road, Keene NH

How long have you resided in Keene?

7 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Occupation:

Master of Business Administration student from SNHU

Retired

No

Please list any organizations, groups, or other committees you are involved in
Keene International Festival and Keene Community Education.

Have you ever served on a public body before?

Yes

Please select the Boards or Commissions you would be most interested in serving on.

Energy and Climate Committee, Human Rights Committee, Planning Board

Please let us know th e Board or Commission that you are most interested in serving on.
Human Rights Committee

Optional - Please select your second choice of which Board or Commission you would like to serve on.

Energy and Climate committee

Optional - Please select your third choice of which Board or Commission you would like to serve on.

Planning Board

Please share what your interests are and your background or any skill sets that may apply.

I wanted to serve people and earth anyway. I studied Electrical Engineering and Master of Business Administration. I am ambitious and hardworking individual.

I am a good planner, I like to solve problems, I like to research, My strength is emotional intelligence. I am creative and a good learner also.

Please provide 2 personal references:

Ritu Budakoti

[REDACTED]

References #2:

Gina Burke

[REDACTED]

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Monday, December 19, 2022 11:20:56 AM

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Monday, December 19, 2022 10:10 AM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Mon, 12/19/2022 - 10:09</p>

<p>Submitted values are:</p>

First Name:

Derek

Last Name:

Blunt

Address

47 Gates St, Keene NH 03431

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Making Community Connections Charter School

Occupation:

Educator

Retired

No

Please list any organizations, groups, or other committees you are involved in

N/A

Have you ever served on a public body before?

No

Please select the Boards or Commissions you would be most interested in serving on.

Partner City Committee

Please let us know the Board or Commission that you are most interested in serving on.

Partner City Committee

Please share what your interests are and your background or any skill sets that may apply.

I have been apart of the most recent Einbeck exchange in October of 2022 and am currently helping to set up the high school exchange between MC2 and BBS in Einbeck. I believe strongly in the preservations and continuation of this partnership having experienced it. I believe my enthusiasm, professionalism and age will be assets to the committee.

Suggest other public bodies of interest

N/A

Please provide 2 personal references:

Chris O'Reilly

chris.oreilly@mc2school.org

(603) 283-0844

References #2:

Elizabeth Cardine

elizabeth.cardine@mc2school.org

(603) 283-0844

City of Keene
New Hampshire

April 18, 2024

TO: File

FROM: Patricia Little, City Clerk

SUBJECT: Relating to Confirming the Nomination of Trustees of Trust Funds

At a regular meeting of the Keene City Council held on April 18, 2024, the following action occurred:

On motion by Councilor Greenwald, voted unanimously to suspend the Rules of Order to allow action on a nomination. Voted unanimously to confirm the nomination of Allen Mendelson to the Trustees of Trust Funds for a term to expire on December 31, 2026.

Attest:



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.3.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Patricia Little, City Clerk
Subject: **Nominations - Energy and Climate Committee, Planning Board**

Council Action:

**In City Council April 18, 2024.
Nominations tabled until the next regular meeting.**

Recommendation:

I hereby nominate the following individuals to serve on the designated Board or Commission:

Energy and Climate Committee

Councilor Bryan J. Lake, slot 3

Term to expire Dec. 31, 2025

Planning Board

Stephon Mehu, alternate, slot 10
40 Elm Street

Term to expire Dec. 31, 2026

Attachments:

1. Background_Mehu_Redacted

Background:

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Friday, March 15, 2024 4:05:23 PM
Attachments: [Outlook-obytbss3.png](#)



Patricia Little
CITY CLERK

(603) 352-0133, ext. 2
 plittle@KeeneNH.gov
 3 Washington Street, Keene, NH 03431
 KeeneNH.gov

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene
<helpdesk@ci.keene.nh.us>

Sent: Friday, March 15, 2024 4:02 PM

To: Helen Mattson <hmattson@keenenh.gov>

Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>

Subject: Interested in serving on a City Board or Commission

<p>Submitted on Fri, 03/15/2024 - 16:02</p>

<p>Submitted values are:</p>

First Name:

Stephon

Last Name:

Mehu

Address

40 Elm Street Apt 2

How long have you resided in Keene?

four years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Town of Swanzey

Occupation:

Assistant Town Planner

Retired

No

Please list any organizations, groups, or other committees you are involved in

Keene Young Professionals

Have you ever served on a public body before?

No

Please select the Boards or Commissions you would be most interested in serving on.

Bicycle/Pedestrian Path Advisory Committee, Planning Board, Zoning Board Adjustment

Please let us know the Board or Commission that you are most interested in serving on.

I am most interested in serving our community by contributing to the Planning Board.

Optional - Please select your second choice of which Board or Commission you would like to serve on.

I would prove quite knowledgeable in contributing to the Zoning Board of Adjustment.

Optional - Please select your third choice of which Board or Commission you would like to serve on.

I would prove quite knowledgeable in contributing to the Bicycle & Pedestrian Path Advisory Community.

Please share what your interests are and your background or any skill sets that may apply.

My interests lie with community development and engagement.

I currently serve as the sole planner for the Town of Swanzey and therefore serve as the liaison to the Planning Board, Zoning Board of Adjustment, and a myriad of other boards.

The nature of my position has required me to familiarize myself with the regulations regarding Site Plan Reviews, Zoning & Planning law, and the values of our region/ community at large.

Suggest other public bodies of interest

The Board of Education is another channel through which great change would provide positive impact to our city and the region. Shaping the minds that are next in line to serve our communities is a pivotal point in creating a sustainable and healthy community.

Please provide 2 personal references:

George Hansel

[Redacted]

References #2:

Michael Jasmin

code@swanzeynh.gov

[Redacted]



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Aly & Carroll Lefebvre/Cabana Falls Winery
Through: Patricia Little, City Clerk
Subject: Cabana Falls Winery - Permission to Offer Samples and Sell Alcohol at Keene Farmers Market

Council Action:

In City Council April 18, 2024.

Voted unanimously to Suspend Section 26 of the Rules of Order to allow action on this item on first reading.

Voted unanimously to grant the request of Cabana Falls Winery to sell alcohol and provide individual product samples to patrons at the 2024 Keene Farmers' Market on City property licensed to the Farmers' Market of Keene in accordance with the requirements of the State Liquor Commission. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmers' Market of Keene; obtainment of all necessary permits and licenses and compliance with all laws.

Recommendation:

Attachments:

1. Communication_Cabana Falls
2. Farmer Market_Cabana Falls
3. Liquor Commission_Cabana Falls

Background:

Aly and Carroll Lefebvre, Cabana Falls Winery, are requesting permission to sell alcohol at the Farmers Market of Keene for the 2024 season.

Good Morning

We would like to have permission to attend to sell and taste wine at the 2024 Keene Farmers Market. We have attended the last 2 years and would love to attend again. If we can get the City of Keenes approval, we will then ask the State of Nh Liquor Commission to also allow us to attend. I am attaching the Farmers Market paperwork that has to be filled out by the City once we have the Citys approval.

Thank you

Aly & Carroll

Cabana Falls

The image shows two handwritten signatures in black ink. The first signature on the left is 'Aly', written in a cursive style. The second signature on the right is 'Carroll', also in cursive, with a long horizontal line extending to the right from the end of the name.

Aly Lefebvre
Cabana Falls
80 Peterborough St Unit #2
Jaffrey, NH

Hi Aly,

We are pleased to inform you of your acceptance into The Farmers' Market of Keene for the 2024 season. The market begins April 20th and ends October 26th.

Thank you,
Kati Woodard
Market Coordinator
The Farmers' Market of Keene
PO Box 425
Keene, NH 03431



NEW HAMPSHIRE LIQUOR COMMISSION

Please submit form to:
 New Hampshire Liquor Commission
 50 Storrs Street, Concord, NH 03301
 603-271-3521

License & Fee required before operating

<i>For NHLC Use Only</i>	
Date Received:	
Date Approved:	
CFS:	
Approved By:	

FARMERS MARKET

BUSINESS INFORMATION			
Business Name Cabana Falls	Trade Name Cabana Falls LLC	License Number 569430	
Business Street Address 80 Peterborough St Unit #2	City Jaffrey	State NH	Zip Code 03452
Business Phone Number (603) 249-6577	Business Email cabanafalls@gmail.com		
Requesting Agent Name Alyson Lefebvre	Requested License Type Retail/Tasting	Date Requested	

MARKET INFORMATION			
Name/Location of Market Farmers Market of Keene			
Street Address Where Market is Being Held Gilbo Ave Commercial		City Keene	State NH
		Zip Code 03431	
Date From 4.20.24	Date To 10.19.24	Time From 9am	Time To 1pm
Days of the Week			
Sunday <input type="checkbox"/>	Monday <input type="checkbox"/>	Tuesday <input type="checkbox"/>	Wednesday <input type="checkbox"/>
Thursday <input type="checkbox"/>	Friday <input type="checkbox"/>	Saturday <input checked="" type="checkbox"/>	

Attach/Include Diagram (Required Only for Tastings)
 Sign and print this form (or digitally forward) and have it signed by City/Town Official where the Farmers' Market is being held.
 Once signed, please email form to: ENFaudit@liquor.nh.gov.

-----City/Town Use Only Below-----

CITY / TOWN APPROVAL	
The City/Town of: Keene	
Governing Body, or other Appointed Designee, hereby approves: Cabana Falls LLC	
to attend the Farmers Market for: Retail/Tasting	
Name Authorized Agent for City/Town	Title of Authorized Agent for City/Town
Date Signed	Signature of Authorized Agent for City/Town



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Alan Stroshine/Race Director
Through: Patricia Little, City Clerk
Subject: Keene Elm City Rotary Club - Request to Use City Property - Clarence DeMar Marathon - September 29, 2024

Council Action:

In City Council April 18, 2024.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_DeMar

Background:

Mr. Stroshine has submitted the annual request to conduct the Clarence DeMar Marathon and the DeMar Half Marathon on Sunday, September 29, 2024.



April 15, 2024

Mayor Jay Kahn
Keene City Council
3 Washington St
Keene, NH 03431

Re: 46nd Annual Clarence DeMar Marathon and 10th Annual DeMar Half Marathon
Request for City Event permit

Dear Mr. Mayor and City Councilors,

The Keene Elm City Rotary Club respectfully requests an event permit for our official City of Keene Community Event; the annual Clarence DeMar Marathon and DeMar Half Marathon to be held on Sunday, September 29th 2024. A part of our event includes the Kids DeMar Marathon and Super Senior DeMar Marathon programs.

I invite all members of city government and staff to join us on the quad at Keene State College to experience the energy and personal accomplishment of so many people on race day.

I am available for any questions you might have.

Yours in service,

A handwritten signature in black ink, appearing to read "Alan Stroshine".

Alan Stroshine, Race Director
Member, Keene Elm City Rotary Club

Keene Elm City Rotary
PO Box 1786
Keene, NH 03431

Clarence DeMar Marathon Corp is a 501c3 organization – Tax ID: 02-0454040



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Kelly Fleurette - Senior Program Director
Through: Patricia Little, City Clerk
Subject: Keene Family YMCA - Request for Road Closure - Summit Road - June 2, 2024

Council Action:

In City Council April 18, 2024.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Keene YMCA

Background:

The Keene Family YMCA is requesting the closure of Summit Road on Sunday, June 2, 2024, from 8:00 AM to 12:00 PM for a Youth Triathlon Race.



FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

the KEENE FAMILY YMCA

March 26, 2024

To Whom it may concern,

The Keene Family YMCA is requesting a full road closure of Summit Road in Keene NH on Sunday June 2, 2024 from 8:00am-12:00pm for a Youth Triathlon Race. The closure will start just past the Y entrance to the end of the road. We will be using Summit Road as a loop (up and Back) for the bike portion of the race and the remaining race will take place on the YMCA property.

We will work with the City Protocol team to use city barriers to close off Summit Road just after the Y entrance and Summit Ridge off Summit Road. We will work with the police department regarding a police detail for the hours they are racing (9-1030am). We will have about 20 volunteers assisting as course marshals.

The YMCA will communicate with our neighbors regarding the road closure and will have volunteers ready to assist with cars to and from their homes as needed.

Kelly Fleurette
Senior Program Director
Keene Family YMCA
200 Summit Rd
Keene, NH 03431

kfleurette@keene-ymca.org
603-283-5240



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Pablo Fleischmann - Keene Music Festival Director
Through: Patricia Little, City Clerk
Subject: Keene Music Festival - Request to Use City Property - August 31, 2024

Council Action:

In City Council April 18, 2024.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Music Fest 2024

Background:

Mr. Fleischmann is requesting a license to use Downtown City property to conduct the annual Keene Music Festival on August 31, 2024.



*Keene Music Festival
37 Roxbury Street
Keene, NH 03431
(603) 499-6656*

January 16, 2024

The Honorable Mayor and City Council
Keene City Hall
3 Washington Street
Keene, NH 03431

Re: 2022 Annual Keene Music Festival

The Keene Music Festival wishes to sponsor this year's Annual Keene Music Festival on Saturday, August 31, 2024. The scheduled hours for setup, performances and other activities are 8:00 AM until 11:00 PM; with performances ending by 10:00 PM.

As with previous events, we are seeking permission to use the common area and bandstand in Central Square, Railroad Square and those sections of the following sidewalks that are located within the Downtown area: Main Street, Lamson Street and Gilbo Avenue. Musicians, merchants and city permitted restaurants will use the sidewalks. In no instance will a sidewalk be blocked in a manner that restricts pedestrian traffic. In addition to these locations, City Tire Company (124 Main Street), Lindy's Diner (Possible!), The Toadstool Book Shop (Emerald Street), The Monadnock Food Coop (Cypress Street) as well as other possible downtown businesses, will also be designated as performance venues. We would like to request and reserve the use of parking metered space #'s: 164, 166, 168, 170, 172, and 174 on Main Street in front of the City Tire Company. The Main Street metered spaces are being requested to serve as a staging area to allow the sound crew to prepare equipment to be set up in the City Tire Company parking lot; and could be opened for use later in the day.

While we do not request that Railroad Street, from Main Street to the parking garage be officially closed, we are asking that the Public Works Department please provide us with adequate barriers for that eventuality. If the Keene Police Department determines that there is a safety issue, we will close the street as needed. We are also requesting to place a stage at Lamson Street; in the area between Main Street and the sidewalk. We would request access to portable safety barriers to place at the entrance to Lamson Street to serve as a buffer between Main Street and the performers. The performance area would be designed to fit within the area between Main Street and the sidewalk adjacent to Lamson Street.

As with prior years, and in a manner consistent with community event protocol, we ask that the City please give due consideration to absorbing any additional cost of Police Officers, Public Works and Fire Department Personnel for the day. We are requesting that Police and Fire Department Personnel be detailed to the event between the hours of 11 :00 AM and 10:30 PM.

As required, we will provide a \$ 1 Million certificate of insurance to the City, and work closely with City staff to ensure that this is a safe and enjoyable event. We will also procure and set up four port-o-potties.

Our previous Music Festivals have always been a great success. There have been no public issues; the performances have been amazing, and the crowds' orderly. As in previous years, Keene Music Festival does not consider or accept outside vendor applications. We prefer to encourage our guests to explore local businesses and shops as they enjoy the musical well as the array of the current licensed Food Trucks, who will be invited to participate in the Downtown area.

Events such as this add to the vibrancy of our Downtown, and the City in general, helping Keene be the exceptional place that it is. We thank you in advance for your continued consideration and support.

Sincerely,



Pablo Fleischmann
Keene Music Festival Director



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Animal Control Program**

Council Action:

**In City Council April 18, 2024.
Report filed as informational.**

Recommendation:

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends accepting the presentation on the Animal Control Program as informational.

Attachments:

None

Background:

Chair Bosley welcomed Michelle Grimes, the City's new Animal Control Officer (ACO), and Police Chief, Steve Stewart. Chair Bosley asked what a typical work week would look like for the ACO. Ms. Grimes said her role will involve being a mediator for locals and neighborhoods, helping to find solutions and keep the peace with creative solutions. It is important to her to always hear both sides of a story—without bias—because these situations are usually not black-and-white. Ultimately, her goal is to keep everyone safe.

Chair Bosley requested an update from City staff about concerns Councilor Williams raised in a letter to the Council. The City Manager said that in reviewing the Ordinance on Nuisance, Menace, and Vicious Dogs, she found that there is an opportunity to increase the fines for second (and more) offenses. In Section 10-36 of the City Code, the fines are listed. For second offenses, the fines could be increased from \$50 to \$100 for nuisance dogs, from \$100 to \$200 for menace dogs, and from \$200 to \$400 for vicious dogs.

Councilor Haas welcomed ideas from Ms. Grimes for how the Council should approach this Ordinance; he wondered if the City was bound by these fine levels. Ms. Grimes said that if nothing else, this started an important conversation. Ms. Grimes was having conversations with the Assistant City Attorney, Amanda Palmeira, and Police Chief, Steve Stewart, to discuss options and how to oversee anything enacted. Ms. Grimes' priority is being able to follow through on anything enacted. She was researching how other ACOs in NH and other states approach the various challenges of this position. She recalled (as discussed at the last meeting) that municipalities in NH cannot require the muzzling of any dogs. With few other options in this regard, she would usually revert back to the

importance of owner's complying with their responsibilities.

The City Manager recalled that the City had not had an ACO for some time, so having someone available to follow-up on complaints and mediate was critical. She hoped Ms. Grimes would have an opportunity to settle into the role and get a sense of community dynamics where she might need more authorization. In the meantime, the easiest thing the City could do was to increase the fines.

Chair Bosley asked about resources for people with problem dogs, like training. Ms. Grimes said everyone has their own thoughts about behavior and trainers. As a certified animal trainer, she is passionate about quality and licensed animal training. She said—with certainty—that any dog could get used to a muzzle with proper advanced reinforcement. However, muzzles can cause backlash when a dog is approached with a muzzle suddenly, triggering a dog's fight or flight response. She can refer owners with challenging dogs to other certified trainers. Ms. Grimes said that often, alleviating these challenges is more so about training the owner than the dog. Chair Bosley said she would be interested to hear from Ms. Grimes later in the year about her experiences, especially with the opening of the dog park, for example.

Councilor Williams agreed with raising the fines, to an extent. He was more interested in prevention than punishment. He was still interested in muzzling or other options, like electronic collars. He understood that the City was limited by the State, but he spoke with a NH Representative who might be willing to take up this cause. He agreed with Chair Bosley that hearing about community data on dog attacks and outcomes would be useful. He asked about the certification for dog trainers. Ms. Grimes said that anyone could call themselves a dog trainer, but there is an accredited certification from the Council for Professional Dog Trainers (CPDT). While there are other certification courses offered, this accreditation is important. Councilor Haas asked how to identify an accredited dog trainer. Ms. Grimes said there is a log of trainers on the CPDT website, including those who are Knowledge & Skills Assessed (KSA). Ms. Grimes is Levels 1 and 2 certified for animal control, with 20 years of experience.

Chair Bosley asked how Ms. Grimes had found the ACO position so far. Ms. Grimes said she was settling in, getting to know the organization, the Police Department, and the Humane Society. Chair Stewart added that Ms. Grimes brings subject matter expertise that Police Officers do not have. Overall, Ms. Grimes said it had been an easy transition. Chair Bosley wondered whether Ms. Grimes would face issues with other wildlife. Ms. Grimes said it is common for her to receive calls about livestock as well; neglect of these animals can appear differently than for dogs and cats, which is another reason that education is important.

The Committee thanked Ms. Grimes.

There were no public comments.

Councilor Williams made the following motion, which was duly seconded by Councilor Haas. On a vote of 3–0, the Planning, Licenses, and Development Committee recommends accepting the presentation on the Animal Control Program as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Farmer's Market of Keene – Request to Use City Property – 2024 Farmer's Market**

Council Action:
in City Council April 18, 2024.
Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the Farmer's Market of Keene be granted permission to use 22 spaces along Gilbo Avenue and 18 spaces on the other side of the median strip in the Commercial Street parking lot from Saturday April 20, 2024, to Saturday, October 26, 2024. Said permission is subject to the following conditions:

- the furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- the signing of a standard revocable license and indemnification agreement;
- the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month);
- access to City electrical shall also be provided at a fee of \$60.00 for the season;
- obtainment of all necessary permits and licenses and compliance with all laws, and compliance with any recommendations of City staff.

It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Bruce Bickford, who said the request was the same as last year. The Market would be open from 9:00 AM–1:00 PM from April 20–October 31. The Market is full, with 30 vendors, and a waiting list of approximately 20. This year, there are fewer farmer vendors for things like vegetables, and more other products like alcohol, cheese, or wood working.

Councilor Williams asked what is required to be a vendor. Mr. Bickford said there is a requirement for the Market to be comprised of 60% farms from Cheshire and the surrounding counties. The goal is to keep it local, but sometimes if there is a need, there could be an exception on the distance requirement, which is rare.

The City Manager said the City was excited to have the Farmer's Market back. She noted that the third agenda item was withdrawn because the vendor is not local. The total request for the Market footprint was 40 parking spaces, which have a \$5,200/season parking meter value. The Market pays the City \$932 for the whole season. Councilor Williams asked what the \$932 fee was based on, and the City Manager replied that it was an older fee that needs to be reviewed. The fee was not adjusted during Covid because the Farmer's Market has a very narrow margin to operate. There was agreement amongst the Committee and City Manager that it did not make sense to adjust the fee before the downtown infrastructure project design and disruption on Gilbo Avenue, which could change the location, etc., of the Farmer's Market.

Discussion ensued about whether any vendors might be interested in expanding their schedules for the other months of the year. Mr. Bickford recalled that in the past, there was a well-attended winter Market at the former Elm City Brewery until it was sold. Then it moved to the Waldorf School, which was not attended as well. Mr. Bickford was confident that many vendors would be interested in expanding the Market. Chair Bosley said that was great news to know while heading into the downtown project redesign.

Chair Bosley opened the floor to public comments.

Kevin Blake Amacker, owner of Copper Cannon Distillery in West Chesterfield, NH, spoke very highly of the Keene Farmer's Market, which had been great for his business. Last year, Copper Cannon attended as a guest applicant, and the profits paid for one of his employees who is local to Keene. Mr. Amacker explained that Copper Cannon makes all their own distillations and fermentations. He said the Farmer's Market had positively impacted his business. He commented on his business' local focus, with the products to make beer, bourbon, and vodka sourced nearby. The Distillery's byproducts are also donated to a local farm in Surry, NH.

Hearing no further public comments, Chair Bosley entertained a motion from Councilor Haas that was duly seconded by Councilor Williams.

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the Farmer's Market of Keene be granted permission to use 22 spaces along Gilbo Avenue and 18 spaces on the other side of the median strip in the Commercial Street parking lot from Saturday April 20, 2024, to Saturday, October 26, 2024. Said permission is subject to the following conditions:

- the furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- the signing of a standard revocable license and indemnification agreement;
- the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month);
- access to City electrical shall also be provided at a fee of \$60.00 for the season;
- obtainment of all necessary permits and licenses and compliance with all laws, and compliance with any recommendations of City staff.

It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with

respect to the number and location. The signs must be removed immediately after the sales have concluded.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Cathedral Ledge Distillery – Request to Participate in the Keene Farmer’s Market

Council Action:
in City Council April 18, 2024.
Report filed as informational.

Recommendation:
On a vote of 3–0, the Planning, Licenses, and Development Committee recommends accepting the communication regarding the Cathedral Ledge Distillery request to participate in the Keene Farmer’s Market as informational.

Attachments:
None

Background:
This application was withdrawn because the company is not local, as described during the Farmer’s Market’s application.

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

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends accepting the communication regarding the Cathedral Ledge Distillery request to participate in the Keene Farmer’s Market as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Copper Cannon Distillery – Request to Participate in the Keene Farmer’s Market**

Council Action:
in City Council April 18, 2024.
Voted unanimously to carry out the intent of the report.

Recommendation:
On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that Copper Cannon Distillery be granted permission to sell alcohol and provide individual product samples to patrons at the 2024 Keene Farmer’s Market on City property licensed to the Farmer’s Market of Keene in accordance with the requirements of the State Liquor Commission. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer’s Market of Keene; obtainment of all necessary permits and licenses and compliance with all laws

Attachments:
None

Background:
Chair Bosley welcomed Kevin Blake Amacker, owner of Copper Cannon Distillery in West Chesterfield, NH. Mr. Amacker requested to be an approved vendor at the Keene Farmer’s Market again this year. Since selling at the Farmer’s Market as a guest in 2023, he felt the Keene Community had been a large part of his business’ growth. He tries to give back to the local community, including collaborations with the Keene Country Club and donations to the Humane Society, for example. He has an employee who lives in Keene and runs the Distillery’s booth Farmer’s Market, which pays for the employee’s salary. He recalled how welcomed he felt in 2023.

The City Manager and Mr. Amacker engaged in a brief discussion of how many open storefronts are available in Keene and if Mr. Amacker is interested in expanding his business to Keene. Mr. Amacker said he had considered a satellite location but had not explored options in Keene yet. He added that before the Market Basket was constructed at the Swanzey-Keene border, there was a large Bardwell Farm barn, and beams and other products from that demolished barn were used to construct the Copper Cannon Distillery. There was also a brief conversation about how Mr. Amacker’s products are made.

The Committee appreciated Mr. Amacker’s commitment to the local community. In particular,

Councilor Williams expressed appreciation for Mr. Amacker working to build the local value chain, especially of agricultural products.

The City Manager confirmed that once she signs the permit, Mr. Amacker can send it to the NH Liquor Commission, which will send back the certification that he will then submit to the City as the final step.

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

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that Copper Cannon Distillery be granted permission to sell alcohol and provide individual product samples to patrons at the 2024 Keene Farmer’s Market on City property licensed to the Farmer’s Market of Keene in accordance with the requirements of the State Liquor Commission. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer’s Market of Keene; obtainment of all necessary permits and licenses and compliance with all laws.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Brewbakers Café – Request to Use City Property – Adjacent to Wilson Street – Outdoor Dining**

Council Action:

in City Council April 18, 2024.

Voted unanimously to amend the Committee report to include permission for alcohol service within the licensed area.

Recommendation:

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that Brewbakers Café be granted the use of City property to place tables and chairs on the city right-of-way on the Wilson Street side of their establishment located at 48 Emerald Street for the serving of food and alcohol to patrons seated in the café area. This license is also subject to the following conditions: subject to the signing of a revocable license and indemnification agreement; submittal of a certificate liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured; compliance with the requirements of Chapter 46 of the City Code of Ordinances; compliance with the administratively issued City of Keene Parklet Guidelines that are applicable to the particular area of use; compliance with any other recommendations of City staff; that no materials, gravels, or any other alterations to the site may be made without prior approval from staff; and that the property be maintained and returned to its original state at the expiration of the license with staff reviewing the condition of the area at the end of the season to determine any needed maintenance. This license shall expire on November 1, 2024.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Jeff Murphy, owner of Brewbakers Café on Main Street as well as Turnover Coffee on Emerald Street. Mr. Murphy explained that he had worked with City staff over the past several years to handle right-of-way issues on the Wilson Street side of the Brewbakers building. This area is technically a part of the Brewbakers property, but at some point, it was assigned as the City's right-of-way. Now, his property only extends two feet from the Brewbakers building. During Covid, Brewbakers was allowed to have sidewalk seating there and in 2023, he applied for outdoor seating and learned of the right-of-way issue. Mr. Murphy worked with former Public Works Director, Kürt Blomquist, who found a temporary solution using jersey barriers, with the intention of finding a way to allow a Parklet there. Mr. Murphy had been happily working with the City

Clerk, City Manager, Department of Public Works, and Code officials, who had all be very helpful. He was working with contractors on a design for the Parklet, including nice garden beds and a rainwater catchment.

The City Manager, Elizabeth Dragon, reiterated that during Covid, there had been additional flexibility for this request, despite this outdoor seating not qualifying for a sidewalk café or a Parklet. City Staff worked with Mr. Murphy, letting him know that while this would not occupy parking spaces, staff still wanted him to comply with the Parklet Ordinance. This year, Mr. Murphy's application met the requirements for a Parklet. These licenses are typically issued by the City Clerk's office under City Code Section 46-92, which allows the Clerk to bring applications like these—that do not fit clearly in any category—to the Council for approval. When a sidewalk café license is first issued, the Council must approve it to qualify for serving alcohol. The City Manager was pleased with Mr. Murphy's design, which met all requirements of the Parklet Ordinance. The City Manager commended the City Clerk's office for creating a checklist for Parklets that other departments can use when visiting and approving future parklets. After passing the inspection, the City Manager recommended issuing the permit. The City Manager also advised Mr. Murphy that in the future, these requests would be approved administratively.

Chair Bosley welcomed Keene's Fire Chief, Don Farquhar, who had visited the site on March 19 with representatives of the Community Development Department and Public Works. It was an excellent application, and the site was fully compliant, so the Chief supported the application.

There were no public comments.

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

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that Brewbakers Café be granted the use of City property to place tables and chairs on the city right-of-way on the Wilson Street side of their establishment located at 48 Emerald Street for the serving of food and alcohol to patrons seated in the café area. This license is also subject to the following conditions: subject to the signing of a revocable license and indemnification agreement; submittal of a certificate liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured; compliance with the requirements of Chapter 46 of the City Code of Ordinances; compliance with the administratively issued City of Keene Parklet Guidelines that are applicable to the particular area of use; compliance with any other recommendations of City staff; that no materials, gravels, or any other alterations to the site may be made without prior approval from staff; and that the property be maintained and returned to its original state at the expiration of the license with staff reviewing the condition of the area at the end of the season to determine any needed maintenance. This license shall expire on November 1, 2024.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Keene Pride – Request to Use City Property – Keene Pride Festival – September 15, 2024

Council Action:
in City Council April 18, 2024.
Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the Keene Pride Group be granted permission to use downtown City rights-of-way on Sunday, September 15, 2024, to conduct a Keene Pride Celebration, including participating downtown businesses decorating their storefronts for the week leading up to the event date, conditional upon the following:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Clerk and no changes to this license or the associated protocol documents will be accepted after August 1, 2024;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square (with a slip lane for eastbound West Street traffic to go south on Main Street), Roxbury Street from the easterly side of the Hannah Grimes Parking Lot to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the Petitioner is permitted to place porta-potties and a dumpster in City parking spaces located at the base of Washington Street, and additional porta-potties on Roxbury Street from Friday, September 13, 2024, to Monday September 16, 2024, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 12:00 PM to 6:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street and Roxbury Street needed for storage of equipment from Friday, September 13, 2024, to Monday September 16, 2024, and spaces within the event footprint on the day of the event;

- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff. In addition, the Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

Attachments:

None

Background:

Chair Bosley welcomed Adam Toepfer, President of the Keene Pride Board. Mr. Toepfer said the request was essentially the same as in 2023, with the event located at Central Square and some of Roxbury Street, and the same time of 12:00 PM–6:00 PM. Chair Bosley was pleased to see these annual festival requests, which indicate that the events are successful.

Fire Chief Farquhar agreed that the application was essentially the same as last year and staff fully supported approving the request.

Councilor Haas wondered if Mr. Toepfer had learned any lessons from the first years of running an event like this. Mr. Toepfer said there were minor things in the past that City staff helped with, like filling the dunk tank. During the first year, they learned to focus the event at Central Square versus Railroad Square. He said it is daunting trying to organize an event like this the first time, without knowing what to apply for from the City. As such, he suggested a simple checklist that a new festival organizer could use to guide them through the approvals process.

There were no public comments.

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

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the Keene Pride Group be granted permission to use downtown City rights-of-way on Sunday, September 15, 2024, to conduct a Keene Pride Celebration, including participating downtown businesses decorating their storefronts for the week leading up to the event date, conditional upon the following:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Clerk and no changes to this license or the associated protocol documents will be accepted after August 1, 2024;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square (with a slip lane for eastbound West Street traffic to go south on Main Street), Roxbury Street from the easterly side of the Hannah Grimes Parking Lot to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;

- That the Petitioner is permitted to place porta-potties and a dumpster in City parking spaces located at the base of Washington Street, and additional porta-potties on Roxbury Street from Friday, September 13, 2024, to Monday September 16, 2024, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 12:00 PM to 6:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street and Roxbury Street needed for storage of equipment from Friday, September 13, 2024, to Monday September 16, 2024, and spaces within the event footprint on the day of the event;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff. In addition, the Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Pathways for Keene – Request to Use City Property - 4 on the 4th Road Race – July 4, 2024

Council Action:
in City Council April 18, 2024.
Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the City Council grant permission to Pathways for Keene to sponsor a running race on Thursday, July 4th, 2024, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. In addition, the Police Department shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Sarah Greene, President of Pathways for Keene, Inc. Ms. Green said the event was essentially the same as the past 20 years. However, this year there is a different goal. In the past, Pathways for Keene’s fundraising efforts funded the Rail Trails and the North and South Bridges. Now, they were focusing on the Prowse Bridge. While the project is still a few years out in the City’s Capital Improvement Program, Pathways for Keene was focused on bridging that gap over Rt-101. So, this year’s Race will fund the first segment of a very large project.

Chair Bosley asked Ms. Greene to highlight Pathways for Keene’s donations to the City over the years. Ms. Greene said it was approximately \$50,000/year.

Fire Chief Farquhar said the protocol meeting occurred successfully on April 2 and the application was essentially the same as the past 20 years. Staff fully supported approving the application.

There were no public comments.

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

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the City Council grant permission to Pathways for Keene to sponsor a running race on Thursday, July 4th, 2024, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. In addition, the Police Department shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Keene Young Professionals Network – Request to Use City Property – 2024 Taste of Keene Food Festival - June 1, 2024**

Council Action:
in City Council April 18, 2024.
Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the Keene Young Professionals Network be granted permission to use downtown City rights-of-way on Saturday, June 1, 2024, and reserving a “rain date” of Sunday June 2, 2024, in the event of inclement weather, to conduct a Food Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Emerald Street and Eagle Court, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff;
- That the Petitioner is permitted to place porta-potties in City parking spaces with the specific locations to be determined in conjunction with City staff from Friday, May 31, 2024, to Monday June 3, 2024, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 11:30 AM to 4:00 PM with the times for set up and clean up to be established with City staff;
- That the Petitioner is granted permission to serve alcohol beverage samples for consumption within the event footprint subject to the terms and conditions of a one-day license from the NH Liquor Commission, and any conditions of City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces needed for storage of equipment and placement of porta-potties from Friday, May 31, 2024, to Monday June 3, 2024; and spaces within the event footprint on the day of the event;

- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

Attachments:

None

Background:

Chair Bosley welcomed Councilor Andrew Madison, representing the Keene Young Professionals Network (KYPN). Councilor Madison said this would be the fourth year of the Taste of Keene Food Festival, which had been very successful. He recalled that during Covid—and specifically 2021—the downtown restaurants were struggling, with many unable to accommodate social distancing inside their restaurants. So, this Festival was an opportunity to set-up outside. It was a big success. He said this is not a money-making opportunity for KYPN, as all the money goes back to the restaurants. Festivalgoers purchase tokens that are redeemed for tastes from the various restaurants. Any extra money covers costs and in a good year, KYPN will break even. Much of the event funding comes from sponsors. Councilor Madison explained that this year, instead of the Festival footprint extending to Railroad Square, it will extend to Eagle Court, as several businesses were upset in the past that they did not have as much traffic as those on the main thoroughfare. Further, it is easier to make a U-turn at Eagle Court/Emerald Street than at Gilbo Avenue.

Councilor Madison continued, explaining how alcohol service at the Festival would be changing this year. In the past, there was a beer garden for small (2-ounce) tastes in the Hannah Grimes parking lot. Those over age 21 were provided with a wristband to indicate they were of age. This year, KYPN received permission from the NH Liquor Commission to intermingle alcohol in the main Festival area. With wristbands, festivalgoers can purchase and walk around the Festival footprint with their small cups of beer/spirits; the cups will be a special color to be obviously distinguishable. To facilitate this change, KYPN will hire six private security guards and the Keene Police Department will provide six Officers to ensure only those of age have access to alcohol and that alcohol does not leave the premises. The City and KYPN had a plan to make this work.

Chair Bosley was excited to see this Festival come back. She noted that people can taste alcohol at the Farmer's Market, which does not supply security guards, for example. She was happy there would be security at the Food Festival for this reason.

Fire Chief Farquhar agreed that there was a good plan for the alcohol changes this year. He met with Councilor Michael Remy, Police Lt. Maxfield, and a representative from the Liquor Commission, all of whom supported the plan, which is not uncommon and had been successful elsewhere in NH. He was comfortable with the two control measures of wristbands and special cups. He explained that for restaurants already permitted to distribute alcohol in their establishments, a Liquor Commission agent will visit them to explain how alcohol sales will proceed during the event.

Councilor Haas wondered if the tokens could be used at other Keene restaurants outside the festival footprint. Councilor Madison said that could be a possibility in the future, but for now the tokens are for the street vendors. Visitors can use cash outside the Festival footprint to support other Keene businesses.

Chair Bosley mentioned that the Food Festival coincides with the Art Walk again this year. Councilor Madison agreed that last year, the coincidence was mutually beneficial, gaining a lot more exposure

for the artists and positive feedback from Festivalgoers.

In response to the City Manager, Councilor Madison confirmed that the private security guards and Police are intended to contain the alcohol sold within the defined event area. The City Attorney, Tom Mullins, added that he would follow-up with the City Clerk for the communication from the Liquor Commission that would tie food service with the provision of alcohol. Councilor Madison confirmed again that the alcohol can be carried throughout the event footprint.

Chair Bosley opened the floor to public comments.

Mayor Jay Kahn commented on interconnections. He had spoken with many downtown businesses, who are organizing as a group to have a unified voice on the downtown project. He noted the upcoming auto show in May, and another festival/event planned during nearly every other month of the year. Mayor Kahn commented on these collective actions and the visibility of these events that are excellent marketing opportunities for the City. Councilor Madison agreed, noting that over the past decade, Keene had become a City of festivals in a very positive way, setting the City apart in NH and New England.

Hearing no further comments, Chair Bosley closed the public hearing.

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

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the Keene Young Professionals Network be granted permission to use downtown City rights-of-way on Saturday, June 1, 2024, and reserving a “rain date” of Sunday June 2, 2024, in the event of inclement weather, to conduct a Food Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Emerald Street and Eagle Court, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff;
- That the Petitioner is permitted to place porta-potties in City parking spaces with the specific locations to be determined in conjunction with City staff from Friday, May 31, 2024, to Monday June 3, 2024, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 11:30 AM to 4:00 PM with the times for set up and clean up to be established with City staff;
- That the Petitioner is granted permission to serve alcohol beverage samples for consumption within the event footprint subject to the terms and conditions of a one-day license from the NH Liquor Commission, and any conditions of City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces needed for storage of equipment and placement of porta-potties from Friday, May 31, 2024, to Monday June 3, 2024; and spaces within the event footprint on the day of the event;

- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Cellular Tower Lease Agreement - City Owned Property

Council Action:
in City Council April 18, 2024.
Voted unanimously to carry out the intent of the report.

Recommendation:
On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a lease agreement with Towers LLC for the installation of a cellular tower on City-owned property.

Attachments:
None

Background:
Chair Bosley welcomed Aaron Costa, Assistant Public Works Director/Operations Manager. Mr. Costa explained that he was present to request that the City Manager be authorized to do all things necessary to negotiate and execute a lease agreement with Towers LLC for the installation of a cellular tower on City-owned property. The Water Fund owns property off Arch Street that was formerly the YMCA Camp. The City purchased the property for a future groundwater well site. The City was approached by Towers LLC—a company that installs cellular communication towers—because they were interested in this property that is in an area with poor Verizon Wireless service. Mr. Costa met with representatives of Towers LLC at the proposed site so he could ensure the tower would not interfere with any future City plans for source water development. He said the proposed tower would be 110 feet tall and enclosed in a 100-foot by 100-foot fence. Once the City Manager negotiates the terms of the lease agreement, it would trigger the rest of the approval process with the Community Development Department.

The City Manager, Elizabeth Dragon, agreed that this is a good opportunity to add some additional coverage for Verizon in this area where it is lacking. It is also an opportunity to add revenue to the Water Fund. She said that Deputy City Manager, Rebecca Landry, pointed out that there should be a conversation with Towers LLC about whether the City needs to collocate any equipment for public safety, which the City Manager would follow-up on if approved.

Chair Bosley asked if there was a 5G tower in that area. The City Manager and Mr. Costa were unaware of the technical details of the proposed tower. Chair Bosley thought it was too tall to be a 5G

tower, which are lower with a much shorter spread. The Chair said she knew that there had been some very lucrative 5G tower locations, and she knew the City Manager would negotiate well. The City Attorney, Tom Mullins, said staff were intentionally very explicit about the size of the proposed tower and footprint in the background notes to try to assure the public that it is not going to be a 5G tower at this point. It will look like a more traditional cell tower. Chair Bosley attested to the poor Verizon coverage in that area. She hoped Verizon would work with other cellular providers in the future to minimize the number of towers.

Councilor Haas asked if there was other evidence of the weakness of cell signals in that area besides anecdotal. There was none provided other than from Chair Bosley, who said the 10 people in her Verizon business plan cannot use their phones in that area. Councilor Haas added that people were familiar with 5G towers, which are sometimes located in difficult places. When going through the permitting process, he hoped City staff would look at technology with Verizon and how 5G coverage might be incorporated with this tower, noting that technology changes fast.

Vice Chair Jones arrived.

Councilor Williams asked whether this tower would be monopole or lattice-style. Mr. Costa provided a drawing to the Committee, which showed Councilor Williams that it would be monopole, which must be maintained if they sustain very high winds. He asked if there would be anything in the drop zone. Mr. Costa said no.

The City Attorney added that the Planning Board would review this proposal because there is a telecommunications section in the Land Development Code.

There were no public comments.

Councilor Haas made the following motion, which was duly seconded by Vice Chair Jones.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a lease agreement with Towers LLC for the installation of a cellular tower on City-owned property.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Councilor Madison – Potential Changes to Council Disciplinary Process**

Council Action:
in City Council April 18, 2024.
Report filed as informational.

Recommendation:
On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the communication regarding the Council Disciplinary process be accepted as informational.

Attachments:
None

Background:
Chair Bosley welcomed Ward 3 Councilor Andrew Madison to speak about his letter to the City Council. Councilor Madison explained that his letter was in response to some troubling incidents with City Council candidates in the last few years. During the last two mayoral elections, City staff members had to file restraining orders against two different candidates. Another City Council candidate harassed Keene firefighters on social media for not receiving their union's endorsement. Statewide, there had been other recent incidences at the Statehouse, with a State Representative living outside their district for over a year, for example. Further, a State Representative from Claremont threatened to murder a police chief and sexually assault the wives and daughters of several Claremont police officers. Still, Councilor Madison said that the Speaker of the NH House was unwilling to act.

Councilor Madison continued, noting that he spoke with the City Attorney and Assistant City Attorney about his concern that the City Council's disciplinary process is not robust enough and that there was a disconnect in the City Council's ability to find out about these incidents and take action. He realized that there was very little the City Council could do about incidents with Council candidates, but he felt there was a high chance someone like this could be elected to the Council, particularly given that many times Council seats are uncontested. With these warnings over the last four years, he preferred that the Council have an updated policy in place. He was concerned that under the current policy—hypothetically—if an employee was uncomfortable with an interaction with a councilor, they would report it to their supervisor and/or HR, who would take it to the City Manager, who would then consult the Mayor. Councilor Madison was concerned that such a complaint would pass through too many individuals in the organization who could block moving the issue forward. He wanted to identify

a way so that no one person can block an ethics complaint against a councilor/mayor from moving forward. He was clear that he was not referring to the current Mayor or City Council.

Chair Bosley requested comments from the City Manager, Elizabeth Dragon, who appreciated Councilor Madison bringing this forward. The City Manager explained that since becoming the City Manager in 2017, she had not needed to use the formal disciplinary process. However, she did have to have conversations with a former Mayor about a councilor's behavior. She said there is a grey area at times when staff are uncomfortable or put in a difficult position. Still, she knew there was the potential for something more serious than discomfort to occur. One of her priorities was to enact more ongoing, on-the-job trainings (beyond the training at hiring) for staff about various things, including the Disciplinary Policy. The Charter talks about administrative affairs going through the City Manager, and is very clear that a councilor or mayor going to a staff member and asking them to handle something differently is a direct violation. Even if it was not in the City Charter, references to NH law could be added as a preface. She agreed that it is possible for someone to be elected who has a grudge against her or another department head. If another staff member was harassed, it is the City Manager's job to address it; if it happens to the City Manager, it is the Mayor's responsibility to address it, and if the Mayor does not, it would be up to the full Council. The City Manager was comfortable with the Disciplinary Policy in place, but she wanted to add references to the Charter and NH law about non-interference. Further, Deputy City Manager Landry was working on an administrative directive to staff that articulates appropriate behavior from an elected official and how to respond to inappropriate behavior, including candidates and those elected but yet to be sworn in. Education will be important. Sometimes staff think they should take the Council or Mayor's word as gospel and do not understand that no one elected official alone has authority.

Chair Bosley said she heard Councilor Madison's concern that a complaint could be halted at one of the various stages the City Manager mentioned. Chair Bosley asked where an administrative directive falls within the City Council's purview. The City Manager said it is not within the Council's purview. Chair Bosley asked, if a concern rises from a staff member and they do not get the support they need from the City Manager or Mayor, how they could come directly to the Council; Chair Bosley said everyone else in the community can bring concerns to the Council. The City Manager explained that she works for the City Council, but the other City employees work for her. If an employee comes to a councilor because they feel a complaint is not being addressed by the City Manager, it would be most appropriate for the councilor to have a conversation with the City Manager to understand how it is being addressed. It would be inappropriate for a councilor to ever have a direct conversation with an employee about a complaint without speaking with or incorporating the City Manager. This is why the Charter is very clear that the City Manager is one of the individuals that can always be a part of the Council's conversations, which helps to prevent end-runs.

The City Attorney, Tom Mullins, explained a few things regarding the Disciplinary Policy. He said it is intended to be a challenging Policy to get through because removing an elected official is a very dramatic step. It was written to restrict the opportunity of someone to trigger the Policy, because it can become a political weapon. If the City Manager believes that a councilor is acting in a manner that should trigger the Disciplinary Policy, she would have a couple of options. First, she could go to the Mayor. Still, if the Mayor refuses to take action—to Councilor Madison's point—and the City Manager thinks that is an inappropriate decision, she can go to one or more members of the City Council to request that the matter be reviewed. At that point, the City Council would have to determine whether to proceed with the Policy. The City Attorney said it was appropriate for Councilor Madison to point out these gaps in the Policy. Councilors are subject to non-interference issues, statutory requirements, the Charter requirements, and more. The City Attorney continued explaining that—hypothetically—if an individual runs for elected office but is not yet sworn in and acts inappropriately, there are some options. In one of the instances Councilor Madison mentioned, there was legal action against an individual because of their interactions with City staff, so that legal action

would still apply to the individual once elected to City Council. Also, if an individual runs for City Council and acts inappropriately with a staff member before elected and continues to after being sworn in, this Disciplinary Policy would apply. The City Attorney appreciated Councilor Madison bringing this forward and said this unfortunately seemed to be a larger societal problem. Still, there are opportunities to address it, but there will still be grey areas.

Chair Bosley said that ultimately—hopefully—there would not be a 15-member Council of individuals all willing to ignore an issue like this. Still, she emphasized the need to educate staff about their rights and what is/is not proper. She thought there might be a culture of staff wanting to or thinking they need to do whatever a councilor needs, so some clear boundaries are needed.

The City Attorney added that the Disciplinary Policy was not written with a specific list of violations. This was purposeful. The language in the City Charter is broad, stating that a councilor can be removed for: prolonged absence, inattention to duty, mental or physical incapacity, incompetency, crime, immorality, or misconduct. He said that if a councilor regularly flaunts the other statutory and Charter requirements—especially the non-interference clause—that would trigger the Policy. So, the City Attorney did not recommend adding a list of possible offenses to the Policy because it is impossible to anticipate everything.

Councilor Madison appreciated the City Attorney's comments. The Councilor did not write this letter to waste time. He genuinely wanted to see if there was a disconnect after staff restraining orders against two mayoral candidates, which he called extraordinary, even in this political climate. He hoped that improvements to the Policy would be explored. He wanted the City Council to be reminded that they are guests in City Hall and that they should act accordingly.

Councilor Haas said he recognized Councilor Madison's concern that there appeared to be single points of failure when staff report issues. He thought elections seemed to be the gap, but there was nothing to do about that. He heard the City Manager say that if she brought an issue to the Mayor and the Mayor ignored it, the City Manager felt strongly about her ability to then bring the issue to the City Council. Councilor Haas noticed weakness in the process of department heads bringing issues to the City Manager, at which point a City Manager—hypothetically—could decide not to move the issue forward. Still, it seemed that in such instances, the issue would rise around the City Manager for others to notice.

Vice Chair Jones thanked Councilor Madison for bringing this forward and acting proactively instead of reactively. While there was no existing problem with the Mayor or City Council, it was good to recall that the potential exists. He cited some experiences and behaviors of councilors and mayors over the years. He agreed that it would be helpful to share education and resources with staff. He also agreed that this seemed to be a result of greater societal issues. He thanked the City Manager.

The City Manager added that if an employee feels mistreated by a councilor under the purview of a future City Manager, they could report the issue to HR, their department head could talk to the City Attorney (this is common for advice and recommendation), and there is an opportunity for the employee to go directly to the City Council. Such an action would require the involvement of the City Manager. If a future City Manager ignored an issue, there are other options.

Chair Bosley appreciated that there were other ways built into the process for an employee to have their concern heard and addressed. She agreed that staff need resources to understand their rights. She also agreed that adding the Disciplinary Policy to a more regular training program that is proactive, including training for department heads on how to deal with these issues; the City Manager said she would add this to her list. The City Manager added that she was working with former Police Chief, Steve Russo, on this City-wide training program.

There were no public comments.

Vice Chair Jones made the following motion, which was duly seconded by Councilor Williams. On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the communication regarding the Council Disciplinary process be accepted as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.11.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Arts Alive - Requesting a Waiver of Parking Fees - Elevate the Arts Event

Council Action:
in City Council April 18, 2024.
Voted unanimously to carry out the intent of the report.

Recommendation:
On a vote of 5-0, the Finance, Organization and Personnel Committee recommends approval of the requested parking spaces without charge.

Attachments:
None

Background:
Co-Chair Arts Alive, Jennifer Paone addressed the Committee and stated she was requesting the waiver of parking fees for the Arts Alive, Elevate the Arts Event on August 11. The event will be held at the Commercial Parking Lot from 11 a.m. to 4 p.m. This is the third year for this fundraiser. Cathy Brooks, Board member of Arts Alive, stated there will be extra expenses this year as they are installing portable toilets. She noted this is a great event that benefits Keene and its surrounding areas.

City Manager Elizabeth Dragon added Arts Alive has met with the City's Protocol Committee. She indicated as this event is going to be held on a Sunday and the only expense the City would have is setting up for the event on a Saturday, staff is in support of waiving the fees. Councilor Lake made the following motion, which was seconded by Councilor Remy
On a 5-0 show of hands vote, the Finance, Organization and Personnel Committee recommends approval of the requested parking spaces without charge.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.12.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **West Side Downtown Parking Structure Project - Consultant Selection**

Council Action:

in City Council April 18, 2024.

Voted with 11 in favor and two opposed to carry out the intent of the report.

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a Professional Services Agreement with Weston & Sampson, Inc. for the Feasibility Analysis and Concept Design phase of the West Side Downtown Parking Structure Project, for an amount not to exceed \$216,000.

Attachments:

None

Background:

City Engineer Don Lussier stated the item he is addressing tonight is consultant selection for the preliminary concept phase for the proposed West Side Parking Structure. He indicated the City put out a request for proposals. He indicated as this is not a project that has federal or state funding it allows the City to consider cost as one of the criteria in the selection process. The City received four proposals from qualified firms. Interviews were conducted with three of the firms and the selection team is recommending Weston & Sampson be selected for the feasibility study work.

Councilor Lake stated he has reviewed Weston & Sampson's website to see what they have for a portfolio. They had one parking study they completed in Rhode Island and a parking garage they did for a transportation center. The Councilor noted they did not seem to have any experience with any downtown or urban area parking projects. The City Engineer in response stated as part of their proposal, Weston & Sampson has submitted different studies they have completed over the years which are very relevant to this work and added they are teaming up with a sub-consultant, THA, who is a specialty consultant who works on many garage projects. They are more focused on the financial aspect of the project and felt between the two firms they will have relevant experience.

Chair Powers clarified Weston & Sampson has done a lot of work for the City and noted what is being discussed is a feasibility study. The Chair stated he is very comfortable with this firm.

Councilor Chadbourne stated she wanted this project to be taken on by a private company and asked

whether that clause would be outlined in the feasibility study. Mr. Lussier state this is explicitly outlined in the scope. The Manager stated in the RFP the financing piece includes identifying the market needs. If there is a private developer interested in the project they would be able to look at that market analysis. It also includes developing the actual financial model for construction, operations and identifying financing sources, including grants, state programs and potential public/private partnerships. The Manager stated this is specifically noted in the financing section of the RFP.

Councilor Remy made the following motion, which was seconded by Councilor Roberts. On a 5-0 show of hands vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a Professional Services Agreement with Weston & Sampson, Inc. for the Feasibility Analysis and Concept Design phase of the West Side Downtown Parking Structure Project, for an amount not to exceed \$216,000.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.13.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: ARPA Grant Funding - Request for Time Extension - Downtown Infrastructure Project

Council Action:
in City Council April 18, 2024.
Voted unanimously to carry out the intent of the report.

Recommendation:
On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to request a time extension for the City's American Rescue Plan Act (ARPA) grant related to the Downtown Infrastructure project.

Attachments:
None

Background:
Mr. Lussier addressed this item as well. He indicated in fall 2021 the City submitted a pre-application to DES for Clean Water SRF to fund the downtown project. The pre-application anticipated construction to start in 2024. The City was accepted for the SRF funding and the ARPA Grant. The grant document had a deadline of May 1, 2024 for completion. DES has agreed to permit the City to use these funds for the design costs. He indicated the City is submitting invoices for the storm water portion of the downtown projects design fee which is ongoing right now under this grant. Because the deadline is written into the grant agreement for May 1, 2024, the City has ask to extend this timeframe, which the City has already done but the legislative body of the organization has to take a formal vote to make that request.

The Manager thanked Mr. Lussier for pursuing this extension.

Councilor Roberts made the following motion, which was seconded by Councilor Remy.

On a 5-0 show of hands vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to request a time extension for the City's American Rescue Plan Act (ARPA) grant related to the Downtown Infrastructure project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.14.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Sole Source- Filter Media and Underdrain Replacement Project Contract**

Council Action:
in City Council April 18, 2024.
Voted unanimously to carry out the intent of the report.

Recommendation:
On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a sole source contract with Carbon Filtration Systems for an amount not to exceed \$200,000.

Attachments:
None

Background:
Assistant Public Works Director/Operations Manager Aaron Costa stated the City's Water Treatment Facility came online in 1993. The facility utilizes three filters and each filter unit is capable of filtering two million gallons of surface water per day. There are media and under drains that need to be cleaned and repaired. Mr. Costa noted one filter has been rehabilitated so far, and the work was completed in 2021. There are two more filters that need to be rehabilitated, and this work was approved as part of the FY22 & FY24 Capital Improvement Plan. In February 2024, the City advertised a Request for Bids for this work and received no bids. As a result, staff reached out to the lower bidder from 2021, Carbon Filtration Systems, a company that performs this type of work and has done similar work at the Water Treatment Facility. Carbon Filtration Systems stated they were unaware of the bid but were interested in doing the work and submitted a proposal.

Mr. Costa stated because the City did not receive any bids for his proposal, it technically falls under the sole source contract.

Councilor Chadbourne made the following motion, which was seconded by Councilor Lake.

On a 5-0 show of hands vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a sole source contract with Carbon Filtration Systems for an amount not to exceed \$200,000.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Rebecca Landry, ACM/Communication and Info. Director
Through: Elizabeth Dragon, City Manager
Subject: **Cable TV Franchise Agreement Extension - ACM/Communications and Information Director**

Council Action:

in City Council April 18, 2024.

Voted unanimously to Suspend Section 26 of the Rules of Order to act on this item on first reading.

Voted unanimously to authorize the City Manager to negotiate and execute an extension of the Cable Television Franchise Agreement with Spectrum Northeast, LLC.

Recommendation:

That the City Council authorize the City Manager to negotiate and execute an extension of the Cable Television Franchise Agreement with Spectrum Northeast, LLC.

Attachments:

None

Background:

The City's Franchise Agreement with Charter Communications/Spectrum for cable television services in Keene was due to expire in May, 2023. At that time, the City Council authorized the City Manager to execute an extension to the agreement to allow more time to negotiate a renewal agreement. During that time period, City staff provided Spectrum with proposed terms for a renewal. In the subsequent weeks, numerous employees of Spectrum who had long been involved in supporting the City and in discussing terms of a renewal agreement left Spectrum's employ, leaving renewal drafts incomplete. Spectrum has recently assigned employees to assist with the renewal, but enough time has passed that an additional temporary extension will be required.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.2.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Patricia Little, City Clerk
Subject: Resignation of Ely Thayer from Trustees of Trust Funds

Council Action:
in City Council April 18, 2024.
Voted unanimously to accept the resignation with appreciation for service.

Recommendation:
To accept the resignation of Ely Thayer from the Trustees of Trust Funds and Cemetery Trustees.

Attachments:
1. Resignation_Thayer

Background:
Mr. Thayer submitted his resignation due to a concern regarding numerous potentials for conflicts of interest. He felt it would be best to not engage in the position.

4/15/2024

Dear Jay Kahn,

I need to resign as a Trustee of Trust Funds. Due to compliance being concerned about numerous potentials for conflicts of interest, they felt it best to not engage in the position.

Sorry for the inconvenience to yourself and the committee.

Sincerely,

Ely Thayer



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: April 18, 2024
To: Mayor and Keene City Council
From: Steve Stewart, Police Chief
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Nuisance, Menace and Vicious Dogs
Ordinance O-2024-07**

Council Action:
in City Council April 18, 2024.
Referred to the Planning, Licenses and Development Committee.

Recommendation:
Ordinance O-2024-07 be referred to the Planning, Licenses and Development Committee for consideration and recommendation.

Attachments:
1. O-2024-07_Nuisance, Menace and Vicious Dogs_stewart_Referral

Background:
Changes to the existing ordinance include the following.
* Increases the forfeiture amount for second or subsequent offenses for nuisance, menace or vicious dogs to comply with State Law
* Included the phrase "or subsequent" offenses to trigger higher fines for nuisance, menace or vicious dogs
* Corrects a scrivener's error within the existing text of the ordinance in section (b) to comply with State Law
* Updated references from "district court" to "circuit court."
* Replaces "city clerk" with "police department" as the record keeper of initial and subsequent offenses
* Replaces any references to "a year" with "12-month period" to comply with State Law



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Nuisance, Menace or Vicious Dogs

Be it ordained by the City Council of the City of Keene, as follows:

Sec. 10-36. Forfeitures for nuisance, menace or vicious dogs.

- (a) Whoever owns a dog that violates section 10-35 and whose dog is adjudged to be either a nuisance, a menace or vicious shall forfeit the following to the city clerk:
 - (1) Nuisance dog:
 - a. For the first offense\$25.00
 - b. For the second nuisance **or subsequent** offense committed within 12 months of the first offense~~\$50.00~~ **\$100.00**
 - (2) Menace dog:
 - a. For the first offense\$50.00
 - b. For the second menace **or subsequent** offense committed within 12 months of the first offense~~\$100.00~~ **\$200.00**
 - (3) Vicious dog:
 - a. For the first offense\$100.00
 - b. For the second vicious **or subsequent** offense committed within 12 months of the first offense~~\$200.00~~ **\$400.00**
- (b) These forfeitures shall be **paid made** within 96 hours from the time of notice **is given by any law enforcement officer or animal control officer to the owner or keeper of the dog.** ~~to the city clerk.~~ Any person making this forfeiture shall have deemed to have waived the right to have the case heard in the ~~district~~ **circuit** court, and shall not be prosecuted or found guilty of a violation of RSA 466:31. Any person who does not pay the civil forfeiture shall have the case disposed of in ~~district~~ **circuit** court. Any person who pays a civil forfeiture, as specified in this section, two times within a **12-month period,** ~~a year,~~

according to the records of the **animal control officer** ~~of the city clerk~~, may not pay the civil forfeiture for subsequent violations of this section in that 12-month period, ~~year~~, but shall have these cases disposed of in ~~district~~-**circuit** court. For a vicious dog, where its behavior represents such a threat to public safety, immediate ~~district~~-**circuit** court proceedings may be initiated in lieu of civil forfeiture.

Jay V. Kahn, Mayor

In City Council April 18, 2024.
Referred to the Planning, Licenses and
Development Committee.


Patricia C. Little
City Clerk