

**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
March 11, 2008**

**BOARD OF TRUSTEES:** Larry Yandow (Village President); Deb Billado, Tim Jerman, Peter Gustafson, John Lajza.

**ADMINISTRATION:** Dave Crawford, Village Manager.

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**I. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Village President, Larry Yandow, called the meeting to order at 7 p.m. and led the assemblage in the Pledge of Allegiance.

**II. AGENDA ADDITIONS/CHANGES**

There were no changes to the agenda.

**III. GUESTS/PRESENTATIONS**

1. Comments from Public on Items not on the Agenda

There were none.

2. Discussion/Acceptance of FY07 Audit

Fred Duplessis with Sullivan, Powers & Co. gave an overview of the FY07 audit results. Essex Junction is in full conformance with generally accepted accounting principles. Recommendations from the auditors have been implemented and the Village has a good system of internal controls in place. Mr. Duplessis reviewed the documents in the audit report, gave a summary of the financial statements and highlights of the year. As of June 30, 2007 the unreserved fund balance was \$207,567 which is 5%-10% of annual expenditures. It is recommended the Village maintain a fund balance at this level (between 5%-10% of expenditures). The Village had a breakeven year on revenues and expenditures. The enterprise funds (water, sanitation, waste water) showed positive net assets. The waste water fund showed a decrease in the fund balance for the year which could be due to the timing of expenses. The other two funds had positive balances.

Larry Yandow asked how often the value of capital assets (buildings) is reassessed. Fred Duplessis stated this is not done for the audit. The audit defers to cost for government, nonprofit, and for-profit entities. Insurance companies do reassess capital assets on a regular basis and auditors do reference those numbers.

Tim Jerman mentioned the fact that the Village has been free of long term debt since 2004. Fred Duplessis stated it is highly unusual to be debt free. Whether to save and reserve for purchases or borrow and let future rate payers cover the debt is a philosophical discussion. It makes sense to do a little of both, stated Mr. Duplessis.

**MOTION by Tim Jerman, SECOND by John Lajza, to accept the Village of Essex Junction Audit Report, dated June 30, 2007 as prepared and presented by Sullivan, Powers & Co. VOTING: 5 ayes; motion carried.**

### 3. Consideration of Public Parks General Regulations Amendment

Addressing the Board were Brad Luck, Interim Director of Parks and Recreation, Mark Brislin, Assistant Director of Parks and Recreation, Harlan Smith and Wendy Johnson, Advisory Council members. Brad Luck reported at the last Advisory Board meeting the membership voted unanimously in support of allowing dogs in Maple Street Park, Stevens Park and Cascade Street Park. The three public parks in the village are the only places dogs are prohibited. Colchester, Burlington, Essex allow leashed dogs in their public parks. It makes good practical sense to permit dogs in public parks with some controls in place. Dogs are in the park now. The owners are not approached unless there is a problem. There is no staff at Stevens Park or Cascade Street Park to monitor activities at the parks.

Harlan Smith, Advisory Council and President of the Essex Junction Little League, stated if dogs are allowed with people there will be more responsible people with dogs in the park. If the dog is on a leash there is not a problem. The rule against dogs in the park is not being enforced now and likely will not be enforced in the future. Regarding fecal material, bags for clean up by the owners can be supplied at the parks. Responsible dog owners will pick up after their animals. As always there will be some irresponsible people, but it is expected the people at the park will self-police and handle any problems with animals/owners. Regarding liability with dogs at the park, the liability is about the same as people who hang around after dark who should not be on the property. Public parks and places are for the public to use. Dogs are allowed on public streets and should be allowed on a leash in public parks.

Wendy Johnson, Advisory Council and resident on Mansfield Ave. by Maple Street Park, stated people are always walking their dogs to the park. The community has approached the Recreation Department about allowing dogs in the park. People are bringing their dogs there already. Leashed dogs are allowed on school grounds with controlled supervision. Community property is owned by the taxpayers for community use. Dogs are part of the community. Eventually it would be nice to have a separate dog park somewhere in the village.

Deb Billado spoke against dogs being allowed in public parks with people who do not have dogs or want to be around dogs. Trustee Billado said she would prefer to look for space for a dog park so people can bring their dogs there to run free with other dogs and dog owners in an environment created for people with dogs. Allowing dogs in the public parks will be serving those with dogs versus people without dogs. Following suit because other communities allow dogs may not be the best decision for the village. Deb Billado reiterated her opposition to allowing dogs on leashes at Maple Street Park.

Tim Jerman suggested a trial period where dogs are allowed in the park. Feedback on the results of the trial period will determine whether the rule is lifted. Deb Billado stressed a more responsible solution is to find space for a dog park. Brad Luck noted a dog park is included in the master plan. Presently dogs are allowed everywhere except the three public parks in the village. Mr. Luck acknowledged the concerns about people in the

park without dogs mixing with dogs and the fecal waste problem. Harlan Smith stated dog owners bringing their dogs to the park are picking up after their animals. There is only a small percentage of people who are offended by dogs at the park. The children enjoy the animals. If a dog is on a leash and controlled by the owner there is not a problem. The community polices itself. Once a dog park is established then the prohibition against dogs in the community parks can be reinstated unless there is no problem in the public parks then both can be open to dogs.

John Lajza stated dog owners have started to be responsible about picking up the messes by their dogs, but many still do not practice this. Allowing dogs in the playground area around small children is worrisome. Brad Luck pointed out dogs are allowed on the playground at Summit Street School.

Peter Gustafson stated he is inclined to not allow dogs in public parks and to seek space for a dog park. Larry Yandow pointed out the rule against dogs in the park is not being enforced now and appears will not be enforced in the future. If a rule is made the dog must be on a leash that rule must be enforced. Deb Billado asked if there is a sign posted stating “No Dogs”. Brad Luck confirmed this and added people walk right past the sign with their dogs. It is a matter of practicality that the ordinance is not enforced, continued Mr. Luck. There is not enough staff to perform this function. There was further discussion of the disregard for the law pertaining to dogs. Deb Billado suggested fast-tracking finding space for a dog park and keeping public parks for people only. Brad Luck commented fast-tracking a dog park may not alleviate dogs coming to the public parks. Wendy Johnson stated it is out of synch that dogs can go onto school property and not to public parks. Ms. Johnson urged the Trustees to talk to people going to the parks about their feelings on dogs at the park. Most will be in support of allowing dogs provided the dogs are under control and the droppings are picked up. There was additional discussion of responsible people self-policing the public parks so everyone can enjoy the space and be safe. Having a separate, designated area within the public parks for dogs was mentioned.

**MOTION by Tim Jerman, SECOND by Peter Gustafson, to approve the language citing an exception to allow dogs in the village’s public parks as drafted in Section 305.C.**

**DISCUSSION: John Lajza spoke in support of identifying a section of the public park for dogs otherwise dogs should not be allowed in the public parks. Peter Gustafson expressed concern about dogs in the children’s play area. Deb Billado observed people are not following the rule now by bringing dogs to the park so it cannot be expected dogs will be kept out of the play areas. The solution is a separate dog park. Larry Yandow suggested the Advisory Council provide the Trustees with a recommendation for a designated area within the park for a play area that will be fenced to ensure there will be some enforcement and dogs will be kept out. Brad Luck stated it is contrary to open public space to fence in the play area. There could be some indication around the playground area that dogs are not allowed there and this could be managed by users of the park and staff when present. The**

community can police itself. Deb Billado interjected that would be allowing dogs in the park with the assumption the dogs will be managed in certain areas. Tim Jerman suggested a trial period allowing dogs through the summer and informing the public compliance is required or dogs will not be allowed in the future. Play areas could be roped off. John Lajza suggested staff be authorized to issue tickets. It was reiterated the law is not being enforced now. Harlan Smith explained the reason the law is not being enforced is because people are not complaining and dogs are not creating a problem. There are many people overseeing the situation and if a problem occurs the rule will be enforced. Deb Billado mentioned people from other towns using the parks in the village. The community does not want the village's parks to become known as the best dog parks in the state. Harlan Smith expressed doubt there will be a major increase in the number of dogs in the park. There are other dog parks in the area so allowing dogs in Essex Junction parks will not be a nuance. Brad Luck stated the idea of actively policing public parks is a foreign concept to the Recreation Department in general. Staff wants people to be safe in the parks and there are rules in support of this. Users of the park are relied upon to help maintain the parks. Wendy Johnson mentioned the skateboard park at Maple Street which was not wanted by everyone, but is working out just fine and blending with the community. Citizens police the skateboard park themselves. John Lajza said he would like to better understand the existing ordinance and if there is any enforcement (i.e. what needs to be modified to address people who are not adhering to the rule). Dave Crawford pointed out the ordinance does lay out the manner a dog control officer enforces the rules and levies fines in the village at large. The dog control officer feels the exemption is a responsible way to handle the matter. The officer will answer a call if there is a problem at the park. Larry Yandow presented the scenario of repeat offenders (i.e. ask a dog owner to leash their dog [first offense] and the next day the same owner returns with their dog not on a leash [second offense]). Brad Luck mentioned the situation of smoking in the park where offenders are informed of the law against smoking. All resources necessary will be utilized to deal with habitual offenders. Most people once told to leash their dogs will do so. Tim Jerman felt certain the Recreation Department will put in controls to assuage the Board's concerns.

**MOTION** by Deb Billado, **SECOND** by Peter Gustafson, to withdraw the previous motion and table the matter until the meeting on March 25, 2008 pending further information from the Recreation Department on how dogs will be controlled and managed in the village's public parks. **VOTING:** 4 ayes, 1 nay (Tim Jerman); motion carried.

#### 4. Consider Sign Request at Maple Street Park

Harlan Smith explained the request for a sign stating "Seman Field" posted at the Little League A Field at Maple Street Park in posthumous recognition of the contributions by Troy Seman to Little League and the community as a whole. The Little League State Champion team dedicated their season (last year) to Coach Seman and wanted to name

the field in his honor. A program is being established to maintain the Troy Seman Memorial Award. A plaque will be posted at the field noting future contributors to the community like Troy Seman. There will also be a plaque by the concession stand and the press box saying “Welcome to Troy Seman Memorial Field”.

**MOTION by Deb Billado, SECOND by John Lajza, to approve the request to install a sign stating “Seman Field” at Maple Street Park as presented. VOTING: 5 ayes; motion carried.**

#### **IV. OLD BUSINESS**

##### **1. Update on CVE Negotiations**

Dave Crawford reported CVE would like to present their proposal at a future Board of Trustees meeting. The proposal is a work in progress. CVE is willing to consider the Village’s request regarding a sales tax, entrance fee, and specific contributions to village projects. CVE is also willing to present their proposal following the Annual Meeting. It is expected there will be continued negotiations. The Board concurred progress is being made and if all works out it will be a win-win situation. Deb Billado stated many ideas have been presented. There was discussion of the site for the presentation by CVE (A.D. Lawton School is the first choice, the fairgrounds is the second choice). Dave Crawford will follow up on this matter.

#### **V. NEW BUSINESS**

None.

#### **VI. VILLAGE MANAGER’S REPORT**

##### **1. Verbal/Written Report**

Dave Crawford reported on the following:

- “Get to know you” meetings with the community continue.
- Trustees meeting schedule includes CVE on 3/25/08, the Annual Meeting on 4/2/08, and the annual organizational meeting on 4/8/08. Tentative dates for the Board’s retreat are 4/9/08 or 4/16/08. Dave Crawford will set the date.

#### **VII. TRUSTEES COMMENTS & CONCERNS/READING FILE**

##### **1. Reading List**

No comments or questions.

##### **2. Board Member Comments**

Tim Jerman reported there will be tough budget decisions by the legislature. Potential cuts include not funding Amtrak service in the state. Rep. Jerman will keep the Board informed of the potential impact on the village. Peter Gustafson observed with the drastic increases in gas prices and the resulting increase in use of mass transit it is foolish to cut Amtrak service.

#### **VIII. CONSENT AGENDA**

##### **1. Approval of Minutes**

##### **2. Approval of Warrants**

3. Policy Amendment re: Trustees Meetings
4. Applying for Vermont Municipal Equipment Loan for Fire Rescue/Pumper
5. Resolution re: Flexible Benefit Plan

**MOTION by Deb Billado, SECOND by Peter Gustafson, to accept the consent agenda with the addition of the bill list, dated March 11, 2008, in the amount of \$111,452.01. VOTING: 5 ayes; motion carried.**

**IX. EXECUTIVE SESSION**

1. Contractual Issues
2. Legal Issues

**MOTION by Tim Jerman, SECOND by John Lajza, to convene Executive Session to discuss contractual and legal issues. VOTING: 5 ayes; motion carried.**

Executive Session convened at 8:55 p.m.

**MOTION by Tim Jerman, SECOND by Deb Billado, to adjourn Executive Session and reconvene the regular meeting. VOTING: 5 ayes; motion carried.**

Executive Session was adjourned at 10:29 p.m.

**X. ADJOURNMENT**

**MOTION by Peter Gustafson, SECOND by John Lajza, to adjourn the meeting. VOTING: 5 ayes; motion carried.**

The meeting was adjourned at 10:30 p.m.

*RScty: M.E.Riordan*