



City of Keene
New Hampshire

**MUNICIPAL SERVICES,
FACILITIES AND INFRASTRUCTURE
COMMITTEE
AGENDA
Council Chambers B
July 11, 2018
6:00 PM**

Janis O. Manwaring
Randy L. Filiault
Stephen L. Hooper
Gary P. Lamoureux
Robert B. Sutherland

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1. Department Presentation - Little Known Parks
 2. Council Policy Relating to the Acceptance and Placement of Public Art
Resolution R-2018-22
 3. Relating to Renaming of the Carpenter Street Field to the Patricia T. Russell Park and
Relating to Use of City Park Lands
Resolution R-2018-25
Resolution R-2015-30
Resolution R-2018-27

MORE TIME ITEMS:

- A. Ashuelot Court Homeowners – Request to Partner in the Installation of Water and Sewer
Lines on Ashuelot Court, a Designated Private Road

Non Public Session
Adjournment



Transmittal Form

June 27, 2018

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: 2.

SUBJECT: Council Policy Relating to the Acceptance and Placement of Public Art

COUNCIL ACTION:

In City Council July 5, 2018.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends a review and a recommendation of a Resolution relating to the acceptance and placement of public art.

ATTACHMENTS:

Description

Resolution R-2018-22

BACKGROUND:

Mr. Bohannon recalled the Committee has heard about public art several times and in April, they requested that staff to work on a resolution. City staff continued their research of other communities and worked with the City Attorney and Councilor Carl Jacobs to draft a resolution. The Comprehensive Master Plan outlines the need and calls for public art and suggested creating a commission to vet the resolution process. This draft resolution is before the Committee for review before a numbered resolution is created to send to Council on July 5.

Councilor Lamoureux asked about the insurance carrier. The City Attorney replied as a more solid framework is developed they will look into insurance more; any proposal brought forward for temporary art will have an insurance component.

Councilor Jacobs said they were not at the meeting to try to form an arts commission, which is not a part of the resolution but something that is a next step to benefit the City. This draft resolution can work with or without it. He noted a small change to the draft resolution: if someone donates public art to the City they must donate 1% of its value to maintain it and the establishment of a trust fund to handle that money.

Councilor Sutherland asked if art exhibitions can have a fundraising component like he has seen in other cities. Councilor Jacobs thinks the draft language enables that and it is something an arts commission could also work on. Mr. Bohannon agreed it would be great for economic development downtown.

Chair Manwaring asked about the difference between temporary and permanent art. The City Attorney replied that definition still needs to be decided. This draft resolution is for discussion and many details still need to be

worked out. Councilor Jacobs said temporary art is still owned by someone; while permanent art is owned by the City to display as they wish. Chair Manwaring said she feels like maintenance is a grey area; and inquired how responsible will the City be? Mr. Bohannon said establishing the trust will guarantee maintenance, which is the only reason the City would take on ownership of any art.

Councilor Filiault noted a formal, numbered resolution will still have to come back again, which will require another Committee cycle.

Chair Manwaring recognized Jessica Gelter, Executive Director of Arts Alive, 74 Fuller Drive, Brattleboro. She supports this process and potential resolution. Arts Alive is engaged in this development process and works with others throughout the State on public art policies. She said it is great to see Keene supporting public art. Arts Alive would like to be involved if a commission is established.

Chair Manwaring recognized Councilor George Hansel who expressed support for this important effort for the City. He suggested the resolution be revisited every few years to cover a certain threshold for liability.

Chair Manwaring recognized Georgia Casavettas, 46 Centennial Road, Gilsum. She is in favor of the proposed resolution because it is important to have a document declaring the City's support for the arts and for economic development. She said people of her generation seek culture and outdoor learning environments. She started Friends of Public Art in 2014 and she hopes this Resolution will make it easier for the rest of Council to understand when projects like this come up in the future. She favors the idea of a commission and would be happy to serve on it.

Councilor Filiault made the following motion, which was seconded by Councilor Lamoureux.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends a review and a recommendation of a Resolution relating to the acceptance and placement of public art.

The City Attorney said he would submit a numbered resolution at the next Council meeting.



CITY OF KEENE

R-2018-22

In the Year of Our Lord Two Thousand and Eighteen

A RESOLUTION COUNCIL POLICY: RELATING TO THE ACCEPTANCE AND PLACEMENT OF PUBLIC ART

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: Public Art plays an important role in increasing the understanding and enjoyment of art by the community. Art is more accessible and visible to people when displayed in public areas. A key feature of Public Art is the importance of integrating art into the fabric of the community in order to enrich and enhance the physical attractiveness of the community. Public Art transforms spaces and provides a valuable contribution to the appreciation of the community and the quality of public places; and

WHEREAS: The City of Keene desires to participate in the promotion and display of Public Art to contribute to the unique identity of the City; enhance the City's economic and cultural vitality; and to encourage Public Art that is accessible to the public visually and physically.

NOW, THEREFORE, BE IT RESOLVED: Public Art may be located on public property in areas that are frequently visited, viewed, or accessed by the public. Locations may include public right-of-ways, intersections, City parks, City-owned property, and City-owned buildings, and

BE IT FURTHER RESOLVED: Artists and/or organizations wanting to create, provide, or develop Public Art shall submit a proposal to the Keene City Council that provides sufficient information for consideration of each proposal. When the City Council is considering Public Art, temporary or permanent, to be installed on, or in, property under City ownership or control it may consider:

- Whether the Public Art reflect aspects of the City's history, unique environment, cultural identity, or community at-large;
- Whether the Public Art aesthetically enhances public spaces or environments to which it relates or interacts;
- Whether the Public Art is commensurate in scale with its surroundings;
- Whether the Public Art is technically feasible to produce and to display;
- Whether the Public Art is unique and original and not mass produced or standardized;
- Whether the Public Art is durable, constructed of materials that will survive in the environment in which it will be placed, and reasonable to maintain in terms of time and expense;
- Whether the artist(s) and/or organization(s) submitting a proposal for Public Art can demonstrate that the artist(s) and/or organization(s) is (are) recognized by critics and peers as one who produces works of art;

- Whether the Public Art is in a location that allows for necessary maintenance;
- Whether the Public Art is designed to be reasonably protected from environmental degradation, damage, vandalism, or theft;
- Whether the Public Art is affixed to a structure or building and whether the structure or building is expected to remain in good condition for twenty (20) years;
- Whether the Public Art creates a public safety, health, or security concern.

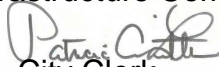
BE IT FURTHER RESOLVED:

- Temporary Public Art is intended to not be owned by the City, to remain in the care, control, and ownership of the artist(s) and/or organization(s), to be easily installed and removed, to be displayed for a specific period of time or on loan for an undetermined period of time, and as specified in a Memorandum of Understanding between the artist(s) and/or organization(s) and the City Council prior to display.
- Permanent Public Art is intended to be owned by the City, is attached to a structure or property owned by the City, is of a size or type of construction that it cannot be easily removed, and which the artist(s) and/or organization(s) agree to relinquish and transfer all rights of ownership and control to the City of Keene.
- Public Art proposals will be in writing and shall include the following minimum information.
 - A description of the proposed Public Art, including but not limited to, the name of artist(s) and/or organization(s) involved, description of the experience of the artist(s) and/or organization(s) in the production of the type of artwork, and information establishing that the artist(s) and/or organization(s) is recognized by critics and peers as one who produces works of art.
 - Whether the Public Art will be temporary and on loan to the City, or permanent and owned by the City.
 - Identification of the location of the Public Art.
 - A description of the Public Art that includes a proposed design which is commensurate in scale with the intended location, the size to scale, the dimensions of the physical space required, the materials to be used, the intended theme or context, and if temporary, the length of time of the display, and how the Public Art will be accessible to the public for viewing and enjoying.
 - Whether utility hookups are required.
 - How the Public Art is funded.
 - The anticipated maintenance requirements of the Public Art, including recurring expenses.
 - If temporary, identify how the Public Art will be removed and how the space will be restored to its previous condition.

- How the Public Art will aesthetically enhance public spaces or environments to which it relates or interacts.
 - Provide appropriate certification that the Public Art does not infringe upon any copyright or trademark.
 - Provide documentation as required by the City with respect to construction or installation of the Public Art.
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- The artist(s) and/or organization(s) proposing Public Art shall provide appropriate insurance certificates and indemnification to the City during construction/installation, and/or during display, as determined by the City Council, through a license for temporary Public Art or in the construction documents for Permanent Public Art.
 - If the Public Art is not owned by the City, the artist(s) and/or organization(s) proposing the Public Art will be responsible for the expenses of monitoring, operation, maintenance, repair, and removal.
 - The City shall have the right, in its sole discretion, to determine when or if it is necessary that Public Art be removed from public display.
 - The City Council, in its sole discretion, shall determine whether Public Art is accepted for ownership by the City.
 - The City Manager is authorized to develop and administer rules and procedures to determine whether a proposal for Public Art is acceptable and complete for submission to the City Council for consideration; for the management, monitoring, installation, maintenance, repair, operation, and removal of Public Art, and to prepare appropriate and necessary documents for the transfer of the ownership of permanent Public Art to the City; and to adopt City Ordinances as may be necessary and appropriate.
 - The City will establish an expendable trust for expenses associated with commissioning, installation, monitoring, maintenance, repair, operation, and removal of Public Art.
 - For any Public Art intended to be owned by the City, the donor shall contribute to the City a sum equal to one percent (1%) of the construction cost of the Public Art, to be deposited into the expendable trust and used by the City for the monitoring, operation, maintenance, repair, upkeep, relocation, removal, or other requirements related to the Public Art.

Kendall W. Lane Mayor

In City Council July 5, 2018.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.


City Clerk



City of Keene, N.H.
Transmittal Form

July 6, 2018

TO: Municipal Services, Facilities and Infrastructure Committee

FROM: Andy Bohannon, Parks, Recreation and Facilities Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 3.

SUBJECT: Relating to Renaming of the Carpenter Street Field to the Patricia T. Russell Park and Relating to Use of City Park Lands

RECOMMENDATION:

Move that the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Resolution R-2018-25 Relating to Renaming of the Carpenter Street Field to the Patricia T. Russell Park.

Move that the Municipal Services, Facilities and Infrastructure Committee recommends the rescission of Resolution R-2015-30 and the adoption of Resolution R-2018-27 Relating to the Use of City Parklands.

ATTACHMENTS:

Description

Resolution R-2018-25

Resolution R-2015-30

Resolution R-2018-27

BACKGROUND:

In December of 2017, The City Council voted unanimously to recommend that the Carpenter Street Field be renamed the Patricia T. Russell Park. Resolution R-2018-25 serves to formally adopt the change naming this public space in honor of Ms. Russell.

On Monday, July 23, the City will be dedicating the space to former Mayor Patricia T. Russell. She was the first woman mayor for the City of Keene serving two terms starting in 1996. Having a strong connection to the east side of town, in 2017, Mayor Lane requested the field be renamed in her honor.

Dedication ceremonies will take place Monday, July 23, at 11:30 at the newly named Patricia T. Russell Park located on Carpenter Street.

In addition to the above, the City maintains and operates several parks that are reserved by specific groups on a regular basis for various purposes. The purpose of Resolution R-2018-27 is to provide an update to R-2015-30 to acknowledge the name change to Carpenter Field, and to add Church Street Park that was created since the last revision.



CITY OF KEENE

R-2018-25

Eighteen

In the Year of Our Lord Two Thousand and

Relating to Renaming of the Carpenter Street Field to the Patricia T. Russell Park

A RESOLUTION

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: In December of 2017, the City Council voted to recommend that a Resolution be brought forward to rename Carpenter Street Field to the Patricia T. Russell Park; and

WHEREAS: Article IV "Naming of Public Facilities" in Chapter 82 entitled "Streets, Sidewalks and Certain Other Public Places" establishes a process and criteria that must be met in order to name a public facility; and

WHEREAS: Patricia T. Russell meets the criteria of the Ordinance due to her many contributions to the City of Keene and the State of New Hampshire as reflected below:

- Patricia T. Russell was an iconic figure in the State of New Hampshire having served six terms of the New Hampshire House of Representations, and ten years as a commissioner of the New Hampshire State Liquor Commission; and
- Patricia T. Russell was the first female Mayor of the City of Keene from 1996 to 1999; and a Ward Two City Councilor from 1990 to 1995; during which the Black Brook Industrial Park and the Library Renovation and Expansion Projects were initiated; and
- Patricia T. Russell made several contributions to the City including the development of the Ashuelot River Park and the Rachel Marshall Outdoor Learning Lab; and
- Patricia T. Russell grew up on the east side of Keene and renaming the field in her honor is certainly most appropriate.

NOW THEREFORE BE IT RESOLVED THAT

The Carpenter Street Field be renamed the Patricia T. Russell Park in recognition of her civic leadership which has contributed to the betterment of the City of Keene.

Kendall W. Lane, Mayor



CITY OF KEENE

R-2015-30

Fifteen

In the Year of Our Lord Two Thousand and

Relating to Use of City Park Lands

A RESOLUTION

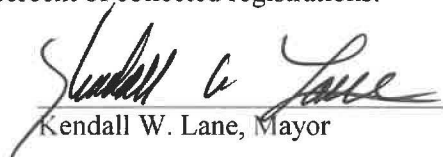
Resolved by the City Council of the City of Keene, as follows:

- WHEREAS: It is understood that while all parklands are available to the general public; there are uses for portions of these parks that would result in exclusive availability for specific groups for periods of time through the issuance of a reservation at the discretion of the Parks, Recreation and Facilities Director; and
- WHEREAS: Any portion of any park not reserved for a group's exclusive use must be kept accessible to the general public during that use; and
- WHEREAS: It will not be acceptable for any group or individual reserving an area to deny the general public the use of all paths, walks or roadways available that connect with an unreserved park area; and
- WHEREAS: City park lands are under the authority and control of the Parks, Recreation and Facilities Department in accordance with Chapter 2 "Parks, Recreation and Facilities;" and
- WHEREAS: Central Square Common and Railroad Square are subject to the rules and regulations contained in Resolution R-2015-29: Relating to Central Square and Railroad Square and Article XXI "Use of Central Square Common and Railroad Square" of Chapter 46, "Licenses and Permits."

NOW THEREFORE BE IT RESOLVED THAT

The City Council agrees that charitable solicitation, educational, instructional recreational or recreational activities, whether non-profit or commercial, are acceptable uses for exclusive use determined by the Parks, Recreation and Cemeteries Director for portions of the Ashuelot River Park, Carpenter Street Field, Court Street Stone Arch Bridge parklands, Edgewood Avenue Park, Ellis Harrison Park, Hickey Desilets Park, Fuller Park, Keene Skate Park, Ladies Wildwood Park, Robin Hood Park, Water Street Basketball Courts and Wheelock Park.

AND BE IT FURTHER RESOLVED that necessary charges for any reservations for any permitted activities shall be set by the Director of the Keene Parks, Recreation and Facilities Department to reflect the City's expense for maintenance for each event and to cover costs for wear and tear on City property. In addition to such charges, fee based, instructional recreational uses shall pay the City of Keene twenty (20) percent of collected registrations.


 Kendall W. Lane, Mayor

July 2, 2015

PASSED



CITY OF KEENE

R-2018-27

Eighteen

In the Year of Our Lord Two Thousand and

Relating to Use of City Park Lands

A RESOLUTION

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: It is understood that while all parklands are available to the general public; there are uses for portions of these parks that would result in exclusive availability for specific groups for periods of time through the issuance of a reservation at the discretion of the Parks, Recreation and Facilities Director; and

WHEREAS: Any portion of any park not reserved for a group's exclusive use must be kept accessible to the general public during that use; and

WHEREAS: It will not be acceptable for any group or individual reserving an area to deny the general public the use of all paths, walks or roadways available that connect with an unreserved park area; and

WHEREAS: City park lands are under the authority and control of the Parks, Recreation and Facilities Department in accordance with Chapter 2 "Parks, Recreation and Facilities;" and

WHEREAS: Central Square Common and Railroad Square are subject to the rules and regulations contained in Resolution R-2015-29: Relating to Central Square and Railroad Square and Article XXI "Use of Central Square Common and Railroad Square" of Chapter 46, "Licenses and Permits."

NOW THEREFORE BE IT RESOLVED THAT

The City Council agrees that charitable solicitation, educational, instructional recreational or recreational activities, whether non-profit or commercial, are acceptable uses for exclusive use determined by the Parks, Recreation and Facilities Director for portions of the Ashuelot River Park, Church Street Park, Patricia T. Russell Park, Court Street Stone Arch Bridge parklands, Edgewood Avenue Park, Ellis Harrison Park, Hickey Desilets Park, Fuller Park, Keene Skate Park, Ladies Wildwood Park, Robin Hood Park, Water Street Basketball Courts and Wheelock Park.

AND BE IT FURTHER RESOLVED that necessary charges for any reservations for any permitted activities shall be set by the Director of the Keene Parks, Recreation and Facilities Department to reflect the City's expense for maintenance for each event and to cover costs for wear and tear on City property. In addition to such charges, fee based, instructional recreational uses shall pay the City of Keene twenty (20) percent of collected registrations.

Kendall W. Lane, Mayor