

City of Keene  
New Hampshire

**MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE**  
**MEETING MINUTES**

**Wednesday, July 11, 2018**

**6:00 PM**

**Council Chambers**

**Members Present:**

Janis O. Manwaring, Chair  
Randy L. Filiault, Vice-Chair  
Stephen L. Hooper  
Gary P. Lamoureux  
Robert B. Sutherland

**Staff Present:**

Elizabeth A. Dragon, City Manager  
Thomas P. Mullins, City Attorney  
Elizabeth Fox, HR Director/Assistant City  
Manager  
Kürt Blomquist, Public Works  
Director/Emergency Services Director  
Andy Bohannon, Director of Parks, Recreation  
& Facilities

**Members Not Present:**

Chair Manwaring called the meeting to order at 6:00 PM, welcomed the public, and explained the rules of procedure.

**1) Departmental Presentation – Little Known Parks**

Mr. Bohannon said staff has been working to improve the Parks & Recreation page on the City website as well as awareness of little known parks in Keene. He credited Megan Spaulding (Parks & Recreation), Will Schoefmann (Planning), and Sarah Miller (IT) for their work to make the Parks & Recreation site better.

Mr. Bohannon demonstrated the City website and specifically the Parks & Recreation page, where there are now four tabs that make it easier for the public to find information. Specifically for this meeting Mr. Bohannon focused on the parks tab of the webpage. On the parks page, a visitor will see a story board using a web based GIS program from ESRI. A map shows pins for all City parks; hovering over adjacent photos shows the corresponding pin on the map, and vice versa.

Mr. Bohannon noted that Parks & Recreation cares for 16 City parks and he highlighted some of the lesser known parks (Shadow Lake, Beaver Brook Falls, Edgewood Park, Beech Hill Park, Robin Hood Park), demonstrating how one can find them on the website. The new website lists details for each park, based on the Master Plan, such as: natural areas, water access, trail type, water features, etc.

With this feature on the website, residents and visitors can easily find a place to take their families. If you click on a park, it will automatically take you to Google Maps where the park is pinned and you can easily get directions. The photo gallery for each park is connected to Google Images, so you know what to expect when you arrive.

Mr. Bohannon continued other tabs on the Parks & Recreation website include community spaces (Railroad Square and Central Square), sports facilities, and playgrounds. The playground tab is still in progress and will list all those in the Playful City USA Grant. So, if a family is looking for the nearest playground, this is a great application; it is also available as a mobile app.

This new website will be beneficial for the City and citizens. The next step is to enhance the trails tab. He credited staff that worked on this and said he is proud of their initiative and believed it to be as good as other towns in the US and bring technology to citizens and visitors.

Councilor Sutherland said it would be helpful if parking information was listed for each park. Mr. Bohannon agreed and will work on adding that information. Mr. Bohannon added that for parks like Wheelock, which require reservations for things like horseshoes, there is a direct link to that online request form from the park page.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the presentation on Little Known Parks be accepted as informational.

**2) Council Policy Relation to the Acceptance and Placement of Public Art  
Resolution R-2018-22**

Mr. Bohannon said this resolution went to Council and welcomed questions and concerns from the Committee. Councilor Carl Jacobs said he continues his support and hopes the Committee votes to support the resolution and that Council will do the same.

Councilor Lamoureux asked if there were any changes to the resolution based on talks with Primex. Mr. Bohannon replied no.

Chair Manwaring recognized Councilor Philip Jones who asked if there is a provision if someone were offended by the art. Mr. Bohannon said the resolution leaves it to staff to guide a petitioner to the process outlining guidelines, and then the petition would go to Council. In the future he hopes there will be an ordinance to define the process or a commission to guide the process; he said art is in the eye of the beholder and the City does not want to be in the position of judging art. Council has used good judgement in the past to see art as art. Mr. Bohannon said the resolution outlines the process for having art. Councilor Jacobs said a commission would be valuable but is not needed to pass this resolution or for the City to accept art. The City Manager said an ordinance is the next

step and if the Council wants an arts commission, she thinks it makes sense. Ultimately though, it is up to Council if the City accepts temporary or permanent art.

Councilor Jones said he is in favor of the resolution but forewarns the controversy issue; he said Councilors will be the first to get phone calls if someone has a problem. He said it sounds like the City is doing this the right way.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of Resolution R-2018-22 Related to the Acceptance and Placement of Public Art.

- 3) Relating to the Renaming of the Carpenter Street Field to the Patricia T. Russell Park and Relating to Use of the City Park Lands**  
**Resolution R-2018-25**  
**Resolution R-2015-30**  
**Resolution R-2018-27**

Mr. Bohannon said Council voted unanimously to change the name of Carpenter Street Field in December 2017 to the Patricia T. Russell Park. This resolution formally adopts that process. On July 23, the City will dedicate the park in Ms. Russell's honor at 11:30 AM; information about future park plans (CIP 2021) will be on display at the ceremony.

Mr. Bohannon read the resolution which highlighted Ms. Russell's contributions to the City of Keene and the State of NH. He noted that she served six terms of the New Hampshire House of Representatives, and ten years as a Commissioner of the New Hampshire State Liquor Commission. She also served as Ward Two City Councilor from 1990 to 1995, during which the Black Brook Industrial Park and the Library Renovation and Expansion Projects were initiated. In addition, Ms. Russell was the first female Mayor of the City of Keene from 1996 to 1999.

Mr. Bohannon went on to say that Resolution R-2015-30 includes City park names and needs to reflect the renaming of Carpenter Field. Therefore, Resolution-2015-30 will be rescinded and Resolution R-2018-27 will be adopted to reflect the updated park name.

Chair Manwaring asked why parks like Stearns Hill are not included in the resolution. Mr. Bohannon replied because this resolution is only for parks that can be reserved for camps or athletic leagues. There will be an ordinance in August for all other parks.

Councilor Sutherland asked if Parks & Recreation manages reservations of fields at the high school. Mr. Bohannon replied no, the high school manages their own fields; the City has reserved their field for a tournament, but that is the only time Parks & Recreation works with the school district to get that field.

Councilor Sutherland said he was interested in amending Resolution R-2018-27 to strike the last sentence, which reads, “In addition to such charges, fee based instructional recreational uses shall pay the City of Keene 20% of collected registrations.” He does not think this language is legal under the municipal authority the City has for taxation. He could not find anything in Chapter 31 (Powers & Duties), Chapter 3 (Public Recreation & Parks, or Chapter 5 (Taxation) of the state law saying we can tax registration fees. He does not think it is the municipalities business to determine how much money a recreational lessee charges its participants in the context of leasing parks or facilities from the City; many or most of these recreational groups do not pay coaches. Registration fees are used for facility rentals, uniforms, equipment, referees/umpires, and association fees. He said it sounds like the City is trying to go beyond the reasonable definition of fees and charges and beyond the cost of use and maintenance of said facilities. He referenced RSA 335: B-1, which states, “said town, city, county, or district may establish a system of reasonable charges therein.” A municipality does have the authority to limit the use of a facility or enter into a contract. If past use was such that it caused additional wear and tear and required additional maintenance, watering, and upkeep then the City ought to review its fee schedule for those uses that may incur more than normal wear and tear through increased participation and continual use. He continued that the City currently charges the Challenger Soccer Camp and KHS Cross Country Camp. He said this resolution clearly states this cost would be incurred by both non-profit and commercial entities. He said it is not in the public’s interest to select lessees for administering these fees; it should be posted and consistent for all, in which case the City would be collecting a lot more revenue from things like the Cal Ripkin league.

Councilor Sutherland made a motion to strike the last sentence from Resolution R-2018-27 and amend it as R-2018-27-A. There was no second and the motion failed.

Chair Manwaring asked where the resolution talks about taxes. Councilor Sutherland replied by reading the last paragraph of the resolution, which can be found in the meeting packet. He said there are many clubs the City is not collecting these fees from; he argues the City does not have the authority to collect those fees because they are a tax.

Mr. Bohannon replied the last sentence of the resolution is about camps or “instructional recreational uses.” Also, the City does not charge activities for ages 12 and under, so the Cal Ripkin leagues are not charged a fee. Councilor Sutherland asked why, because they are providing instruction. Mr. Bohannon said it is not a structured camp paying an instructor. This is specific to revenue generating camps. He said this guideline was put in place because camps were making significant profit and the donations camps were giving the City did not come close to covering the maintenance and labor.

Councilor Lamoureux asked the opinion of the City Attorney. The City Attorney said it was clear Councilor Sutherland had done his research, which he asked him to share. There has been recent case law around authorized taxes and he will review that and Councilor Sutherland’s research before the next Council meeting.

Chair Manwaring said Councilor Sutherland should wait and bring it up at the next Council meeting because so far, he does not have the support of this Committee.

Councilor Sutherland said it is not about uses but about fees being paid to a coach and therefore the City is trying to levee a tax on income. Mr. Bohannon replied he does not think we are taxing anyone. Councilor Sutherland said they are looking to levee 20% of collected registration fees. Mr. Bohannon said that just covers cost for maintenance, we are not charging them for field set-up or rental. Councilor Sutherland recommended that the City has the authority to limit the use of a facility or enter into a contract if past use was such that it caused additional wear and tear and required additional maintenance, watering, and upkeep. In such cases, he said the City ought to review its fee schedule for those uses that may incur more than normal wear and tear through increased participation and continual use. He does not think the last sentence of the resolution specifies camps or profit vs. non-profit; he said it clearly states that it would include for profit or non-profit. He would like to strike the last sentence because he thinks it is unclear, unfair, and illegal. He will bring it up with the City Attorney and Council.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of Resolution R-2018-25 Relating to Renaming of the Carpenter Street Field to the Patricia T. Russell Park.

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

On a vote of 4-1, the Municipal Services, Facilities & 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. Councilor Sutherland was opposed.

#### **4) Adjournment**

Hearing no further business, Chair Manwaring adjourned the meeting at 6:44 PM.

Respectfully submitted by,  
Katrnya Kibler, Minute Taker

Additional Edits by,  
Terri M. Hood, Assistant City Clerk