

Wallingford Recreation Committee

Approved Minutes

May 11, 2023

Committee members present: Sumio Seo, Brian Ferguson & Shannon Pytlik

Members Missing: David Cornwell, Raven Crispino

Public present: Jim Bagnall, Mark & Sandy Loseby

- 1) Approve Agenda – add Elfin Lake erosion study and remaining budget to the agenda to discuss.
- 2) Approve Minutes 4/13/23 – Motion by Sumio, seconded by Brian, to approve the minutes from 4/13/23 as written. Motion passed by consensus.
- 3) Public Comment – none
- 4) Liability Waivers & Insurance – Jim Bagnall explained that he worked in the insurance industry. Liability waivers have evolved over the past 10-15 years. Common sense no longer applies. He has been involved with many municipalities and said town needs to do their best to protect themselves, including asking people to provide waivers for certain activities.

Jim and the board members have reviewed the policies we were provided by the town. The policy is not specific on what is expected for liability waivers and lacks any detail on the subject. We must be missing documents because this doesn't cover any liability for the town.

Jim explained towns can get sued for anything by anyone – not just activities that are managed by the town. Sometimes the defense costs can be very high. Anyone can sue for being injured from cracks in the sidewalk or any injury on town property and this is mostly unavoidable. There is some municipal immunity, but it is unclear what this applies to.

We may be able to get special event coverage. This may be an option for community events like Wallingford Day, music at town hall/the park, movies, parades, etc.

There is some difference in coverage if someone is an employee, but we would need to look into this more. For example, if we were going to have recurring events every week (say yoga) and the town hired the instructor as an employee that may be different than if they were a contractor – but it depends there are a lot of things to consider. Money being involved does change the scenario of liability, versus a volunteer led program.

Drop in events – anyone can sue for anything, but an open invitation can be each individual assumes their own risk, like for drop in events or just showing up and playing tennis or basketball there is an assumption of personal risk but you could still sue the town anyway if you are injured. There is no way around this.

Signage at facilities – and liability waiver for instructors – would minimize risk.

Seems inconsistent that people don't sign waivers for the lake – that may be covered as a separate policy that we have not seen. It is not covered in this policy specifically.

Shannon has concerns about this new policy being applied equally to all events. She pointed out that other events – like the musicians are not required to provide insurance and people attending music events don't sign waivers even though this is a drop in event. And the Selectboard specifically did not require the CC to have waivers signed for Green Up Day – which is the town giving people trash bags to go out on the streets and pick up trash. This doesn't seem consistent with what they have asked of Rec. We are being asked to have waivers for everything, even drop in events and open paint night. There needs to be some consistency, this can't just be a requirement of Rec and not other groups.

The Recreation Committee wants to have low cost fun events for the community and we do not have the capacity to be at every event and get waivers signed. Our plan was to coordinate events based on things of interest in the community survey. This puts a damper on that plan and speaks to the need for Recreation staff for the community to handle signs ups and waivers, which may be less expensive than getting additional insurance.

There is no great answer to the liability issue, this is a balance of figuring out the relative risk and cost of coverage to cover an event. We should discuss next steps, we could ask the Selectboard to come up with a policy outlining what specifically requires a waiver or insurance because currently what we are being asked to do is not consistent across boards or with other towns surveyed in VT. We could also discuss options with VLCT but every time we ask them they seem to ask us to have waivers for more things.

Shannon asked 7 other communities how they deal with the liability waiver issue. Almost all of them do require a online waiver to be signed for things that are registered for online, as well as youth sports. Only one required a waiver for drop in sports and community events – which was Hinesburg. Hinesburg even requires waivers for parade participants and drop in sports they have their Rec Director at everything to get the waivers. Information gathered is attached to these minutes in Attachment 1.

Online signup is key to making this streamlined – every one of these towns had an online system for getting the sign up and waiver which was just a check box. One town used EventBright (Castleton) which takes a cut of event fees – while most other towns used MyRec. MyRec is a VT based company that people working in Rec highly recommend but it does cost money.

5) Memorial Day Parade Planning

- Pre-registration – too late not doing this
- Line up – start at 9:30
- Shannon will draft a post and ask Sandy to post for us
- Lineup at Family Dollar by 9:45 and step off at 10
- Traffic control – Sumio will contact Sheriff Fox and Robert ask them to meet at the Family Dollar at 9:30. He will ask Sandy to make sure they have a plan for traffic control.
- We will talk to the road crew about borrowing signs.
- Mike – fire chief we tried to contact them but haven't heard back maybe had the wrong email?
- School for backup – Shannon will contact them and make sure we have the school incase of inclement weather.
- Sound and speakers, etc will be handled by the Legion Mark.
- Band – Peter Roach said he would set up a water station at the cemetery for the musicians.

- The Rec Committee members will meet at Family Dollar at 9:30 the morning of the parade. We will make sure all of the traffic control is there then disperse to different locations on the route. Brian will stay behind at Family Dollar and make sure the parade goes on in the correct order.

6) Softball – Mark Noble has asked questions via e-mail about softball. Mark wasn't around but we don't feel like there is much the town can do to engage in softball since this is not a town run sport. We can offer you help get softball organized better for next year. We would think someone would want to have a small group oversee it in the future.

7) Review Questionnaire results / Recreation Planning – Save this for next time when everyone is there to participate.

8) New Business:

- Water at the park – review background info on water at the park - tabled
- Dog Park – tabled
- Order another baby swing for park? The rec committee approved ordering this swing: Shannon will ask Julie to order it.
<https://lannywitch.com/product/playstar-ps-7534-commercial-grade-toddler-swing/>

9) Erosion Study – Shannon updated the board on the Elfin Lake erosion study. Fitzgerald Environmental has come up with great alternatives for the beach. The alternatives vary in cost and maintenance requirements over time. There has been discussion of re-routing traffic thru the gate to the south of the building which would reduce impervious surfaces (paved path) and allow water to be treated away from the stone block building. This would require using a different window to collect funds, with possible better visibility, and some minor rerouting of utilities inside the building.

The building has been deteriorating due to the exposure to water over time and getting the water away from the building would be an improvement and would reduce erosion on the beach as well.

There are three areas with options for managing water and erosion:

- a) the paved area where staff park with the picket fence – manage water in some form of water garden or ditch taking water to the south or west depending on alternative.
- b) The paved path to the north of the building – options to manage water include removing path to be replaced with dirt or mulch for occasional use (boat portage), keeping the path and managing water uphill or routing water to a french drain next to the building. Shannon has concern about a french drain having a life span and this option could require maintenance or even fail over time.
- c) The beach – All alternatives reduced the “beach” width in front of the building and restored the majority of this area to native vegetation. Alternatives included a fishing dock and a retaining wall (made with different material depending on alternative) with possible vegetation along the water and shade trees. The lowest maintenance alternative is the large rocks with a passive path thru to get to the water.

10) The group discussed the wish list for the remaining 22-23 funds:

- Priority 1 - Security for the Meadow St park. The vandalism is costing the town money and for about 2k we could buy 2 Vandal proof cameras with

infrared and a recorder with 4 channels. For the security cameras we would need electric on year round and internet. We will ask the water district if they have wifi in the south shed in the water system pump house.

One other issue that the community has complained about is the motion sensor not working all winter at the Meadow St park because the electricity was turned off. If the electricity is kept on year round the light will help deter vandalism at the park. We may consider adding additional motion sensor lights.

- Other priorities include:
 - Baby swing - Board approved of purchasing another baby swing – this one to be put at the lake. The two we have will be put in at the park.
 - Soccer nets
 - Mulch for park
 - Beach items – make sure we have an umbrella for the lifeguard. Do we need any new life jackets, sand toys etc?
 - The group discussed getting the concession stand building and looking inside to get a sense for where things are and what shape they are in, also what would be required to use the window to the south for entry.
 - A new garage door is being installed – the group discussed an alternative that would include making the garage the men’s room (with changing room) and moving the boat storage and garage to the front of the building (where the counter currently is and closer to the water), and near the south window for employees if traffic was re-routed. This could be a lower cost alternative to renovate the building, solve the issue of the poor traffic flow – in and outside of the building. This would add a men’s changing room and allow the employees and summer camp to have a private bathroom. The group discussed the need for plans to consider applying for funds to cover a much needed renovation of that building. The selectboard has not been supportive of hiring an architect in the past so moving ahead is challenging.
 - Shannon mentioned a grant that Pittsford received to get a large new dock. The grant is called VT Building Communities. The grant could cover up to 25K of capital costs associated with recreation opportunities. It requires a 50% match but could help pay for the renovation of the concession building. The deadline for the grant is September 10th.

11) Next Meeting Agenda Building

- Remaining budget priorities – Shannon will check in with Lisa about camp needs.
- Water at park
- Dog park
- Survey results
- Concession stand planning
- Elfin Lake Erosion study
- Work Day – for lake

12) Adjourn – The group adjourned at 7:00

Attachment 1 – Research on liability waivers from other VT communities:

Contact	Town	GET WAIVERS SIGNED FOR:				Notes	Who collects signature
		Youth sports	Drop In	Other	Community Events		
Bo	Castleton	Yes	Yes	?	?	Sign a waiver at sign in for activity - We use Eventbrite, the free version, which allows participants to fill out a customizable form. We add the waiver there, since Eventbrite allows you to add a “terms and conditions” field for participants to agree on. Unclear about drop in classes or community events.	Rec director
Jen	Hinesburg	Yes	Yes	Yes	Yes	Sign waiver for everything - even community events, parades, drop in sports, etc literally everything!	Rec director
Brooks	Manchester	Yes	NO	Yes	NO	Yes - Sports, Day Camps, Pool Passes, etc require a waiver. No waiver for community events or drop in sports events.	Rec director
Zac	Bristol	Yes	NO	?	NO	online waiver signed when they create an account - one time. Youth sports run by another org in town they may have their own.	Rec director
Jenn	Pittsford	Yes	NO	Yes	NO	Re movie night - we don't have a waiver for that because that's a drop-in event. I'm also at all of the events that we have to make sure that everything goes well. Only things that are registered for NOT drop in.	Rec director
Emily	Killington	Yes	NO	Yes	NO	The only programming that does not require a waiver is our Adult Open Gym and Pick-up sports as these typically don't require pre-registration and Rec Staff is not always at these events	Rec Director
Nick (lives in Wford)	Ludlow	Yes	NO	NO	NO	We actually only have a liability waiver for our youth sports. All of our adult pick up sports we do not require a waiver.	Rec Director