

A regular meeting of the Keene City Council was held on Thursday, March 7, 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, Andrew M. Madison, Kris E. Roberts, Raleigh C. Ormerod, Bryan J. Lake, Bettina A. Chadbourne, & Thomas F. Powers were present. Philip M. Jones arrived at 7:25 PM. Catherine I. Workman and Mitchell H. Greenwald were absent. Councilor Williams led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion Councilor Bosley to adopt the February 15, 2024 meeting minutes as presented was duly seconded by Councilor Powers. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Jones, Workman, and Greenwald were absent.

ANNOUNCEMENTS

Mayor Kahn announced that to accommodate additional Municipal Services, Facilities, and Infrastructure (MSFI) Committee meetings that will focus on the downtown infrastructure project, special MSFI meeting dates were scheduled for March 13, April 10, and May 8. These meetings will start at 5:30 PM. The Planning, Licenses, and Development Committee's meeting time will shift to a 7:00 PM start on these dates. Mayor Kahn also announced that the Legislative Delegation meeting was scheduled for March 26 at 6:30 PM at Heberton Hall. Additionally, a Council Workshop was scheduled for June 11 at 6:00 PM in Council Chambers to discuss the downtown project. Lastly, Mayor Kahn announced that the Council's summer vacation is scheduled to start with cancellation of the August 15 Council meeting; the September 5 Council meeting is also canceled. The Council Standing Committee meetings of August 7–8 and August 21–22 are also canceled. The Committees will start meeting again on September 11–12. The Council will start meeting again on September 19.

PUBLIC HEARING – CAPITAL IMPROVEMENT PROGRAM (2024–2031)

Mayor Kahn opened the public hearing at 7:05 PM and the City Clerk read the public hearing notice. The Mayor noted that the draft Capital Improvement Program (CIP) was available on the City website for those that would like to reference the document. Mayor Kahn proceeded reviewing the list of 90 projects proposed for 2025–2026 in the CIP, totaling approximately \$64 million of budget authorization. Other years listed included placeholders as costs and scopes will change between now and then. The CIP is reconsidered by the City Council every two years.

The City Manager, Elizabeth Dragon, added that the CIP is a seven-year plan, which includes projections beyond those seven years in the appendix. The CIP includes projects with an estimated minimum cost of \$35,000 and an anticipated useful life of at least five years. Individual project requests are also consolidated and detailed in the CIP. The CIP helps the City with advanced planning to mitigate the challenges associated with large projects—such as the downtown project—by spreading the expenses over multiple years and using capital reserve funds and other financial tools (e.g., grants) to align with project timelines. Thus, funds are available when it is time to implement a project. The Council's review of the CIP aligns with

Staff beginning to prepare the Operating Budget. The Finance, Organization, and Personnel (FOP) Committee has reviewed the entirety of the CIP in detail. When the Council approves the Operating Budget in June, it will include the first year of the CIP, as amended and adopted by the Council. The CIP is strictly a planning tool, and projects therein do not become a cost to taxpayers until the City Council appropriates the Operating Budget.

Mayor Kahn proceeded listing the 90 projects in the first two years (2025–2026) of the CIP. There were no public comments on any portion of the CIP.

The City Manager commented on a few portions of the CIP. First, she noted that Comprehensive Master Plan Update’s award contract came early and required additional funds, so when the CIP is reviewed at the upcoming FOP meeting, the \$70,000 required (listed on page 3) would be removed. Further, regarding a parking garage, the City Manager said that the city would submit for an earmarked grant for the first year of the project (design) in FY 2026; at this time, a consultant was being selected to determine feasibility and funding options.

Councilor Jones arrived at 7:25 PM.

Upon hearing no further comments, Mayor Kahn closed the public hearing at 7:29 PM, except for written public comments, which would be accepted until 1:00 PM on Tuesday, March 12. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. Mayor Kahn referred this matter to the Finance, Organization, and Personnel Committee meeting on March 14, 2024.

A true record, attest:



Assistant City Clerk

CONFIRMATIONS

The following confirmations to serve on City boards and commissions were before the City Council for action. To the Airport Development and Marketing Committee, Councilor Greenwald as a regular member, with a term to expire December 31, 2025; and Colin (Bob) Lyle as a regular member, with a term to expire December 31, 2026. To the Energy and Climate Committee, Paul Roth as a regular member, with a term to expire December 31, 2026; Kenneth Swymer, Jr., as a regular member, with a term to expire December 31, 2026; and Jake Pipp as an alternate member, with a term to expire December 31, 2026. To the Human Rights Committee, Aja Davis as a regular member, with a term to expire December 31, 2024; and Debra Bowie as an alternate member, with a term to expire December 31, 2026.

A motion by Councilor Bosley to confirm the nominations was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Workman and Greenwald were absent.

NOMINATION – HUMAN RIGHTS COMMITTEE

Mayor Kahn nominated David Morrill to serve as an alternate member of the Human Rights Committee, with a term to expire December 31, 2026. The Mayor tabled the nomination until the next regular meeting.

COMMUNICATION – COUNCILOR ORMEROD – RESIGNATION – KEENE CITY COUNCIL

A communication was received from Councilor Raleigh Ormerod, resigning as the Ward One City Councilor effective April 1, 2024. Mayor Kahn tabled the resignation until the April 4 regular Council meeting.

COMMUNICATION – CONAN SALADA – CONCERNS REGARDING THE ISSUANCE OF FIRE PERMITS

A communication was received from Conan Salada, expressing his concern about the process involved with the issuance of fire/burn permits by the Fire Department. He suggests that the permit process is unnecessarily burdensome, and he questions its compliance with NHRSA 227-L:17, II. Mayor Kahn referred the communication to the Finance, Organization, and Personnel Committee.

COMMUNICATION – JARED GOODELL – ISSUES ASSOCIATED WITH SIDEWALK CAFE LICENSES

A communication was received from Jared Goodell, requesting to have the City Council look into the outdoor dining licenses on City Property. He feels that there are four areas of concern: outdoor patios that extend beyond the actual frontage of a restaurant, fees charged for using City Property for outdoor dining, outdoor patios that include audio and/or visual components, and enforcement of non-compliant licensees. Because these topics will be dealt with during the downtown improvement project, Mayor Kahn accepted the communication as informational.

Councilor Remy challenged the Mayor's decision to accept this communication as informational. The Councilor did not understand how the downtown project would resolve/address the outdoor patios that include audio/visual components, so he thought the communication should be preferred to the Planning, Licenses, and Development (PLD) Committee.

Mayor Kahn said that the day before this meeting, he attended the downtown project viewing opportunity. He said it was clear that the kind of transformations proposed for the downtown sidewalks (to include what the City Council recommended) would be completely redesigned relative to outdoor seating distances from storefronts. He thought all distances would be reconsidered in that process.

Councilor Remy understood the Mayor's points, but said that still did not address noncompliant licenses, outdoor patios with audio/visual, or fees charged for using City property. Thus, Councilor Remy challenged the Mayor's decision to send this to the City Manager in favor of referring it to the PLD Committee.

The City Manager noted that as a part of the downtown project, Staff anticipated revamping sidewalk licenses entirely—appearance, location, activities allowed, etc. She thought the Mayor was trying to initiate a broader conversation of sidewalk licenses for both restaurants and other commercial activities.

Councilor Madison agreed with Councilor Remy because this was about enforcement of existing City rules. Thus, Councilor Madison seconded the challenge of the Mayor’s decision.

Councilor Bosley briefly shared her support for the Mayor’s decision given that the downtown project would lead to a new ordinance for sidewalk cafés. She recalled being a proponent of the downtown project *not* inhibiting sidewalk cafés.

Councilor Filiault noted that—per the Council’s Rules of Order—there should not have been further conversation after the challenge and second.

On a roll call vote of 3 in support of the Mayor’s decision and 10 in opposition, the challenge carried. Councilors Bosley, Filiault, and Ormerod voted in the minority. The communication was thus referred to the Planning, Licenses, and Development Committee.

COMMUNICATION – PETER ESPIEFS – IN OPPOSITION OF THE CHARITABLE GAMING FACILITIES – ORDINANCE O-2023-16-A

A communication was received from Peter Espiefs, opposing a gaming business in the center of the City of Keene. He believes it would not support the beauty that is renowned and loved by most people who care about the jewel of a community within sight of Mt. Monadnock, and who want to keep it that way. Mayor Kahn accepted the communication as informational.

COMMUNICATION – CHARLOTTE AND DAVID LESSER – NOISE DISTURBANCE FROM A COMMERCIAL VEHICLE GENERATOR AT 58 GRANT STREET

A communication was received from Charlotte and David Lesser, raising their concern over a commercial vehicle generator that runs for extensive periods through the day and night and which is adjacent to their residence. Their understanding in speaking with the Police Department is that this disturbance is not addressed in the current noise ordinance. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – REQUEST TO DISCHARGE FIREWORKS – INDEPENDENCE EVE CELEBRATION – JULY 3, 2024

A communication was received from Kevin Watterson, President of the Keene Swamp Bats, requesting the annual license to discharge fireworks at Alumni Field as part of the Independence Eve Celebration held at that evening’s Swamp Bats Game. This is a Community Funded Event, and a request for funding in the next fiscal year has been received from the applicant. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

Councilor Jones asked that a rain date be determined during the protocol meetings. Staff indicated that this would be addressed with the applicant.

COMMUNICATION – KEENE SWAMP BATS – REQUEST TO DISCHARGE FIREWORKS
– JUNE 5, 2024 & JULY 30, 2024

A communication was received from Kevin Watterson, President of the Keene Swamp Bats, seeking permission to discharge fireworks on June 5, 2024, on the evening of their opening game, and again on July 30, 2024, at their last regular season game. These displays will occur at Alumni Field immediately after the Swamp Bats games scheduled for those evenings. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – SAINT JAMES EPISCOPAL CHURCH – REQUEST FOR PARKING
PASSES – GILBO AVENUE PARKING LOT

A communication was received from Reverend Elsa Worth of St. James Episcopal Church, requesting that the church office be provided with five parking passes for the use of public parking spaces in the Gilbo Avenue Parking Lot, which would be used as needed by Reverend Worth, the office staff, and their visitors. Mayor Kahn referred the communication to the Finance, Organization, and Personnel Committee.

MSFI REPORT – SUPPORT FOR DOWNTOWN IMPROVEMENT PROJECT –
MULTIMODAL DESIGN CONCEPTS – BICYCLE AND PEDESTRIAN PATH ADVISORY
COMMITTEE

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending accepting the letter as informational. Mayor Kahn accepted the report as informational.

CITY MANAGER COMMENTS

First, the City Manager reported on some positive media coverage of Keene. The cover story in the March/April issue of Yankee is “Best Places to Live,” and Keene is recommended (along with St. Albans, VT, and Salem, MA) in the “Revitalized Small City” category. See p. 67 in the issue: “*Keene is mentioned as an affordable option- “The splashy renovation of Keene’s historic Colonial Theater continues to draw attention to its re-energized downtown. Keene State college’s pretty little campus flows into a central district with what’s been touted as one of the worlds widest paved main streets, locally grown restaurants, and shops and one of the best art and music scenes in the state.”* The editors are planning a travel story about the Monadnock Region in the September/October 2025 issue, and Keene will likely figure prominently in that.

Keene was also highlighted on WorldAtlas.com as one of the Best Small Towns to Retire in New Hampshire: “*Nestled in Cheshire County in southern New Hampshire is the city of Keene. It lies in the heart of the Monadnock Region, home to the iconic Mount Monadnock, surrounded by natural beauty, and has several parks and conservation areas. The town has a vibrant cultural scene with several art galleries, museums, and theaters. The Keene State College offers various cultural and educational programs. Additionally, the town hosts several festivals and events throughout the year. Keene has a strong sense of community. The community offers many volunteer opportunities and civic organizations.”*

Next, the City Manager announced Green up Keene on Saturday, April 20. Again this year, there will be a drive through supply pick-up on Saturday, rather than having the usual sign-up table at Railroad Square. Pre-registration is encouraged. Volunteers may also arrange for a no contact pick-up of garbage bags and disposable gloves through Public Works prior to the event. Contact Andrea at Public Works for event details and to volunteer 603-352-6550.

REPORT – ACCEPTANCE OF LAND AND WATER CONSERVATION FUNDS GRANT 33 FOR THE SKATE PARK

A memorandum read from the Director of Parks, Recreation, and Facilities recommending that the City Council authorize the City Manager to accept and execute a Land and Water Conservation Fund Grant Round 33 award for \$225,000.00 for the Skate Park Project.

A motion by Councilor Powers to suspend the Rules of Order to allow action on the acceptance of Land and Water Conservation Funds Grant 33 for the Skate Park was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Workman and Greenwald were absent.

A motion by Councilor Powers was duly seconded by Councilor Remy to authorize the City Manager to accept, execute, and expend a Land and Water Conservation Fund Grant Round 33 award for \$225,000.00 for the Skate Park.

The City Manager recalled that in October 2023, the City Council authorized her to accept, execute, and expend this grant. However, the City had been counting on an Invest NH grant to demolish the Findings building. The City received the grant, but when put out to bid for the demolition, it was double the cost anticipated. So, she had to ask the Land and Water Conservation Fund if demolition could be included in the use of this grant, and they agreed. To include the demolition, the City Manager needed the Council's approval to execute the new documents.

The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Workman and Greenwald were absent.

MORE TIME – MSFI REPORT – PETITION – EAST SIDE RESIDENTS – TRAFFIC CALMING ON EAST-SIDE KEENE STREETS; AND MSFI REPORT – LUCA PARIS/GREATER MONADNOCK COLLABORATIVE – REQUEST TO USE PARKING SPACES – CLASSIC CARS – MAY 5, 2024

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending placing the Petition – East Side Residents – Traffic Calming on East-Side Keene Streets on more time. Mayor Kahn granted more time.

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending placing Request to Use Parking Spaces – Classic Cars – May 5, 2024 on more time to allow protocol meetings to occur. Mayor Kahn granted more time.

ORDINANCE FOR FIRST READING – RELATING TO DEPARTMENTS AND CLASS ALLOCATION – ORDINANCE O-2024-02

03/07/2024

A memorandum read from the HR Director/Assistant City Manager, Elizabeth Fox, recommending that the Council refer Ordinance O-2024-02 Relating to Departments and Class Allocation to the Finance, Organization, and Personnel Committee. Mayor Kahn referred Ordinance O-2024-02 to the Finance, Organization, and Personnel Committee.

ORDINACNE FOR FIRST READING – RELATING TO THE AIRPORT DEVELOPMENT AND MARKETING COMMITTEE – ORDINANCE O-2024-03

A memorandum read from the Airport Director, David Hickling, recommending referring Ordinance O-2024-03 Relating to the Airport Development and Marketing Committee to the Finance, Organization, and Personnel Committee. Mayor Kahn referred Ordinance O-2024-03 to the Finance, Organization, and Personnel Committee.

RESOLUTION – IN APPRECIATION OF RAYMOND R. PHILLIPS UPON HIS RETIREMENT – RESOLUTION R-2024-06

A memorandum read from the HR Director/Assistant City Manager, Elizabeth Fox, recommending the adoption of resolution R-2024-06 in Appreciation of Raymond R. Phillips Upon His Retirement. A motion by Councilor Bosley to adopt Resolution R-2024-06 with regret and appreciation of service was duly seconded by Councilor Powers. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Workman and Greenwald were absent.

RESOLUTION – RELATING TO THE REALLOCATION OF UNSPENT BOND FUNDS FOR THE MARTELL COURT PUMP CONTROL AND REPLACEMENT PROJECT – RESOLUTION R-2024-07

A memorandum read from the Assistant Public Works Director/Operations Manager, Aaron Costa, recommending that Resolution R-2024-07 be referred to the Finance, Organization, and Personnel Committee. Mayor Kahn referred Resolution R-2024-07 to the Finance, Organization, and Personnel Committee.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 7:55 PM.

A true record, attest:



Assistant City Clerk