

CITY CLERK'S OFFICE  
CITY COUNCIL REFERRAL SLIP

TO: Legal Department

DATE: February 14, 2017

The attached document was received for City Council consideration.

The following action is required:

Prepare a report together with related documents, if applicable, such as an ordinance, a resolution or an agreement and submit to the City Clerk's Office for inclusion in the City Council's \_\_\_\_\_ agenda.

You are the only department or committee this communication was referred to.

Along with your department, this item was referred to the following departments:

\_\_\_\_\_  
\_\_\_\_\_

Please feel free to contact the City Clerk's Office if you have any questions.

**From:** Greenman, Craig  
**To:** [jpbouley@comcast.net](mailto:jpbouley@comcast.net); \* City Clerk  
**Subject:** accident in White Park pond  
**Date:** Wednesday, February 01, 2017 4:44:32 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Dear Mayor Bouley and Janice,

I am a resident of Concord and a member of the City of Concord's Board of Ethics. I've communicated with you both before for matters related to that position. I have a separate matter that I'd like to communicate with you about, in the hopes that it may find a home in the appropriate committee on the City Council, for consideration and discussion.

A little over three weeks ago, I was ice skating on White Park pond. I slipped and fell – an accident that was caused by people playing hockey on the pond (a young father was passing a puck and it went near my legs) – and I received a concussion (diagnosed by the ER at the Concord Hospital). Prominently displayed on the building near the pond is a sign that says, "No Hockey on Pond." After the accident, I discussed this rule with, first, a lieutenant at the Concord Police Department, and second, a member of the Parks and Recreation department. Then I emailed David Gill concerning it; I'd gotten his name and contact information from the lieutenant.

All of them said the rule exists, but is not being enforced. The lieutenant said that his department doesn't enforce park rules, but only city ordinances; and the Parks and Recreation office worker said the rule isn't currently being enforced. My suggestion to all was that the City should either enforce the rule, or else amend or eliminate it – especially since it is so prominently displayed. My email communication with David Gill – which will also explain the specifics of my accident and my ideas about the rule – is included below (from most recent email to the least recent email). While Mr. Gill responded to my initial communication, he did not respond to my follow-up questions. I ran into Allan Herschlag, who is an acquaintance of mine on the City Council, and today he kindly advised me to communicate with you.

My position on the Board of Ethics has nothing to do with any of this; but I mention it to show that I've taken an interest in the city and of helping out where I can. (I teach philosophy, including ethics, at Colby-Sawyer College, where I am Professor of Humanities.) I've also gotten advice from friends, though, about possible litigation against the city. I think there's a problem that we have a rule that is prominently displayed but not enforced – to the point where possibly about half of the many people who were on the pond the day I fell were playing hockey – and somebody (like me) gets hurt. My sense is that, with the Black Ice Tournament being marketed by the city (for good reason; hockey is a great game and it's a great event), the pond is possibly becoming more associated with the playing of hockey, and that means that the rule may be less and less followed. This becomes problematic from an ethics point of view: If we're going to have rules and display them so prominently, we should enforce them. Otherwise, someone who is following the rule and expects others to follow it may be harmed.

Allan advised me to ask you to refer this problem to the appropriate committee on the Council. So I

submit it to you for consideration. Any help you could give me on the matter I'd greatly appreciate, since it's very important to me. We're almost four weeks into my concussion, and it's been affecting my work in a problematic way: I'm still experiencing symptoms, which is scary. I do mostly brain work – which is precisely what I'm supposed to be avoiding in the wake of a concussion – so it's hard to heal.

I've also sent this message to the City Manager, Tom Aspell, on the advice of Mr. Herschlag.

Thank you both for your work for the city!

Sincerely,

Craig

Craig Greenman  
20 Maple Street  
Concord, NH 03301  
(603) 219-5479  
cgreenman@colby-sawyer.edu

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**From:** Craig Greenman <cgreenman@colby-sawyer.edu>

**Date:** Friday, January 27, 2017 at 10:20 AM

**To:** "Gill, David" <DGill@ConcordNH.gov>

**Subject:** RE: White Park pond

Dear David,

I wanted to make sure you'd received my follow-up email below, which I sent two weeks ago. If email is a bad way to communicate for you, I could also call. A Concord police lieutenant gave me your number.

Thank you,

Craig

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**From:** Greenman, Craig

**Sent:** Friday, January 13, 2017 4:29 PM

**To:** 'Gill, David' <DGill@ConcordNH.gov>

**Subject:** RE: White Park pond

Dear David,

Thanks for the reply, and no worries about the delay.

So what you're basically saying – let me see if I have this right – is that nothing needs to happen to rule, because by next winter, you or your colleagues will be in an office next to the pond and will enforce the current rule. If I'm misunderstanding that, let me know.

If I'm not misunderstanding, then my questions are: (1) Will you or your colleagues always be present to enforce the rule? Even on weekends and holidays? (2) What happens until next year? Who will enforce the rule until then, so that no one else gets a concussion? (I am having a hard time at work today, due to the lingering effects of the concussion: blurry vision, tingling extremities, a bit of confusion and nervousness. And this is a very busy time for me: I am prepping new courses at Colby-Sawyer College, where I teach.)

I guess, to me, the new office thing feels a bit inadequate as a response, unless you have plans for more fully enforcing the rule once you get to the new office, and plans for the time until then. Otherwise, it seems to me that either an alteration to, or elimination of, the rule – or at least covering up the sign, which posts a rule so clearly that isn't going to be fully enforced (or enforced at all until next year) – might be in order.

Thanks! Hope you're well.

Craig

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**From:** Gill, David [<mailto:DGill@ConcordNH.gov>]  
**Sent:** Friday, January 13, 2017 3:22 PM  
**To:** Greenman, Craig <[cgreenman@colby-sawyer.edu](mailto:cgreenman@colby-sawyer.edu)>  
**Subject:** RE: White Park pond

Good afternoon Craig,

Thanks you for your email and sorry for the delay. I was out of town this week and forgot to turn on my "out of office assistance".

Several years ago when we had the old skate house open we did have staff onsite and enforced the "no hockey rule", however the building has been closed for several years and do not have staff present to enforce - rules which are clearly stated. The good news we have a new plan for a new building and are in final design now. If all goes well with planning I hope to have a new building open before next winter.

Again thank you for the email!

David

David Gill  
City of Concord  
Parks & Recreation Director  
14 Canterbury Road, Concord, NH 03301

(603) 230-3785 (P)

(603) 225-8589 (F)



"We're Serious about Fun!"

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**From:** Greenman, Craig [<mailto:cgreenman@colby-sawyer.edu>]

**Sent:** Tuesday, January 10, 2017 4:38 PM

**To:** Gill, David

**Subject:** White Park pond

Dear Mr. Gill,

I stopped by the Parks and Recreation department today and spoke with your colleague, who gave me your email address. I have a concern about White Park pond.

I was skating on the pond on Sunday and saw the sign that says "No Hockey on Pond." A lot of people were playing hockey (I wasn't). As I was skating, a puck went through my legs and I tried to kick it away; I fell on my back and hit my head very hard on the ice. I went to the ER at Concord Hospital and was diagnosed with a concussion.

My concern is that very few people seem to be following the "No Hockey" rule. I like hockey, and I used to play it in youth leagues; and I have nothing against it (it's a great, fun game). However, it's difficult to skate on the White Park pond when there are pucks flying past and people are chaotically just shooting and passing everywhere. It can lead to accidents, as it did with me on Sunday. My concussion was scary and painful, and it will cost me quite a bit of money in ER fees (as the ER is always expensive).

On that Sunday, there was nobody playing hockey in the rink. Your colleague said that's because the rink was just outfitted very recently. When I asked a group of teenagers – who were decked out with two sets of goal posts (sort of ground-level wooden contraptions) – why they didn't play on the rink, they said it was because the ice was usually choppy and the city didn't take good care of it. That group had the thoughtfulness to take their game to the far end of the ice, down by the warming house, so that they were out of people's way; and they had a controlled game (a real game of hockey). More of a problem were the fathers with their sons or occasionally a daughter who were just skating all over the pond, hitting the puck around. It made it very hard to avoid them and the pucks; and my concussion was a result.

A friend of mine with whom I was skating that day also noticed that there was very little place to just skate, and that very few females seemed to be on the ice. (She is a woman and she grew up wanting space to skate but not play hockey. This isn't to say that women don't play hockey, but sometimes they want to figure skate or whatnot.)

When I spoke with one of the fathers and told him the rule, he simply replied, "Everybody's doing it." And when I fell and the father who had shot the puck between my legs stopped to see if I was all right, he got angry when I said there was no hockey on the pond. He told me, "This is New England!

We play hockey on the pond!” Then he skated away, shaking his head, as if I were some sort of idiot.

Again, I grew up playing hockey – including on a lake (I lived in Michigan and we shoveled off lakes, including the one in front of my house, and played pick-up games) – but clearly we have an issue here, in that we have a rule that a large number of people don’t follow. My sense is that either the Parks and Recreation department should eliminate the rule and take down the sign; or it should enforce the rule; or it should find a compromise rule, like having hockey on only half the ice – say, at the far end of the pond, near the warming house. Despite the fact that this compromise might still lead to pucks flying down the ice, it seems like a reasonable compromise that would allow people to both play hockey and have a non-hockey place to skate.

Another option would be to have the rink open sooner in the season. I don’t know how good the ice is on the rink – I’ve never skated on it, as I only go to White Park to skate on the pond – but the father who shot the puck through my legs was derisive concerning the rink. He said, and I’m more or less quoting here, “The city doesn’t do shit to keep that up.” Something like that. I have no opinion on this matter, but he seemed pretty strong-willed about it. (The teenager I spoke with also said the ice on the rink was poor.)

In any case, I hope this all makes sense. I’m sorry for my long email. It just strikes me, as a member of (though this is unrelated) the Board of Ethics of the City of Concord, that we shouldn’t have a city rule that we’re not enforcing at all; and that the city might be concerned about potential lawsuits from people who get injured due to the lack of enforcement. After all, the rule is prominently posted; and I must admit, to see everybody flouting it gave me a bit of cognitive dissonance – before I landed on my head and got some real cognitive dissonance! And the ER is never cheap.

Thanks for hearing me out, and please feel free to give me a call if you’d like. My number is listed below along with my address.

Take care, and thanks for your work for the city!

Craig

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