MINUTES SUBJECT TO CORRECTION BY THE ESSEX JUNCTION BOARD OF TRUSTEES. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE BOARD.

VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
November 8, 2011

BOARD OF TRUSTEES:	George Tyler (Village President); Dan Kerin, Mary Morris, Lori Houghton, John Lajza.
ADMINISTRATION:	Dave Crawford, Village Manager; Robin Pierce, Development Director.
OTHERS PRESENT:	Ned Swanberg, P.M. Costello, Elaine Sopchak, Linda Waite-Simpson, Nick Meyer, Shirley Zundell, George Dunbar, III, Wendy Needham, Erin Needham, Steve Eustis, Chris Chiquoine.

I. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Village President, George Tyler, called the meeting to order at 6:30 PM and led the assemblage in the Pledge of Allegiance.

II. AGENDA ADDITIONS/CHANGES

Additions to the agenda:

- Ordinance Appeals Board, Health Insurance Deductible Plan, List of Circ Highway Alternatives, Thank You Note to Brad Luck, Update on Vacant Building Ordinance.
- Memo on Additional Items in Manager's Report.
- Agreement to advance regular business prior to convening Executive Session.

III. GUESTS AND PRESENTATION

1. Comments from Public on Items Not on Agenda

George Dunbar, III, requested that discussion of the CVE noise agreement and potential changes based on events held at the fairgrounds in 2011 be held in open session in the spirit of transparency.

Chris Chiquoine stated he is still waiting (since April) to go through the recommendations on how to make changes to the noise ordinance.

2. Ned Swanberg, Flood Hazard Mapping Coordinator of Vermont Department of Environmental Conservation, re: National Flood Insurance Program (NFIP)

Ned Swanberg gave a general overview of the National Flood Insurance Program, noting the following:

- LIDAR maps effective July 2011 were used to determine flood hazard areas. Maps are online at the Agency of Natural Resources website.
- Flood insurance does not cover storm water damage, ice jam damage/flooding, or infrastructure failure.
- Erosion is an issue. Rivers change their path (meander) as do floodplains.
- Essex Junction has a total of eight sites impacted by flood hazard areas, including two commercial sites, two health care sites, one industrial site, and three multi-family sites.
- To be in NFIP a municipality must adopt flood hazard regulations that are enforced.

- Essex Junction's regulations need to be updated (integrate the state model). This can be done through a two year legislative process (Trustees set the regulations) with a one year renew while simultaneously working to adopt the regulations through the traditional bylaw adoption process or the traditional process can be followed (Planning Commission updates the bylaws for adoption by the Trustees).
- Municipalities must be in NFIP in order to get federal flood insurance.
- Insurance through NFIP is less expensive than a private provider. The limit for nonresidential structures is $500,000 plus additional contents coverage. Federal law on the lender requires the cost of the mortgage to be covered or the total amount allowed under NFIP to be covered.
- With NFIP a claim can be made for overland flow on two or more properties.
- FDIC loans cannot be made for a structure in a flood hazard area unless the municipality is in NFIP.

MOTION by John Lajza, SECOND by Dan Kerin, to adopt and sign the resolution to join the National Flood Insurance Program (NFIP) and have staff pursue the application process, but hold filing until the Planning Commission agrees with the interim process (for updating/adopting flood hazard regulations). VOTING: unanimous (5-0); motion carried.

George Tyler stated there will be an information campaign to alert property owners in the mapped flood areas about flood insurance and NFIP.

IV. <u>OLD BUSINESS</u>

1. Review Proposed Ordinances (Vacant Buildings, Chickens, Litter, Noxious Weeds, and Appeals Board)

The following changes to the draft ordinances were discussed:

<u>Vacant Buildings Ordinance</u>

- Section 1501 – Definitions
  Insert the definition of "Building Safety Officer", "Dangerous Property", and "Vacant Nuisance Property" that was provided by staff. There were no changes to the text.
- Section 1504 – Required Boarding of Vacant Buildings
  The language needs to be clear and not in conflict with other sections or definitions that a building can be boarded for up to 90 days provided the owner is pursuing action on the building (insurance, construction, etc.).
- Section 1505 – Dangerous Buildings
  Item A – change "first class mail" to "registered mail".
- Section 1506 – Appeal of Safety Order
  Insert Section 4 (Appeal Process and Procedure) from the Trustees Policy regarding the Ordinance Appeals Board.

<u>Chicken Ordinance</u>

- Section 1701 – Permit Required
  Item (b) – change the initial fee to $35 (same as for a structure) and renewal fee to $10, and add language explaining the purpose of the fee (for inspection by staff, in lieu of a building permit for the chicken coop structure, and there is no recording fee).
- Section 1704 – Noncommercial Use Only

Add "in public view" to the end of the sentence reading: "Slaughtering of chickens is not permissible" [in public view].

- Section 1705 – Enclosures
  Clarify the language to state portable coops can be mobile, but cannot be set up within the property setbacks.
- Section 1707 – Lighting
  Replace the sentence about motion activated lighting with: "Lighting for the exterior of the henhouse shall not impact or illuminate adjoining properties or disrupt the neighbors."
- Section 1712 – Permit Revocation
  Third box – Delete "Where there is a risk to public health or safety" and start the sentence with "Any revocation or suspension…."
- Section 1713 – Appeal Procedure
  Insert Section 4 (Appeal Process and Procedure) from the Trustees Policy regarding the Ordinance Appeals Board.

Litter Ordinance

- Section 1801 – Definitions
  Add the definitions from the VLCT model ordinance, 2005 for litter, etc., Article I - (f),(g),(h), and (i), and add reference to the section(s) in the Land Development Code covering litter, abandoned vehicles, and such.

Noxious Weeds Ordinance

Robin Pierce will work with Steve Eustis on refining the draft ordinance.

Appeals Board

The Trustees approved the language as drafted for the Appeals Board and appeals process.

2. Health Insurance Deductible Option

Discussed in Executive Session at the conclusion of the regular meeting.

V. NEW BUSINESS

1. Discussion/Action on Revised General Fund Capital Plan

Postponed to the 12/5/11 meeting.

VI. VILLAGE MANAGER'S REPORT

The Trustees received a memo on items in the Manager's Report.

1. Meeting Schedule

- December 5 @ 6:30 – Regular Trustees Meeting
- December 27 @ 6:30 – Regular Trustees Meeting
- January 10 @ 6:30 – Regular Trustees Meeting
- January 24 @ 6:30 – Regular Trustees Meeting
- February 14 @ 6:30 – Regular Trustees Meeting
- February 28 @ 6:30 – Regular Trustees Meeting
- March 13 @ 6:30 – Regular Trustees Meeting
- March 27 @ 6:30 – Regular Trustees Meeting
- April 10 @ 6:30 – Regular Trustees Meeting
- April 24 @ 6:30 – Regular Trustees Meeting

Special Meetings/Events:

- December 7 – Light the Village Celebration and Train Hop
- December 13 – Budget Day
- March 7 – Special Meeting with Prudential Committee
- April 4 – Village Annual Meeting
- April 10 – Australian Ballot Voting

VII. TRUSTEES COMMENTS/CONCERNS

No comments made.

VIII. CONSENT AGENDA & READING FILE

MOTION by John Lajza, SECOND by Dan Kerin, to approve the consent agenda as presented:

1. **Minutes of Previous Meetings (10/25/11)**
2. **Approve and Sign Resolution, Certificate and Note for Loan for Final Design of Pump Station Upgrade**
3. **Reading List Acceptance (Letters & Communications)**
    - **Planning Commission Minutes 10/20/11**
    - **VLCT Municipal Technology Workshop 12/7/11**

VOTING: unanimous (5-0); motion carried.

IX. EXECUTIVE SESSION and/or ADJOURNMENT

MOTION by Dan Kerin, SECOND by Lori Houghton, that the Board of Trustees go into Executive Session to discuss personnel matters and Employee Association negotiation preparation where premature general public knowledge would place the village at a substantial disadvantage, and to invite the Village Manager, the Village Accountant, and Frank Sadowski with Gallagher Flynn to attend. VOTING: unanimous (5-0); motion carried.

Executive Session was convened at 9 PM and adjourned at 10:10 PM.

ACTION FROM EXECUTIVE SESSION

MOTION was made and SECONDED to continue to pay the first 80% of the employees' health plan deductibles with an HRA (Health Reimbursement Arrangement) through 2012. VOTING: unanimous (5-0); motion carried.

The regular meeting was adjourned at 10:12 PM.

RScty: M.E.Riordan