

**RECREATION GOVERNANCE STUDY COMMITTEE  
A.D. LAWTON SCHOOL  
MINUTES OF MEETING  
August 10, 2016**

**MEMBERS PRESENT:** Michael Smith [arrived 7:02 PM]; Raj Chawla, Jason DiRosa, Kim Maiberger, Erika Baldasaro, Max Levy, Betzi Bilodeau, Christine Packard, Lori Houghton.

**MEMBERS ABSENT:** Theresa Fletcher.

**ADMINISTRATION:** Ally Vile, Essex Parks & Rec, Brad Luck, EJRP.

**OTHERS PRESENT:** Paul Austin, George Tyler, Ed Stowe, Carl Potter, Doug Kemerer, Linda Myers, Ramona Sheppard, John Sheppard, Art Kilmen, Adriane Martin, Annie Cooper, Elaine Sopchak, Mike Plageman, Mary Reardon, Adam Sollace, Iris Banks, Pat Scheidel, Kathleen Hibbert, Glen Bostick, Wendy Li Johnson, Irene Wrenner, Sue Cook Hubie Norton, Don Maxon, Paula DeMichele, Bridget Meyer, Marla Durham, Dylan Giambatista, Andrew Bolduc.

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**1. CALL TO ORDER and AGENDA**

Until the arrival of Chairman Michael Smith, Raj Chawla facilitated the meeting and called to order at 6:30 PM. Additions to the agenda included a summary of the presentation on the agreement and community feedback, and an excerpt from the 8/9/16 Board of Trustees draft minutes on the presentation on the rec district.

**MOTION by Max Levy, SECOND by Jason DiRosa, to approve the agenda as amended. VOTING: unanimous (8-0)[Michael Smith not present for vote]; motion carried.**

**2. PUBLIC TO BE HEARD**

Paula DeMichele, Essex, requested information on the status of the treasurer position for the proposed rec district with the treasurer reporting to the director, noting the committee is asking for exemption from Vermont state civil law. Having the treasurer independent is one of the main ways to deter fraud. Ms. DeMichele also asked for an explanation of other waivers being requested. Raj Chawla said the committee will be discussing these issues.

Carl Potter, Essex, asked if the committee members have changed. Raj Chawla said the committee is the same as was appointed.

Doug Kemerer, 6 Margaret Street, spoke in support of consolidation, but asked for an explanation of the rationale to create a separate bureaucracy with five people on a relatively small portion of town business, especially when a separate lawyer, treasurer, finance officer, and insurance would be needed when the municipality already has these functions in place. The town and village all want money so a decision will have to be

made. Raj Chawla said the committee has been discussing these issues for the past few months.

Ed Stowe, Birchwood Manor, asked for information on the committee. Raj Chawla explained the Rec Governance Study Committee was appointed by the Selectboard and Board of Trustees with members from the Trustees, Selectboard, Prudential Committee, and three citizens from the village and town to explore what to do with EJRP which will no longer be under the school district due to the formation of the unified school district. Lori Houghton added with the Trustees consolidating services the town was brought into the discussion.

John Sheppard, Greenfield Road, Essex, objected to the validity of the committee which may not have been formed with the appropriate authorization. The committee seemed to start and run along its course. Mr. Sheppard reiterated he does not think the committee is valid and can set up another municipality. Andrew Bolduc, town attorney, said he was asked by the Municipal Manager to assist with legal questions and draft the agreement for the rec district. The question of whether the Selectboard was properly informed of duties and powers of the Rec Governance Study Committee was researched. Draft questions were presented to both municipalities for input on whether a union municipal (rec) district should be formed. The intent of the resolution is the committee puts forth the resolution with a recommendation and the Selectboard decides whether or not to fund the special vote. The Open Meeting Law will be further discussed at the meeting on August 18, 2016. The committee was a duly formed body that followed the letter of the law. George Tyler added the village rec department does not function like the town rec department. The village rec department operates on village municipal land, is governed by the village school board, and receives administrative services from the school supervisory union. The town rec department functions like traditional rec departments. The Rec Governance Study Committee was formed to determine how to synthesize the departments. The Prudential Committee governs the village rec department and had to be involved. More collaboration was needed than with typical consolidation of services. Lori Houghton pointed out the village votes separately for the village budget and rec budget.

Paul Austin, Essex, said the fix could be easier and cheaper than what is proposed. Taxpayers struggle with the school budget and the general budget, and now it will be further complicated by having another district with powers that are scary and can get out of control. Sewer, water, plowing, maintenance are all big budget numbers. The Selectboard decides the priorities, but this will not happen with an independent rec district. The voters look to the Selectboard to advocate for the taxpayers as to what comes next. Taxpayers have not had a raise in five years so \$300 is a lot of money. The village has done a lot in the last few years. If townspeople use the facilities then they should be charged a fee.

Mary Reardon, Essex, asked what happens if the vote for a separate district in December fails or is supported by only one of the municipalities. The rec department does not belong under the school district so there needs to be the option of being under the town or village municipality. Raj Chawla said both the town and village must vote affirmatively

for the rec district or EJRP remains with the Prudential Committee and the Prudential Committee will decide what will happen.

Irene Wrenner, Essex, urged using the proper terminology so people are not deceived and suggested instead of saying “UMD” (union municipal district) the name should be a special taxing district because that is what is proposed. The district is a big black hole both for taxing and oversight. Regarding the point system for admission, what to do to get into programs should be detailed and there should be equal access for all. Ms. Wrenner urged all to watch the Channel 17 tape of the 2/16/16 meeting where she asked why the committee was being called a “survey committee” and did not get an answer. The proposal needs to be compared to other options and to consolidating the rec department under the town which everyone is expecting. Brad Luck pointed out per the 2/16/16 minutes there was a memo from him regarding union municipal districts. Lori Houghton added the committee reviewed seven options before deciding on the rec district option.

Annie Cooper, Essex Junction, said she has watched the meeting tape and read all the information, and is still very excited with the collaboration. A large portion of the community not present at the meeting feels the same. People who are not informed on the rec district are urged to get informed.

Leona Sheppard, Essex, said the nomenclature is an issue because the function is to tax the residents unlike other districts in the county that issue an assessment to the town that becomes part of the municipal budget. Because the rec district will be directly taxing people it is accurate to call it a taxing district.

Carl Potter, Tanglewood Drive, asked when the vote will be held on the proposed budget. Raj Chawla answered in April 2017 on the same day as the vote on the school budget.

Doug Kemerer, Margaret Street, spoke in support of taking the rec department out of the school budget, but noted the parks belong to the town and village and both are running rec programs so the matter seems complicated.

Marla Durham, Essex Junction, said she has served on the Prudential Committee for over 20 years and is now on the new unified school district board. Ms. Durham said the rec budget in Essex Junction has always been voted separately from the school budget. The school never backed the rec budget with funding. Over \$300,000 in administrative costs is paid by EJRP to the school district.

A gentleman in the audience said putting parks and rec either under the Selectboard or Board of Trustees eliminates all the confusion. The village has two votes and the town has one vote. If the intent is to determine the wishes of the village residents versus those who live outside the village then the vote should be by people in the village and a vote taken by people in the town. Andrew Bolduc explained according to the Secretary of State’s Office village residents are members and taxpayers of two entities and vote as

both. If the village does not vote as a member of the village and a member of the town the results could be contested.

Max Levy, speaking as a member of the public and not as a member of the Selectboard or of the Rec Governance Study Committee, said all citizens including every Selectboard member have a right to free speech, but because elected officials' words carry more weight in the public arena they have an added responsibility to speak truthfully and accurately, and must ensure that their words do not misinform people and either deliberately or accidentally confuse the public debate. Every effort in particular should be made to respect the work of private citizens they appoint to special committees. Recently a pamphlet was distributed by a member of the Selectboard which represents only that member's opinions and is not the position of the entire Selectboard. The information in the pamphlet disparages the work of the Rec Governance Study Committee, a committee appointed and approved unanimously by all members of the Selectboard. With inaccuracies and omissions of important facts, the pamphlet appears to deliberately misrepresent the committee's work and recommendations. As an example, the author of the pamphlet knows no branch of local government can predict today what the budget will be next year, but the pamphlet implies the Rec Governance Study Committee should have produced such a budget now. Readers could be left with the false impression the committee is deliberately withholding information. In addition to the task of accurately informing the voters of its findings and recommendations the committee now has the added burden of refuting misinformation included in the pamphlet. Collaboration between the elected boards (Selectboard, Board of Trustees, school boards) requires thoughtful, respectful dialogue especially when there is disagreement or differing perspectives. Inflammatory or misleading rhetoric poisons the atmosphere. Going forward it is hoped Essex residents will look to the committee's communication team for accurate information on the subject.

**3. APPROVAL OF MINUTES**

*August 4, 2016*

**MOTION by Lori Houghton, SECOND by Kim Maiberger, to approve the minutes of August 4, 2016 as presented. VOTING: unanimous (9-0); motion carried.**

**4. DISCUSS FEEDBACK ON AGREEMENT/AMEND & ADOPT AGREEMENT**

Suggested edits to the agreement based on the feedback from the last meeting were reviewed. There were discussions of the following:

- Continuing to have a voting member from the Selectboard and Board of Trustees on the board rather than ex officio members - It was noted continuing to have representatives from the Selectboard and Trustees could dilute the board because there would be only three community members. Having ex officio members will provide the liaison to the respective elected boards. There was comment on having checks and balances in place and elected and appointed boards in the county.
- Increasing the timeframe from three years to five or more years from the formation of the district before dissolution is possible to allow the new entity time

- to get settled and work out issues - Andrew Bolduc advised dissolution can occur prior to three years provided the additional threshold of an affirmative vote representing a majority of votes of all Members and an affirmative vote by the elected boards is met. The statute says each union municipal agreement has to include conditions and procedure for withdrawing. Statute also discusses no less than a one year timeframe. Comments on this item in the agreement are anticipated from the Attorney General. If a Member withdraws from the rec district there are stipulations to pay debts and liabilities by that Member. Dissolution applies to the entire district. There was mention of including language allowing a petition of 5% of the voters to dissolve the district. The language is similar to the petition for amendment of the agreement. Chapter 17 of state statute allows for a petition. A charter or a legislative act could disallow a petition. Any lending institution issuing a loan would want to see stability in the entity.
- Adding language to the agreement to allow a petition of 5% of the voters to request withdraw from the district after a certain time period and after bonds are paid - Andrew Bolduc noted withdraw of one municipality when there are only two municipalities in the district is not dissolution because the district itself is a municipality. A charter approved by the legislature would confirm this. The voters can approach their municipality to request a vote to withdraw.
  - Bonding must have an affirmative vote by the board and the entire community - The town rec department does not have any outstanding bonds. EJRP is in Year 17 of a 20 year bond to be paid by Essex Junction taxpayers.
  - What happens if the rec district budget is not passed by the voters - Brad Luck noted there is some guidance in state statute regarding public notice and public hearings after the vote, but this is not prescriptive. Erika Baldasaro said if the budget is not passed then the rec district would work off the previous budget and seek a revenue anticipation note. There was a comment on spending for education items and it was noted the budget for education is separate from the budget for recreation. Account records will be audited.
  - Process to join the rec district is the same or more difficult than the process to withdraw from the district - Andrew Bolduc said the language in statute says voters can withdraw in no less than one year. There is also a provision for the municipality to withdraw. Feedback from the Attorney General is anticipated on this item in the agreement because statute always trumps the agreement because the agreement is not a charter.

After further discussion the following edits were made to the agreement:

- Rewrite Section 1-7 Composition to note that there shall be a Board of Directors consisting of five (5) directors. Each director shall be a resident of his or her municipality and registered to vote in municipal elections at the time of the director's election. At the expiration of the terms of the appointed directors as defined in Section 1-8(b) of the agreement there shall be one additional "ex official" non-voting director from the Selectboard and Board of Trustees respectively appointed according to each Member's method of making appointments.

- In Section 1-15 Executive Director of Parks and Recreation add that the executive director shall not be a member of the board and replace the duration not to exceed 10 years and threshold of \$25,000 for lease agreements, contracts and purchase orders with approval by the board. Delete the subsection regarding the executive director entering into employment contracts. Transfer subsections (e), (f), (g), (h), and (i) relative to finances to Section 1-17 Treasurer.
- In Section 1-17 Treasurer add the text from Section 1-15 (e)(f)(g)(h)(i) relative financial functions of the rec district.
- In Section 1-39 Withdrawal of a Municipality note that five (5) years will be the threshold before a Member can withdraw from the district. The voters can ask their municipality to withdraw from the district.
- In Section 1-41 Dissolution of the District note that five (5) years will be the threshold before the district can be dissolved and add language that will allow the voters to petition to dissolve the district after five years.

**MOTION by Jason DiRosa, SECOND by Raj Chawla, to accept the Essex Community Parks & Rec Agreement with the amendments incorporated and forward the document to the Attorney General for review/acceptance. VOTING: unanimous (9-0); motion carried.**

**5. TIMELINE REVIEW**

The following was noted:

- Transition team begins to prepare operational details on August 11, 2016.
- The communications committee will discuss best ways to communicate and connect with the public. Information will be posted on a dedicated website.
- The full committee cannot dissolve until the Attorney General accepts the agreement.

**6. PUBLIC INFORMATION WORK**

Other people can join the communications committee to help inform and educate the public. Subcommittees can be formed with more focused targets. The rec and parks brochure contains a summary of what the committee has accomplished to date. School Friday folders will include information on the rec district. Presentations/information can be provided to the Rotary, Senior Center, PTOs, and at the voting polls. Six potential dates for public forums where free childcare will be offered include:

- September 28, 2016 (in the town)
- September 29, 2016 (in the village)
- October 13, 2016
- October 18, 2016 (in the village)
- November 16, 2016
- December 6, 2016

Locations will be divided between the town and village.

Next meeting for in-depth discussion of communications strategy is 8/16/16 at 7 PM.  
Location to be determined.

**7. ADJOURNMENT**

With no further business and without objection the meeting was adjourned at 9:43 PM.

*RScty: MERiordan*