

Puffer's Pond 2020 Committee
MINUTES
Thursday, March 4, 2010
Town Room, Town Hall
7:00 p.m.

Members Present: Mary Sharma, Aaron Hayden, Meg Gage, Elisabeth Hamin, Paris Muska, Emlen Jones, Jim Patulek, Evan Shopper, David Webber, Jim Pistrang

Staff: Larry Shaffer, David Ziomek, Nate Malloy

Town Counsel: Shirin Everett

Meeting commenced at 6:14pm

D. Ziomek introduced Town Manager and Town Counsel.

Town Manager, Larry Shaffer gave his concerns about Puffer's Pond and discussed our moral obligation for safety. He mentioned several past incidents where tragic accidents occurred, and went into detail about how we, as a town, should do everything we can to make Puffer's Pond as safe as possible.

Town Counsel, Shirin Everett reviewed the document she drafted for the committee regarding liability. She articulated the idea that there can never really be an elimination of risk, but that the town must find the balance between capability and care. She fielded many questions from the committee as did L. Shaffer and D. Ziomek.

Discussion with/Questions for Town Counsel, Town Manager and Conservation Director:

- Parking fees: If we install a parking fee, the fee should be accounted for and related to parking expenses. The fee must be reasonable. If we do use some of the fees for unrelated expenses then our liability goes up.
- Parcels assembled with Self Help Grants: If any of the parcels acquired through Self Help Grants from the State are used for parking and hence collecting parking fees then we need to get permission from the State. Staff will contact DCR to confer about this possibility.
- Discrimination of non-residents: One question posed by a committee member was, "Is it discriminatory to charge residents and non-residents a different price for their parking pass/fee?" The response was that it is not considered discriminatory because town residents pay taxes already. The only opposition to this may be if the parcels used for collecting parking fees were assembled through Self Help Grants. (See previous question)

- Commercial activity: Another committee member posed the question, “Can the town prohibit all commercial activity at the pond?” The response was yes the town can prohibit all commercial activities and that the town could even charge a fee for the use of the property, although, if the town charges a fee then liability goes up.
- Lifeguards: The idea that lifeguards may increase the safety of the pond resurfaced, but was met with skepticism. The counter idea that the perceived risks of the pond would be diminished, but the actual level of risk may remain the same was brought forward. The question of whether or not a lifeguard at the pond would increase safety is still under discussion.
- Difference between a fee and a donation: Even if people feel an obligation to donate, this can be considered more like a fee and therefore may come with increased responsibility and liability.
- Enforcement of parking fees: Most likely would be done by the town parking enforcement, rather than an employee of the Conservation Department.

Town Manager and Director of Conservation addressed committee members regarding the following points:

- Focus more on safety and less on liability.
- Concerned about our budgetary problems keeping us from meeting our obligations regarding conservation.
- Need to garner support and find ways to meet our public obligations.

Town Counsel, Director of Conservation and Town Manager exit meeting.

Committee Chair addressed the committee and reviewed the agenda items:

1. Decide which committee members will attend which meetings for the Select Board, Planning Board, Conservation Commission and LSSE Commission.
2. Discuss body of draft report.
3. Embolden scenarios based on committee consensus

Committee Chair asked for a member to act as Vice Chair in her absence. J. Pistrang nominated Aaron Hayden for Vice Chair. The motion was seconded by D. Webber and passed unanimously.

1. Meeting attendees to discuss and gain support for PP2020 and give an update on the progress of the committee thus far.

- a. Select Board- E. Jones and M. Gage on 2/22/10
- b. Planning Board- E. Shopper and E. Hamin 2/17/10
- c. Conservation Commission- P. Muska and D. Webber 2/24/10
- d. LSSE Commission- Pending March meeting date

2. Body of draft report was discussed and read by all attending members. The idea behind the draft report is to give a sense of the balance that has and will continue to guide the committee's decisions. The committee wants to show that it has taken into account safety and other risks versus the freedoms everyone values. The committee also wants to make it clear that the non-existent funding for the pond is not sustainable and that there needs to be a source of funding in order to maintain the pond.

3. We began choosing scenarios one by one based on consensus from the committee. There were discussions on beavers, dredging, perimeter and Lester trail work, Cushman brook, and the shoreline. The committee began discussing parking and State St., but could not reach a consensus on any specific scenario.

The committee decided to continue discussions on the scenarios table at the next meeting. The Chair indicated that we should set aside time in the agenda in the next meeting to discuss State St./Parking in much greater detail.

Motion to adjourn meeting.

Meeting adjourned at 9:16pm