



PARKS & RECREATION COMMISSION
Minutes
January 9, 2018

Commission Present: Bossange, Kaplan, Hurley, Hale (by phone), Healy, Pierce, Caesar and Montroll

Staff Present: Safavi, St. James, Guerrero, Cahill and Putzier

The meeting was convened at 5:53p.m. by Commission Chair Kaplan.

Approval of Agenda

Motion made to approve the agenda by Bossange, second by Hurley, motion carried.

Approval of Consent Agenda

Hurley read aloud with the motion included, motion made to approve the consent agenda by Hurley, second by Pierce, motion carried.

Discussion of Open Meeting Law

Assistant City Attorney, Justin St. James stated that he had a handout and would give to the Commission after the meeting. Three parts to a meeting, the first part is the “leading up to the meeting”. For the sake of this specific meeting he explained that no action could be taken because the agenda was not properly posted is the normal place. Leading up you need to have an agenda out 48 hours ahead of time, statute says on web site where regularly posted, municipal and other location, basic level. If not properly warned you must take action at the next meeting, can't take action. Meeting must happen in a physical place and be unlocked and available to public to access.

The second part is the actual meeting and the logistics of the meeting. If for example you have a voting participant on the phone they need to identify themselves, need to do a rollcall if not present, can make accommodations if not able to attend, transparency keeping in mind still public body and expectation is to have meeting public. You cannot make decisions over email, because not open to the public. Can email agenda but do not get into any dialogue during that process. If you go to a training or get together where a quorum of the body is present it is not allowable to discuss Commission items as it would be considered a public meeting. You must have a public comment period as part of the meeting but it does not have to be open-ended. Sometimes the need arises for a special meeting, also can have emergency meeting, notice requirements are different, mainly regarding the amount of time to get the meeting warned. St. James also spoke about executive session and the requirements to make a motion for going in and out of executive session.

The third part is posting and making the minutes available and public and the timeline around doing that is by law 5 days.

In conclusion St. James asked all to think about the rules, be cognitive of lead up to the actual meeting itself and the follow-up after the meeting.

If you get complaints it likely involves retaking an action, and this has happened in the past.



Healy asked if it would be appropriate to ask to amend an agenda after it being sent to Commission via email and if that is considered acceptable, was told if you ask if you can add "X" to the agenda would be ok but you may not have any discussion regarding the business of the agenda.

Bossange asked if an agenda item was added 24 hours before and is an action item would that be acceptable, was told if an action item should be warned at least 48 hours before and recommended not adding an action item at the last minute. Bossange asked for clarification of legislature and a potential decision to not have to post in multiple public notice locations, Bossange stated he would like to have in multiple formats, not all have computer and technology.

Kaplan said she attended a noisy meeting and closed the door and was told you could not close the doors as it was an open meeting and wanted opinion, St. James stated would want to make sure that public was very aware that it was an open meeting either by signage or other reasonable means. Suggested a best practice of having someone at the door for first 15 minutes of the meeting and use signage.

Hurley asked Putzier who actually posts warnings for BPRW, Putzier explained that she posts on the City website as well as sends electronically to a warned email group for posting which consists of City Hall, Fletcher Free Library and the DPW/BPRW building. The Parks, Recreation and Waterfronts website also has a link that goes directly to the notice on the City's web page.

Public Forum (Time Certain 6:00 PM, 3 min. per person time limit)

Public forum opened at 6:13 p.m. by Commission Chair Kaplan.
Seeing nobody from the public, the forum closed at 6:13 p.m.

Discussion on How to Set up City Email

Kaplan stated that Guerrero from IT at City Hall was present to help Commission's get onto the City email system. Guerrero stated to access they would start web browser and go into portal.office.com

Hurley asked about having email forwarded from another account to the City email account, Guerrero said the City does not recommend forwarding due to the public records request. Also stated that all emails should come from City email that pertain to the Commission and City business.

Caesar stated that he was having some problems with his email, he stated he would be resigning from the Commission and moving out of State so he did not want to take up any time getting the email set up.

Kaplan thanked Guerrero for coming and helping with the emails.

Lake Champlain Byway

Kaplan stated the Commission could not take action on this item tonight due to the meeting not being properly warned but could have the conversation and put on the next agenda for approval. Lee Krohn, Chittenden County Regional Planning Commission introduced himself, stated the CCRPC was looking for a new letter of support for the Lake Champlain Byway as it pertains to Burlington from the Commission and then would go to City Council for ratification.



Hurley asked why the Parks Commission is a part of this approval, Safavi stated need to approve going forward with the Byway plan as they have done in the past. It needs to be signed off by BPRW as it includes signage and park property and relevant to jurisdiction. Safavi said a lot of signage is on the bike path and facilities.

Caesar asked if any of the signs state that they close at sundown and if so do any of the signs have lighting, was told not aware of, CCRPC offers no regulatory oversight. No requirement under this program, up to the City and its desire.

Kaplan asked what the timeframe is for action from the Commission, told up to the City and its timeline.

Update on Parks Foundation (Standing Item)

Bossange said currently working on Arms coalition project, in quiet phase and will bring brochure at the next Commission meeting.

Kaplan asked if doing any more fundraising pushes and was told no, working with other groups to fundraise for specific local entities. Will become vessel for the money when ready to do projects.

Caesar asked if the Foundation is helping to alleviate the pressure on the housing crisis and if not are they assuring that all have accessibility to parks. Bossange stated not involved in housing at all but are very much behind inclusive access and use to parks by all.

Safavi stated that a study was done on the walking distance to parks from homes in Burlington, was rated very well and continues to work on.

Director's Items

Safavi stated the bikepath is fully open, had a press event, plowing for the first time from Perkins Pier to the Winooski bridge. The department waits 24-48 hours after snowfall to plow so that cross- country skiers and others have opportunities to use as well, cannot salt due to proximity to lake.

Healy said that many like to use to ski on and asked if it was possible to plow less of the path so that it can accommodate all users. Safavi said looking at other alternative opportunities that are available in the City for cross-country skiing. Southern side of the path will not be plowed at this point.

Bossange stated about a dozen people called thanking for plowing the path. Likes having plowed himself as well.

Pierce asked if any risk to destroying the bikepath by plowing and was told no because it is built to a different standard but in the past it would not have been good.

Caesar stated that in some areas if you shovel and don't salt if in front of your house or property you are responsible for the liability if someone falls and gets hurt, wanted to know this would be the same type of liability on the path and if the City has looked into this. Safavi not quite sure but have been in contact with Attorney and Mayor and many people have requested the path get plowed, decided to do and will continue to monitor. Cahill added that Paul is monitoring and posting and letting people know what the bikepath conditions are. Working with different partners to have better developed programs around cross-country skiing in other areas.



Caesar also asked to have consider posting on media that it is plowed but not salted. To help with any potential lawsuit and for the sake of being good stewards.

Kaplan stated that she would like to know how many people have actually had accidents in public parks just for informational purposes, understanding that accidents do happen.

Safavi said the department had a successful day collecting trees, a program administered by the City and a one-time event but McNeil Generating Station will continue to take holiday trees from residents, Pierce added the goat farm would take them as well.

Safavi added staff are working on camp and summer brochures, will share when ready, this year is the 100th birthday of North Beach, arborist hiring update; done first round of reviews interviewing 7 applicants, compiling questions this week and working on getting down to two applicants.

Cahill stated that he wanted to recommend going into executive session and told not able to, as the meeting was not warned to have an executive session.

Cahill said hoped to bring forth a potential piece of property that might be gifted to the City and if it is brought forth would like the Commission to be aware of. It consists of 5 acres of forest about .3 is a new storm water feature and is an opportunity to tie in storm water feature with land, interested in from a conservation standpoint, has potential, reasonable amount of open space for wildlife corridor, has an understory and proximity to Lake, is good for migratory birds and forest is pretty healthy. He has made the recommendation to BPRW Director Wight to receive property and waiting to hear from owner.

Hurley asked if any homes on the property, told no. Cahill explained the property would need a lot line adjustment.

Bossange asked how the transaction was initiated, stated he had been contacted by a staff person. Kaplan asked if property went all the way to the Lake, told no.

Caesar asked if any potential to acquire adjoining land, told no. Caesar asked if it would be named after a family, not know at this time.

Commissioner's Items

Caesar stated that he would be moving back to Virginia by March 1st and is excited to take all the knowledge he has gained from Burlington with him.

Pierce stated that he would not be at the February meeting but would try to be on via phone for March.

Healy stated that she would be present for February meeting but not March and April.

Kaplan explained that she had attended a wedding in the basement of the St. Joseph's building and said it was amazing and beautiful. Parks staff went out of their way to help and make beautiful.

Adjournment

Motion to adjourn at 6:58 p.m. by Caesar, second by Healy, motion carried.