

PARKS & RECREATION COMMISSION

MINUTES

Tuesday June 24, 2014 @ 7:00 PM

Open Meeting at the Charlestown Police Station's Community Room

4901 Old Post Road

Charlestown, RI 02813

1. CALL TO ORDER:

The June 24, 2014 Parks and recreation Commission Meeting was called to order at 7:03 PM.

2. ROLL CALL:

Chairperson Tim Quillen, Vice Chairperson Cheryl Dowdell, Commissioners Sunny Cummings, Keith DeMerchant, Jodi Frank, Donna Deyorio, Ryan Campbell, Richard Horstmann, Ed Vazquez and David Currier were present at the meeting. Also, present was Parks and Recreation Director Jay Primiano, Program Director Vicky Hilton and Town Council Liaison Paula Andersen.

Not present at the meeting were Commission members Tom Nowell, Susie Fehrmann and Julia Beasley.

3. APPROVAL OF MINUTES

a. Parks & Recreation Commission Meeting Minutes – May 27, 2014

Richard Horstmann motioned to approve the May 27, 2014 Parks and Recreation Minutes with amendments. The motion was seconded by Sunny Cummings. Tim Quillen, Cheryl Dowdell, Keith DeMerchant, Jodi Frank, Donna Deyorio, Ryan Campbell, Ed Vazquez and David Currier approved the motion. The motion passed unanimously.

4. COMMENTS FROM PUBLIC:

There were no comments from the public.

5. TOWN COUNCIL LIAISON REPORT:

There was no Town Council Liaison Report.

6. NEW BUSINESS

a. Presentation to Explore Bike and Pedestrian Ways in Charlestown:

Faith LaBossiere presented her request to form an Ad Hoc/Subcommittee to study Bike and Pedestrian Ways. Ms. LaBossiere included a handout with the presentation.

The bike and pedestrian ways would run along the shoreline and possibly connect with other Town's bike and pedestrian paths.

Ms. LaBossiere noted the sites which were mentioned in the Town's Comprehensive Plan.

Parks and Recreation Director Jay Primiano asked that the Ad Hoc/Subcommittee seek Town Administrator approval to consult with the Town's GIS Coordinator Steve McCandless.

Discussion occurred around the differences between an ad hoc committee and a subcommittee. A subcommittee being favored because it will not have to be dissolved following the November elections and the bike and pedestrian ways project would be a long range one.

Richard Horstmann motioned for the recommendation for the creation of a Bike Path Pedestrian Walkway Subcommittee to be forwarded to the Town Council for consideration. Jodi Frank seconded the motion.

Tim Quillen, Cheryl Dowdell, Sunny Cummings, Keith DeMerchant, Donna Deyorio, Ryan Campbell, Ed Vazquez and David Currier were in favor. All members present were in favor the motion passed unanimously.

b. Ninigret Park Performance Area Capacity, Parking and Types of Entertainment:

Parks and Recreation Director Jay Primiano referenced the parking spaces map from the Agenda Packet and referenced an email by Michael Moonan of Weston and Sampson which had a four (4) people to one (1) car ratio. Director Primiano also cited a national study which has a 2.8 to 1 people to car ratio.

Director Primiano identified the parking areas that would allow all other areas of the park to be used during a large event to be approximately three thousand (3,000) parking spaces.

The Commission discussed potentially setting a dual criteria baseline of 3,000 parking spaces and 8,000 people for events with the ability for the Commission to recommend to the Town Council that the baseline be waived for single occurrence events.

The Commission discussed types of entertainment and the possibility of making sound levels the qualifier for future entertainment. Frank Glista recommended the possibility of seeking advice on decibel levels from experts and concert promoters.

Ryan Campbell motioned to establish dual criteria for events with a baseline of 3,000 parking spaces or 8,000 people which could be waived by the Town Council for onetime events. Cheryl Dowdell seconded the motion.

Tim Quillen, Sunny Cummings, Keith DeMerchant, Jodi Frank, Donna Deyorio, Richard Horstmann, Ed Vazquez and David Currier were in favor. All members present were in favor the motion passed unanimously.

c. Commission Oversight of New Programming:

Parks and Recreation Director Jay Primiano read an excerpt from the letter included in the agenda packet from Town Council member Lisa DiBello. The section read aloud was an excerpt from 4. Parks and Recreation Programs, Fees, etc.

“As you know, Mr.Mageau raised a number of questions at Mondays' meeting, some of which pertained to the establishment of new parks & recreation programs and their respective fees. Some of these same questions had been posed to you previously (via email) and resulted in your providing written responses from the Director of Parks & Recreation in an email dated 5.29.14 (which I would note was copied by you to all Town Council members as well as the Town Solicitor). As you may recall, when I read the Director's responses I spoke to you about concerns I had with regard to some of the information and answers that were provided. Unfortunately the answers which were provided to you by the Director only compounded the matter and resulted in Mr. Mageau appearing before us on Monday night. In addition, as a result of Mr. Mageau's appearance and the answers previously provided, I would now like to pose the following questions and would appreciate written responses for each:

a. Have you had any discussions with the Director (or any other P&R staff member) relative to the establishment of new programs and their review and/or approval by the Parks & Recreation Commission? If so, can you please advise me as to nature of the discussion(s) and specifically how this matter will be handled in the future?

*I would note that according to Director of Parks & Recreation (via his 5.29.14 email) "programming along with small events, family picnics etc. are not part of the Commission's area of concern and have been the responsibility of the Director working with the Program Coordinator and Secretary". I respectfully disagree with the Director and would refer you to both the Code of Ordinances and Home Rule Charter with reference to the "Duties of the Director" as well as the "Duties of the Commission" both of which state in part:

C-126. Director: Powers and Duties. (NOTE: repeated in Town Charter Section 36-2 Duties and responsibilities of Director.)

A. "Advise the Parks and Recreation Commission relative to creating and implementing a comprehensive recreation program in the Town of Charlestown.'

36-4 Duties of the Commission.

A. The Commission shall advise the Director relative to planning, promoting and conducting of recreational and cultural activities.

C. The Commission shall advise the Director relative to fees and budgets for the recreational, cultural and park programs and facilities.

D. The Commission may make recommendations, through the Director, to the Administrator and Town Council concerning the aforesaid matters.

b. Have you had any discussions with the Director (or any other P&R staff member) relative to the establishment of fees for new programs? If so, can you please advise me as to nature of the discussion(s) and specifically how this matter will be handled in the future?

*I would note that according to Director of Parks & Recreation (via his responses in the 5.29. 14 email) with regard to establishment of fees for new programs, he stated "The pricing of individual programs has never been a Town Council function as it relates to the Parks & Recreation Department". I would again respectfully disagree with the Director on this matter and would refer you to both the Code of Ordinances and Home Rule Charter which in part state:

Article XXXV, Section C-126. Powers and Duties. (and repeated verbatim in the Town Charter Section 36-2 Duties and responsibilities of Director.)

D. "Recommend fees for the utilization of the various recreation facilities and programs, subject to approval by the Town Council."

c. Have you had any discussions with the Director (or any other staff or Commission member) with regard to the proposal for a current member of the Parks & Recreation Commission to administer a department sponsored program and benefitting financially from doing so?

*I would note that according to Director of Parks & Recreation (via his responses in the 5.29. 14 email) with regard to the new Paddleboard program being offered by the Parks & Recreation Department, "Julia Beasley, a member of the Parks & Recreation Commission will conduct the instructive elements". In addition, when asked who will provide liability insurance for the program attendees, the Director replied "the instructor and therefore an independent contractor holds the insurance for this program. The Town serves as second insurer through the Interlocal trust as is always the case"

While I will not address possible ethical violations in regard to this matter (which I believe exist), I would like to at a minimum request a copy of the "Independent Contractor's License" for the referenced individual which I assume has been provided to the Town for their records. I would like to be able to assure anyone who asks (and for my own piece of mind) that the Town is "covered" in terms of liability. Also, can you please provide me with a copy of the "instructor contract" for this program which the Director stated was attached in his original 5.29 email but for some reason I did not receive."

He then read his response to the letter from a June 17, 2014 memorandum.

“In Response to the most recent letter from Town Council Member, Lisa DiBello, relative to the relationship between the Parks and Recreation Department, the Parks and Recreation Commission and the Town Council; I have instituted the following procedural policies for this department to adhere to in the future:

1. All programs, facility rentals and events will first be approved by the Parks and Recreation Commission at their monthly meeting. The Parks and Recreation Commission membership will receive the following information in advance of their meeting:
 - a. Stated purpose of the program, event or facility rental
 - b. Instructor, coordinator, promoter or responsible person’s name and credentials identified
 - c. Site location of the program, event or facility rental
 - d. Insurance obligations identified and certificates of insurance (COI) naming the “Town as also insured” when called for and not required until Town Council approval is established
 - e. Fee structure for the program, event or facility rental
 - f. Scholarship information, source of scholarship, number of scholarships
 - g. Expected number of participants.
 - h. Payment procedures for instructor
 - i. Rate of pay for the instructor, coordinator or promoter or stipend to be received
 - j. Copy of Independent Contractor’s Contract made available to the Commission
2. Upon the occasion of a vote to be considered by the Parks and Recreation Commission and if a member of the Commission is considered for a role as an instructor, coordinator, or promoter of the event, program or rental before the Commission; the member of the Commission will be advised to seek an opinion from the State Ethics Commission as to whether there is a conflict and what process, if any, needs to be applied.
3. If the vote of the Parks and Recreation Commission is to the affirmative; the Parks and recreation Director will forward this information to the Town Administrator for consideration by the Town Council.
4. If the Town Council votes to the affirmative; the program will become part of the Parks and recreation Department programming schedule.

I anticipate it will take a minimum of sixty (60) days to approve a program, event or facility rental. It should be noted the Parks and Recreation Department has had fifty-seven (57) requests for facility rentals and programming concepts this year alone, these will have to be added to the Council’s agenda. There is a concern within the Department and Commission that the lengthy time frame may discourage some new and innovative seasonal programs. There is a particular concern that rentals for

family functions, as they may be hampered by the strict adherence to Charter provisions. As an example, a family seeking to have a birthday party for their family member; may need to seek an alternative date for their event after approvals are in place. Under the policy identified above, they would have to wait two (2) months for a new review of the application by the Commission and by the Town Council in order to secure the new date.

I recommend that the Parks and Recreation Commission work with the Town Council and if necessary change the Charter to streamline the approval process for small events and programs. Such a change would shorten the process and relieve the Council of the necessity of formal approval, leaving more time at the meetings for more substantial issues.”

Director Primiano mentioned that the past practice of approving programs and rentals preceded his employment with the Town and that the new policy will make all rentals in the park a two (2) month process, including small birthday parties and family reunions.

The commission discussed the practices of other Towns regarding rentals including Westerly and South Kingstown.

No motion was made and no vote was taken.

d. Subcommittee for Rev. Robert “Bob” Cummings Memorial:

Naming the new pavilion, a bench or a tree in Ninigret Park after Robert Cummings was discussed.

7. COMMUNICATIONS RECEIVED

a. RI Riptide Application for Five (5) Games:

The Commission discussed allowing the RI Riptide Football Organization to use Ninigret Park instead of Puchalski Field for the five (5) games requested on the application. The organization would need to rent any goals and equipment necessary to hold the games there.

The Commission determined a new application would need to be completed by the organization listing Ninigret Park as the requested field and would need to be presented to the Commission at the next meeting.

8. SPECIAL PROJECTS

a. Tree Steward’s Report:

Tree Steward Jodi Frank reported that two (2) trees were lost and that soil samples were going to be taken.

Director Primiano mentioned that Chuck Wentworth was sponsoring the August 24th concert and that it was a fundraiser for RICAN. Chuck Wentworth requested that at the concert a plaque that he provides be dedicated to a friend who recently passed away.

Cheryl Dowdell motioned to approve the tree dedicated at the August 24th concert. Ed Vazquez seconded the motion.

Tim Quillen, Sunny Cummings, Keith DeMerchant, Jodi Frank, Donna Deyorio, Ryan Campbell, Richard Horstmann, and David Currier approved the motion. The motion passed unanimously.

9. PARKS & RECREATION DIRECTOR REPORT

a. Director's Report:

Jodi Frank motioned to approve the June Director's Report. Cheryl Dowdell seconded the motion. Tim Quillen, Sunny Cummings, Keith DeMerchant, Donna Deyorio, Ryan Campbell, Richard Horstmann, Ed Vazquez and David Currier voted to approve the motion. The motion passed unanimously.

10. PROGRAM MANAGER REPORT

a. Program Manager's Report:

Ryan Campbell motioned to approve the Program Manager's Report. Sunny Cummings seconded the motion. Tim Quillen, Cheryl Dowdell, Keith DeMerchant, Jodi Frank, Donna Deyorio, Richard Horstmann, Ed Vazquez and David Currier were in favor. All were in favor, the motion passed unanimously.

11. COMMITTEE REPORTS:

TM Dyer thanked the Commission for its continued support of the disc golf course. He reported that the capital improvement dollars that were left over from the 2013-2014 budget might be rolled over to the 2014-2015 budget.

12. COMMISSION COMMENTS:

Commissioner Sunny Cummings wished Program Manager Vicky Hilton good luck with the upcoming camp season.

13. NEXT MEETING DATE – TUESDAY July 22, 2014 AT 7:00 PM at the Town Hall's Town Council Chambers, 4540 South County Trail

14. ADJOURNMENT

Respectfully Submitted By: Rebecca Crosby

The public is welcome to any meeting of the Town of Charlestown Parks and Recreation Commission.

If communication assistance (readers/interpreters/captions) is needed or any other accommodation to ensure equal participation, please contact (711-364-1240) at least three (3) business days prior to the meeting.