

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF SPECIAL MEETING
March 18, 2008**

BOARD OF TRUSTEES: Larry Yandow (Village President); Deb Billado, Peter Gustafson, John Lajza. (Tim Jerman was absent.)
ADMINISTRATION: Dave Crawford, Village Manager.

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. Consideration of Public Parks General Regulations Amendment

MOTION by John Lajza, SECOND by Peter Gustafson, to re-open discussion on modification of the Public Parks ordinance. VOTING: 4 ayes; motion carried.

Brad Luck, Interim Director of Parks and Recreation, provided additional information on the Public Parks ordinance, how the amendment to the ordinance to allow dogs in the village's public parks will be managed, and the school department's rules pertaining to dogs on school property. Mr. Luck stated dogs are permitted at all Vermont state parks and school grounds. Essex Junction is the only community in the vicinity that does not allow dogs in the community parks. Colchester, Essex, So. Burlington, Burlington all allow dogs in their parks. Mr. Luck reviewed the actions staff will take to ensure the parks are clean and safe with dogs present (educating dog owners to park rules pertaining to dogs, trash bins and plastic bags installed on the grounds for clean up of messes, signs posted around playground areas, enforcement of dogs being on a leash and under control at all times). The intent of the ordinance is meant to guide behavior. Enforcement will be done if the rules are not followed. Families consider their animals to be part of their family and naturally want to take them to the community parks to ballgames and family outings, stated Mr. Luck.

The following individuals spoke in support of amending the ordinance to allow dogs in the village's public parks: Susan Plunkett-Dunning, Burton Dunning, Frances Lewis, Terry Brearley, Alan Brearley, Wendy Johnson, Marjie Sheppard, Kim Fiske Gawor.

Bill Kalanges, village resident, suggested a survey of how surrounding communities handle dogs in parks be done. It was reiterated that Colchester, Burlington, South Burlington, Essex allow dogs in their parks.

Steve Atwood, village resident, expressed concern about enforcement and noted not everyone picks up messes made by their animals.

Peter Gustafson stated he heard arguments both pro and con for the amendment. Enforcement is a significant issue. Deb Billado recommended declining staff's recommendation to revise the ordinance to allow dogs in Maple Street Park or any other public park in the village.

MOTION by Deb Billado, SECOND by John Lajza, to make no change to Section 305(c) of the General Regulations of Public Parks for Maple Street Park or other public parks in the Village of Essex Junction.

DISCUSSION: Brad Luck noted legal counsel advised if there is a regulation that says no dogs and there are dogs in the park then there is liability exposure. It is better to have reasonable accommodation for dogs in the park. There were no further comments.

VOTING: 3 ayes, 1 nay (Gustafson); motion did not carry.

Larry Yandow clarified if there is a regulation in place and that regulation is violated the Village does have protection. Trustee Yandow also explained the Board must make a decision for the entire community (9,000 residents), and tries to do what is best and fair for everyone. The issue of dogs in public parks should have further general discussion. Mr. Yandow said he plans to visit the parks over the summer to observe the situation first hand, and is willing to address the matter again next year. Peter Gustafson agreed to revisit the topic in a few months time, adding most pet owners are very responsible. People have been walking their dogs in the parks for a long time.

Brad Luck stressed the regulations are enforced by staff, but only two of the three public parks in the village are staffed.

Deb Billado stated as a parent with young children, owner of two dogs, a citizen, taxpayer, and trustee entrusted with making decisions for the entire community, it is necessary to hear all sides. Trustee Billado said she did an informal survey in the community and did not hear one person agree with dogs in the park. Ms. Billado said she does not support allowing dogs in the public parks, but is in support of finding space for a dog park in the village. Of greater concern is enforcement. Ms. Billado asked what the Trustees can do to help with enforcement of the existing ordinance, perhaps add a fine for violation. Brad Luck stated the easiest approach is to change the ordinance to something that is practical for the community. Maple Street Park is a public park, easily accessible, and not gated or manned. Dogs walking with owners and waste not being picked up are not enforced by the police. Deb Billado asked if there are people with dogs in the park along with other patrons and staff sees this, but does nothing. Mr. Luck stated in a visit to Cascade Park or the other parks there may be dogs in the park. Staff does not watch from the windows for dogs, but activity that is not appropriate is addressed when witnessed. It is the intent of the law (to discourage the behavior) that is important.

John Lajza stated he fenced his yard to keep his dogs away from the neighbors, so his dogs would not be an imposition on someone else's space. Trustee Lajza said he also did an informal survey around the community on the issue and received responses both ways (status quo and make a change). Mr. Lajza explained his decision was based on serving the largest number of citizens, meaning if there are more people in the park than dogs it is assumed the majority favor no dogs in the park. Mr. Lajza stated support for finding space for a dog park in the community.

A resident of Mason Drive mentioned development plans on a piece of property that has been used by nearby residents to walk their dogs, and asked if the Village has any plans for undeveloped property in the community that could be set aside for people to use and enjoy in a natural state (i.e. not developed into a park). Larry Yandow noted there are open spaces owned by the Village along Drury Brook, the ledges in Fairview Farm, and some wetland areas. A proposal can always be presented to the Board for consideration. John Lajza interjected private property must be purchased so there needs to be a plan to secure the needed funds. Deb Billado suggested the idea be presented at the Annual Meeting (at the end of the meeting there is a general discussion period). Perhaps a committee could be formed to further the idea. John Lajza suggested getting involved in the village government.

There was further discussion of a dog park and how to make this happen. Larry Yandow suggested bringing the idea up at the Annual Meeting and talking with friends and neighbors. Deb Billado suggested working with the Parks and Recreation Dept. to identify land which could be fenced. There may be some land next to Cascade Park that is publicly owned. A local fund raiser could be held to cover the cost and installation of the fence. Bill Kalanges suggested staff research potential sites and use money from the downtown improvement grant to pay for the fence.

Brad Luck said he is struggling with how the Trustees see the matter differently from the surrounding communities. There was discussion of the village ordinance and its inception (in the past there were situations where dogs were running free and impacting the safety of people in the parks). Wendy Johnson questioned as a member of the recreation advisory council if she will be required to enforce the ordinance if she sees dogs in the park. Larry Yandow stated the decision to intervene is a personal one. Deb Billado observed there will always be violators of rules, but generally people respect the law and will follow the rules as posted. John Lajza suggested the rules may need to be publicized in the local newspaper to remind the community.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

None.

VI. VILLAGE MANAGER'S REPORT

1. Trustees Schedule

Board Retreat: Monday, April 14, 2008 (adjournment 2:30 p.m.)

2. Channel 17 Forum

The Board received materials to be presented at the upcoming Channel 17 forum (same information to be presented at the Annual Meeting).

3. Eliminate Delinquent Tax Fee of 8%

The Board does not want to eliminate the delinquent tax fee. Dave Crawford will communicate this information to Rep. Jerman.

4. CVE

Dave Crawford reported CVE is fine with noise monitoring. Their concern is cost, not whether they will monitor noise levels or not. Regarding the number of events to be monitored, at this point in time the Village wants all events monitored by a third party. This position will be reaffirmed to CVE. Last year there were no overages of the allowed decibel level (80 decibels) and the complaints received were for events with noise waivers. Negotiations with CVE continue. There will be a presentation by CVE on 3/21/08 to brief the Trustees in attendance on the proposal to be presented on Tuesday, 3/25/08, at the Board of Trustees regular meeting. The Trustees attending the briefing on 3/21/08 are only there to hear the presentation; it is not an endorsement by the Village or the Board of Trustees.

VII. TRUSTEES COMMENTS & CONCERNS/READING FILE

1. Reading List

No comments or questions.

2. Board Member Comments

None.

VIII. CONSENT AGENDA

1. Noise Waiver Request: Essex Junction Rec & Parks for July 4th
2. Bridge Inspection Report: Hubbell's Falls Bridge

MOTION by John Lajza, SECOND by Peter Gustafson, to accept the consent agenda as presented. VOTING: 4 ayes; motion carried.

IX. EXECUTIVE SESSION

None.

X. ADJOURNMENT

MOTION by Peter Gustafson, SECOND by Deb Billado, to adjourn the meeting. VOTING: 4 ayes; motion carried.

The meeting was adjourned at 8:30 p.m.

RScty: M.E.Riordan