

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
January 9, 2007**

BOARD OF TRUSTEES: Larry Yandow (Village President); Tim Jerman, John Lajza, Peter Gustafson. (Deb Billado was absent.)
ADMINISTRATION: Charles Safford, Village Manager.

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Village President, Larry Yandow, called the meeting to order at 7 p.m. and led the assemblage in the Pledge of Allegiance.

2. AUDIENCE

None.

3. BUSINESS

Meeting with State Representatives

Representatives Peter Hunt and Tim Jerman updated the Trustees on current legislative activities. Committee assignments have been made. Rep. Hunt will serve on the Appropriations Committee and Rep. Jerman will serve on the Government Operations Committee. Rep. Jerman stated his intention to introduce legislation to address the matter of education funding (to move away from using the property tax as the funding mechanism). The trajectory of educational cost increases and declining student enrollment is an issue to be addressed. Consolidation of schools will be discussed. Additional matters percolating at the legislature include bringing broadband to the entire state, citing cell towers, establishing Math and Science academies. Economic development is another current topic. There is agreement more needs to be done to prevent businesses from leaving the state and to encourage and support small and intermediate sized businesses paying adequate wages in the state. IBM, the state's largest employer, is celebrating its 50th anniversary in Vermont. Rep. Hunt is drafting a resolution in recognition of this anniversary in February, 2007. Another item of discussion in the legislature is the circumferential highway. Both representatives urged keeping the circumferential highway project in the news and continuing to promote support of the highway. There are many transportation projects and the shortfall in the transportation budget continues so money is tight. Old and new ideas to generate revenue for highway projects will be discussed (toll roads, gas tax, and other ideas). There was also discussion of the ever increasing cost of health care and insurance, and term limits. Support was expressed for four year terms of office at the state level for continuity and to provide the necessary time to complete tasks. Allowing re-election up to three times (total of 12 years of service in office) was suggested. It was noted electronic voting in the House and Senate is desired so the public can see how topics are voted by legislators. The need for upgraded technology throughout the state was acknowledged.

Vermont Emergency Management Grant Applications

MOTION by Peter Gustafson, SECOND by John Lajza, to accept the staff recommendation to approve the Vermont Emergency Management grant applications to purchase two generators for power to traffic signals during power outages at a cost to the Village of \$3,500, and to purchase cones and barrels for traffic control at a cost to the Village of \$1,354.80 paid out of the Street Department budget. VOTING: 4 ayes; motion carried.

Discontinuance of RV Waste Disposal at WWTF

MOTION by Peter Gustafson, SECOND by John Lajza, to accept the staff recommendation to seek a “Certification of No Exposure” and discontinue allowing RVs to dump their waste at the wastewater plant. VOTING: 4 ayes; motion carried.

WWTF Capital Fund Amendment

MOTION by John Lajza, SECOND by Larry Yandow, to accept the recommendation from the Tri-Town Committee to adopt the Capital Fund amendment as presented which will allow replacement of the service truck in the fiscal year. VOTING: 4 ayes; motion carried.

WWTF Engineer

MOTION by John Lajza, SECOND by Tim Jerman, to approve the Village Manager’s appointment of Forcier, Aldrich & Associates as the WWTF engineering firm.

DISCUSSION: It was noted the Village has contracted with the engineering firm in the past. The intent is to have the firm develop a body of knowledge about the facility for continuity and efficiency.

VOTING: 4 ayes; motion carried.

General Fund Balance Transfer

MOTION by Peter Gustafson, SECOND by John Lajza, to accept the staff recommendation to transfer \$66,000 from the General Fund balance to the Capital Reserve Fund leaving a balance of \$134,951 (5% of the FY08 General Fund proposed budget). VOTING: 4 ayes; motion carried.

FY08 Budgets

There was brief discussion of increasing insurance costs. John Lajza complemented the Village Manager and staff on only a 4.5% increase in the proposed budget in light of significant insurance cost increases. Charles Safford confirmed staff is managing to do with less. The Board authorized staff to warn a public informational meeting on the budgets for January 23, 2007 and warn the budgets for adoption on 2/13/07.

Draft Village Newsletter

MOTION by Tim Jerman, SECOND by John Lajza, to approve Issue #28 of the Village Newsletter as drafted. VOTING: 4 ayes; motion carried.

Approve Minutes

December 12, 2006 – Regular Meeting

MOTION by Peter Gustafson, SECOND by John Lajza, to approve the 12/12/06 minutes as written. VOTING: 4 ayes; motion carried.

Approve Bill Lists

MOTION by Tim Jerman, SECOND by John Lajza, to approve the bill list, dated 12/27/06, with checks #10033152 through check #10033251 for the amount of \$280,260.62. VOTING: 4 ayes; motion carried.

MOTION by Tim Jerman, SECOND by John Lajza, to approve the bill list, dated 1/9/07 with checks #10033252 through check #10033310 in the amount of \$42,345.24. VOTING: 4 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed the correspondence received. Larry Yandow mentioned the switch by the VLCT Health Trust to Cigna Insurance from Blue Cross/Blue Shield resulted in the loss of two board members from towns with unions whose contracts specify BC/BS coverage. There are currently three members on the five member board.

5. EXECUTIVE SESSION

MOTION by John Lajza, SECOND by Tim Jerman, to go into Executive Session to discuss personnel matters. VOTING: 4 ayes; motion carried.

The Board convened Executive Session at 8:06 p.m.

MOTION by Peter Gustafson, SECOND by Tim Jerman, to adjourn Executive Session and reconvene the regular meeting. VOTING: 4 ayes; motion carried.

Executive Session was adjourned at 8:28 p.m.

ACTION FROM EXECUTIVE SESSION

MOTION by Larry Yandow, SECOND by Peter Gustafson, to recognize the promotion of the Public Works Foreman to Public Works Superintendent and approve a salary adjustment from \$24.41 per hour to \$28.07 per hour. VOTING: 4 ayes; motion carried.

6. ADJOURNMENT

MOTION by John Lajza, SECOND by Peter Gustafson, to adjourn the meeting. VOTING: 4 ayes; motion carried.

The meeting was adjourned at 8:30 p.m.

Minutes transcribed from tape and respectfully submitted by M.E.Riordan, Recording Secretary.

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
January 23, 2007**

BOARD OF TRUSTEES: Larry Yandow (Village President); Tim Jerman, John Lajza, Peter Gustafson, Deb Billado.
ADMINISTRATION: Charles Safford, Village Manager.

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Village President, Larry Yandow, called the meeting to order at 7 p.m. and led the assemblage in the Pledge of Allegiance.

2. AUDIENCE

None.

3. BUSINESS

Whitcomb Heights II Road and Utility Easements

MOTION by John Lajza, SECOND by Tim Jerman, to follow the staff recommendation to accept the utility easements as presented and to accept the roads (Lavoie Drive, Cushing Drive, Dunbar Drive) and associated infrastructure, and further to sign the "Certificate of Completion and Opening of a Highway for Public Travel". VOTING: 5 ayes; motion carried.

Rivers Edge Road and Utility Easements

MOTION by John Lajza, SECOND by Deb Billado, to accept the utilities and easements for Rivers Edge and to accept Giles Drive, Ketcham Drive, and associated infrastructure, and further, to sign the "Certificate of Completion and Opening of a Highway for Public Travel".

DISCUSSION: There was agreement naming village streets after villagers who were greatly involved in the community over the years is a nice gesture.
VOTING: 5 ayes; motion carried.

Chittenden Solid Waste District Landfill Update

Tom Moreau, General Manager of the Chittenden Solid Waste District (CSWD), gave an update on the programs at CSWD as well as progress on the design of the proposed regional landfill in Williston. Presently 129,000 tons of material per year is recycled and 145,000 tons of material per year is put into the landfill. The latter amount equates to approximately one ton per person. The goal with the regional landfill is to provide a local option, balance environmental protection and public concerns about health, safety, and quality of life, and provide the required sand to Hinesburg Sand & Gravel. CSWD is proposing a seven million ton capacity landfill with a 40-year life. Tip fees will be approximately \$70/ton. It is hoped to begin operation in 2011. Estimated savings by having a regional landfill in Chittenden County is \$72 million. Most of the large institutions in Chittenden County bring their waste to the transfer station, though IBM chooses to take their hazardous waste to Canadian and New York facilities rather than

use CSWD facilities. Mr. Moreau reviewed features of the proposed landfill, including methods to contain and re-circulate liquids and leachate, handle ground water drainage, store leachate if necessary, and flare off methane gas. Eventually, the methane gas will be converted to electricity. For the past 10 years, CSWD has seen an increase in municipal solid waste (MSW). Construction and demolition material (C&D) has increased 139%. The plan is to increase recycling and continue to decrease the tonnage going into the landfill. Presently, trash from CSWD is trucked to Coventry which is 73 miles away. The landfill in Coventry is owned by Casella. There is capacity in their landfill until 2011. Fifty-two trips with tractor trailer trucks go through Five Corners each day. There is \$853,000 per year in externality costs. There has been a landfill on Redmond Road in Williston since 1969. The original Williston town dump was capped (closed) by CSWD in 1992. From 1992-1995, CSWD built, filled, and closed a lined landfill on Redmond Road. The proposed regional landfill will also be on Redmond Road. The site meets all the original 19 siting criteria for a landfill. There is a host town agreement in place with the Town of Williston which was voted and approved by the residents of Williston and Chittenden County. A landfill is a key component of a comprehensive solid waste management system, explained Mr. Moreau, adding currently there is no proven, cost effective alternative system. CSWD staff is continually researching and investigating all potential options. With the regional landfill there will be less pollution from trucking and other impacts, less risk because of local control on the material being brought to the landfill and how the material is handled, and less cost (the economic model for the landfill shows a cost savings of \$3 million per year). Challenges include getting enough tonnage to meet the investment, handling the complexities of the landfill operation and state-of-the art technology, and addressing concerns from the public. Design and permitting of the landfill must be done. Public hearings will be held to gather comments/concerns. Any appeals of permits and such will have to be addressed. A bond vote will be held. It is hoped to have the landfill operational by 2011. CSWD plans to educate the public about the project and seek input to help optimize the landfill design and ensure the most appropriate design for the location. This will help identify and address concerns before permits are sought. Tom Moreau again summarized the advantages of the regional landfill to include less traffic, more environmentally sound design and operation than current options, control over the waste stream and dealing with the county's own MSW, and saving money which is returned to consumers or reinvested. There was brief discussion of the conversion of methane gas to electricity.

FY08 Budget Public Hearing

Charles Safford gave an overview of the proposed FY08 budget. The FY08 General Fund expenditures are proposed at \$2,712,923. This is a 4.5% increase over the current budget. Revenues are anticipated to equal \$2,712,923 of which 13.39% is the IBM subsidy. The IBM subsidy will be completely phased out by Year 2014. The Grand List continues to show an upward trend. Firm numbers will be available upon completion of the reappraisal. Expenditures for the FY08 Water and Sewer funds equal \$2,120,698. Revenues equal \$2,120,698. There is a projected rate increase of 11%. The impact on the taxpayer will be 8.8% over the current property tax and utility rates. Essex Junction taxpayers continue to pay taxes to support the village, village schools, the town, and the union high school. There was explanation of the Waste Water Treatment Facility and

role of the Tri-Town Committee. The excess capacity owned by Essex Junction is valued at approximately \$2 million. There were no further comments. The public hearing was closed.

Street Banner Application

MOTION by Peter Gustafson, SECOND by Deb Billado, to approve the street banner application for the Vermont Home & Garden Show on April 20-22, 2007 at the fairgrounds. VOTING: 5 ayes; motion carried.

Approve Minutes

January 9, 2007 – Regular Meeting

MOTION by John Lajza, SECOND by Peter Gustafson, to approve the 1/9/07 minutes as written. VOTING: 4 ayes, 1 abstention (Billado); motion carried.

Approve Bill Lists

MOTION by Tim Jerman, SECOND by John Lajza, to approve the bill list, dated 1/23/07, with checks #10033311 through check #10033398 for the amount of \$235,908.86. VOTING: 5 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed the correspondence received.

Merger Vote Results

Deb Billado announced the results of the re-vote on merger as follows: 2,699 in favor, 2,890 opposed. The merger did not pass.

5. EXECUTIVE SESSION

The Board did not hold an Executive Session.

6. ADJOURNMENT

MOTION by Peter Gustafson, SECOND by John Lajza, to adjourn the meeting. VOTING: 5 ayes; motion carried.

The meeting was adjourned at 8:10 p.m.

Minutes respectfully submitted by M.E.Riordan, Recording Secretary.

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
February 13, 2007**

BOARD OF TRUSTEES: Larry Yandow (Village President); Tim Jerman, John Lajza, Peter Gustafson. (Deb Billado was absent.)
ADMINISTRATION: Charles Safford, Village Manager.

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Village President, Larry Yandow, called the meeting to order at 7 p.m. and led the assemblage in the Pledge of Allegiance.

2. AUDIENCE

Reflective Stop Signs

George Boucher, village resident, spoke positively about the visibility of the reflective tape on the Stop sign on Upland Road, and suggested the same application be done on all Stop signs in the village. Mr. Boucher also mentioned the problem of drivers not stopping at Stop signs, especially at the intersection of Central Street and Grove Street which is now a four-way stop intersection.

Merger

On another matter, Mr. Boucher pointed out the signs for the high school say "Essex High School" and "Essex Community High School". There is no mention of Essex Junction even though the village built and paid for the high school which is used by the town. The original sign for the school said "Essex Junction High School". Mr. Boucher expressed resentment at the town taking over the high school, adding with the failed merger vote, the true colors of the town have been shown. Mr. Boucher stated it is time for the village to "get this monkey off its back". The status quo has to go. Mr. Boucher recalled his past activities seeking equity in taxes for the village, and the lack of interest and support for this by the Town of Essex. Mr. Boucher said he may seek a petition for independence, noting he has been contacted by staunch town supporters who would support the village being independent of the town. Mr. Boucher stressed the goodness the Village of Essex Junction has done for the community over the past 100 years, and reaffirmed his support for the village.

Larry Yandow stated there have been many comments about the merger and next steps. The Trustees plan to again address the issue at a point in the near future.

Tim Kemerer, village resident, urged the Trustees to continue to pursue the merger matter with the Town of Essex and close the main issues of the name of the community and taxes. The location of the seat of government was not an issue for the voters. Mr. Kemerer said he is willing to "freeze" his taxes until town taxes "catch up", and there may be other options to consider as well. Mr. Kemerer said the name of the community is not an issue for him.

Steve Eustis, village resident, stated he has looked at the options of independence, tax fairness, and merger (given full effort without success), but the most important issue is focusing on improving the village. The village was incorporated over 100 years ago because the villagers wanted more and were willing to pay for this. The same situation is true today. There is much being done, but imagine what more could be done if all energy were focused in that direction, said Mr. Eustis, conceding though that there is a difference in culture between the village and town. An example of this is highlighted by the effort put forth by Essex Junction to control the plowing of Route 15 and sidewalks through the village and town to ensure the sidewalks and roadway are clear for pedestrians and cars. The Town of Essex was not interested in taking over a state road. As a result, the effort was not supported by the legislature. Also, the Town of Essex does not own traffic lights on state roads as Essex Junction does which allows the Village to set the timing on the lights to assist traffic flow through the community. Mr. Eustis said he would rather pay the extra in taxes to receive the added benefits offered by Essex Junction.

3. BUSINESS

Resolution Honoring IBM

Postponed until the Village Annual Meeting on April 4, 2007.

FY06 Audit

Fred Duplessis, Sullivan Powers & Co., reported the Village is in full conformance with generally accepted accounting principles. The Village has a positive asset balance for both business type and governmental activity. The fund balance is eight percent of annual expenditures which is in the range of the recommended fund balance. The Village received \$80,000 more in revenue (mostly grants) than planned, and spent \$81,000 more than planned, essentially breaking even. All the enterprise funds have a positive fund balance. Funds were close to budget or showed a slight surplus. The Village has no outstanding debt. There were no reportable conditions or weaknesses, continued Mr. Duplessis. Lauren Morrisseau, Susan Hill, and Betty Clare were commended for their excellent effort in managing the finances of the village. Department heads were commended for maintaining their respective budgets.

Annual Meeting

Steve Eustis, moderator of the Village Annual Meeting, reviewed the agenda for the meeting night. The community dinner will be served in the high school cafeteria beginning at 6 p.m. on April 4, 2007 followed by the annual meeting at 7 p.m. The public is urged to attend both the dinner and the meeting. Important business is transacted at the annual meeting including adoption of the annual budget for the village.

Citizen Concerns

Susan Elaine Byrd, village resident and co-owner with her son of a Christian store located at 10 Main Street, thanked the Trustees for the benches and rubbish bins in the village center which create a nice homey look for the area. Ms. Byrd told the Board of the difficulties she has experienced trying to get the public building at 10 Main Street up to fire code standards. The smoke and carbon monoxide detectors in the building were improperly installed, though a master electrician did the work. Also, the building is likely

not up to ADA standard. The bathroom is not up to code. The owner of the building has been notified of items in disrepair and other problems, such as the sewer line, heater, wiring not to code, the presence of mold and mildew. There is a health issue with the presence of mold and mildew. In addition, tree roots are lifting the foundation of the building. The public health officer has been contacted as well as the fire department for assistance in resolving the problems with the building. Ms. Byrd cited other actions and agencies she has contacted for help with the building, especially help with the black mold, lead pipes, and leaking sewer pipes. Ms. Byrd said she presently lives and works in the building in less than 700 s.f. of space and the electric bill for the month due to the inefficiencies of the building was \$400. Ms. Byrd said she and numerous agencies have repeatedly contacted Jerry Firkey, but Mr. Firkey has not been responsive. Ms. Byrd said she has enjoyed living and working in Essex Junction and the State of Vermont which is a challenging place to live. Ms. Byrd noted she is a disabled Vietnam veteran. Charles Safford explained the Town of Essex and State of Vermont handle health issues. Labor and Industry handle building code issues. Ms. Byrd said she hoped someone from the Fire Department would come and review the matter again since the problems have not been eliminated. Ms. Byrd invited the Trustees to view the interior of the building at 10 Main Street, adding having the support of the Board and Village Manager would be appreciated in getting the problems rectified.

On a different matter, Ms. Byrd told the Board about a parking ticket she recently received for parking while the winter parking ban in the village was in effect, but there were no signs posted announcing the ban. A disabled veteran flag is displayed in her car window. Ms. Byrd said she asked about the one hour parking limit on Main Street in the village center and the police confirmed it is a law that is not enforced. Ms. Byrd said she urged the police to enforce the law because parking is limited in the area and abuse of the limit does impact the success of businesses on Main Street. Ms. Byrd also urged clearly posting parking signs and parking ban signs. Larry Yandow noted there are signs regarding the parking ban at the entrances to the village. Also, information on the parking ban is published in the local newspaper. John Lajza stated it is difficult to post parking signs on all streets in the village. Ms. Byrd suggested in the downtown area signs about the winter parking ban be installed. All rental units should have parking provide for them. Steve Eustis suggested the \$5 fine for parking serves as an educational component. Mr. Byrd interjected the fine is not the issue, but rather the principle of the matter. Not enough signs are posted and people are not directly notified (mailing). Charles Safford suggested the Trustees discuss the matter further at their next retreat. Ms. Byrd suggested more signs be posted on Main Street as a start. Mr. Safford mentioned the concern of having too many signs and creating a “forest of metal signs” which will impact the aesthetics of the downtown area.

Land Development Code Amendments and Public Hearing Warning

MOTION by Peter Gustafson, SECOND by John Lajza, to approve amendment of the Land Development Code to include change of all reference in the Code from ‘Public Works Director’ to “Public Works Superintendent” to reflect the current job title of the position, change the reference in Section 714.K (signs) to include new zoning districts that will allow internally illuminated signs, and amendment of the

districts that will allow telecommunications facilities in accordance with the districts agreed upon by the Planning Commission (see Use Chart), and further to warn a public hearing on the amendments for 3/13/07.

DISCUSSION: Steve Eustis commented positively on the amendments.
VOTING: 4 ayes; motion carried.

FY08 Budget Adoption

MOTION by Tim Jerman, **SECOND** by John Lajza, to adopt the FY08 operating budgets as follow:

General Fund	\$2,712,923
Water Fund	\$2,430,235
Wastewater Fund	\$1,110,871
Sanitation Fund	\$ 373,973

VOTING: 4 ayes; motion carried.

Capital Plan Adoption

MOTION by John Lajza, **SECOND** by Peter Gustafson, to adopt the capital plans for the General Fund, Water Fund, Sanitation Fund, and Wastewater Fund as presented, and further, to adopt the Equipment Replacement Fund and Schedule as presented. **VOTING:** 4 ayes; motion carried.

Certificate of Highway Mileage

MOTION by Peter Gustafson, **SECOND** by John Lajza, to approve the 2007 Certificate of Highway Mileage totaling 35.26 miles

DISCUSSION: It was noted 1.286 miles were added to the village in the past year.

VOTING: 4 ayes; motion carried.

Skateboard Park Development Application

MOTION by Tim Jerman, **SECOND** by Peter Gustafson, to authorize the Village Manager to sign the Essex Junction Development Application to construct a skateboard park at Maple Street Park and to waive the permit fees.

DISCUSSION: Tim Jerman mentioned the joint effort of villagers and townspeople in making the skate park a reality.

VOTING: 4 ayes; motion carried.

Street Banner Applications

MOTION by John Lajza, **SECOND** by Peter Gustafson, to approve the following street banner applications for events in 2007 held at the fairgrounds:

Everything Equine	April 28-29
Spring Craft Show	May 5-6
Memorial Day Parade	May 26
Balloon & Music Festival	June 1-3
Essex Jct. Block Party & Street Dance	July 21
86 th Champlain Valley Fair	August 25-September 3
NSRA Street Rod Nationals	September 21-23

Everything Sports
Fall Craft Show
VOTING: 4 ayes; motion carried.

October 19-21
October 26-28

Approve Minutes

January 23, 2007 – Regular Meeting

MOTION by Peter Gustafson, SECOND by John Lajza, to approve the 1/23/07 minutes as written.

DISCUSSION: Comment was made that the minutes contain a good summary of recent discussions about the regional landfill.

VOTING: 4 ayes; motion carried.

Approve Bill Lists

MOTION by Tim Jerman, SECOND by John Lajza, to approve the bill list, dated 2/13/07, with checks #10033399 through check #10033510 for the amount of \$81,796.58. VOTING: 4 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed the correspondence received. Larry Yandow affirmed discussion of next steps for the Village following defeat of the merger vote will resume. John Lajza stressed the public needs to be fully informed of the entire financial picture between the village and town. The welfare and support of the village is paramount.

5. EXECUTIVE SESSION

MOTION by John Lajza, SECOND by Larry Yandow, to go into Executive Session to discuss real estate and personnel matters. VOTING: 4 ayes; motion carried.

The Board convened Executive Session at 8:35 p.m.

MOTION by Peter Gustafson, SECOND by Tim Jerman, to adjourn Executive Session and reconvene the regular meeting. VOTING: 4 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 9:04 p.m.

ACTION FROM EXECUTIVE SESSION

MOTION by Larry Yandow, SECOND by John Lajza, to accept the “stipulation” in the matter of Village of Essex Junction vs. Norman Ray Heath. VOTING: 4 ayes; motion carried.

6. ADJOURNMENT

MOTION by John Lajza, SECOND by Tim Jerman, to adjourn the meeting. VOTING: 4 ayes; motion carried.

The meeting was adjourned at 9:10 p.m.

Minutes respectfully submitted by M.E.Riordan, Recording Secretary.

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
February 27, 2007**

BOARD OF TRUSTEES: Deb Billado, Tim Jerman, John Lajza, Peter Gustafson.
(Larry Yandow was absent.)

ADMINISTRATION: Charles Safford, Village Manager.

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

In the absence of Village President, Larry Yandow, Trustee Deb Billado called the meeting to order at 7 p.m. and led the assemblage in the Pledge of Allegiance.

2. AUDIENCE

None.

3. BUSINESS

Chittenden County Regional Planning Commission (CCRPC)

Julie Potter and Dan Senecal-Albrecht with CCRPC addressed the Board of Trustees. Dan Senecal-Albrecht reviewed the panel signs for the Lake Champlain Byway. Essex Junction is included in the Chittenden County corridor because of the railroad station.

The following locations of the interpretive panels were discussed: Gate A at the Champlain Valley Exposition (CVE), exterior of the train station building, Maple Street Park pool building, and by Lincoln Hall. The signs are sturdy and vandalism resistant with a 15-year warranty for UV and weather resistance. Charles Safford mentioned a map of the village will be a panel posted along with the byway panels. The signs will be installed at strategic locations in the village. There was brief discussion of possible locations.

The signs on a pedestal set in the ground can be moved and relocated if necessary. Staff will consult with Sandra Willey concerning the location of the signs within the village and with the Public Works Supervisor on the specific mounting of the sign pedestal.

A grant for \$112,000 was received for the byway program to be used to inform people about byways and of the resources in the area of a byway. The grant will pay for the web site, brochures, signs, short range AM informational radio transmitters providing an oral history of an area, resources, wildlife, and other points of interest. Mr. Senecal-Albrecht showed a kiosk with a multi-panel display. Wayfinding signs like those used on the Connecticut River Byway show interpretive panels, all with the purpose of providing a seamless experience to finding and visiting places on a byway. The Lake Champlain Byway is now 70 miles long, linked to Canada and going nearly completely around Lake Champlain. Nationally designated byways in New York State are trying to replicate information at all stops along the byway to create consistency. Mr. Senecal-Albrecht mentioned the byway steering committee which will be established and will include one appointed staff member and one resident from each town through which the byway passes. The Board of Trustees received a draft agreement about the installation, ownership, and maintenance of the panel signs. Discussion followed about the potential useful life of the signs (10 to 15 years) and the cost. The average cost of each panel is \$600. The pedestals are \$150 to \$200 each.

MOTION by John Lajza, SECOND by Tim Jerman, to appoint Jeff Arango, Village Development Director, to the byways committee for two years and to instruct Mr. Arango to identify a citizen member. VOTING: 4 ayes; motion carried.

Dan Senecal –Albrecht gave a brief update on the progress of the Quad-Centennial of Lake Champlain.

Julie Potter briefed the Board of Trustees on the grant from the U.S. Environmental Protection Agency (EPA) for the Brownsfield Program which will provide free, voluntary technical assistance to property owners and developers who suspect they may have petroleum contaminates on their property. Per the law, the current property owner is responsible for the clean-up even if they did not cause the contamination. The goal of the Brownsfields Project is to help vacant or underutilize properties become productive again. The program can hire qualified consultants to conduct environmental studies of a property, identify the nature and location of the contamination, and develop a clean-up plan, including cost estimates. Eighty percent of contaminated sites that have been cleaned up have received reimbursement from the Petroleum Clean-Up Fund. Benefits to the community include the redevelopment of private and public properties that are abandoned or idle. Both commercial and residential properties are included for consideration in the program.

On a different issue, John Lajza mentioned the need to inform all regional planners of the issue of locating a town office center and the importance of keeping government offices in the core of a municipality to keep it vibrant. Julie Potter will mention the matter to the Executive Director of the Regional Planning Commission.

Adopt Warning for Annual Village Meeting

MOTION by John Lajza, SECOND by Peter Gustafson, to adopt the warning for the annual meeting on April 4 -5, 2007 as presented. VOTING: 4 ayes; motion carried.

Leachate Agreements

MOTION by John Lajza, SECOND by Tim Jerman, to approve the leachate treatment agreements with the Chittenden Solid Waste District and Burlington Transfer Station as presented. VOTING: 4 ayes; motion carried.

Vermont Stormwater Management Grant

MOTION by Peter Gustafson, SECOND by John Lajza, to approve the Vermont Financial Assistance Program for Stormwater Management Local Community Implementation Fund Grant for \$6,315 to purchase a computer for asset management and storm drain markers. VOTING: 4 ayes; motion carried.

Abatement Requests

MOTION by Deb Billado, SECOND by John Lajza, to discharge interest of \$14.52 charged to Gloria Yandow, bookkeeper for the City of South Burlington. VOTING: 4 ayes; motion carried.

MOTION by Peter Gustafson, SECOND by John Lajza, to discharge the cost for signage of \$47.60 charged to Rick LeBlanc. VOTING: 4 ayes; motion carried.

Tax Stabilization Policy Amendments

MOTION by John Lajza, SECOND by Deb Billado, to approve the amendments to the Commercial Tax Stabilization Policy as presented and with the further correction to the following statement to read: "All property tax stabilization agreements must be approved by December 31st to be eligible for tax stabilization the following fiscal year in order to allow the municipality to recognize the tax stabilization in its budget." VOTING: 4 ayes; motion carried.

Approve Minutes

MOTION by John Lajza, SECOND by Peter Gustafson, to approve the February 13, 2007 minutes as written. VOTING: 3 ayes; 1 abstention (Deb Billado); motion carried.

Approve Bill List

MOTION by Tim Jerman, SECOND by John Lajza, to approve the bill list, dated February 27, 2007, for checks #10033511 through check #10033583 in the amount of \$194,604.75. VOTING: 4 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed the correspondence received.

Kudos for Sports Teams

Peter Gustafson announced the Essex Girls Hockey Team defeated BFA-St.Albans to take the State Hockey title. For the past five years, BFA has held the state title. Also, the Essex Boys Hockey Team beat the undefeated Rutland team in double over-time to win the State title. Essex has retained the Boys State Hockey title for two consecutive years now. Kudos to both teams and the coaches. Additionally, the ADL boys and girls basketball teams won their basketball tournament.

Joint Work Session with the Planning Commission

The Board of Trustees scheduled a work session with the Planning Commission on April 17, 2007.

5. EXECUTIVE SESSION

MOTION by Peter Gustafson, SECOND by Tim Jerman, to go into Executive Session to discuss personnel matters. VOTING: 4 ayes; motion carried.

The Board convened Executive Session at 8:20 p.m.

MOTION by Peter Gustafson, SECOND by Tim Jerman, to adjourn Executive Session and reconvene the regular meeting. VOTING: 4 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 8:40 p.m.

6. ADJOURNMENT

MOTION by John Lajza, SECOND by Tim Jerman, to adjourn the meeting. VOTING: 4 ayes; motion carried.

The meeting was adjourned at 8:42 p.m.

Minutes respectfully submitted by M.E.Riordan, Recording Secretary.

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
March 13, 2007**

BOARD OF TRUSTEES: Larry Yandow (Village President); Deb Billado, Tim Jerman, Peter Gustafson. (John Lajza was absent.)
ADMINISTRATION: Charles Safford, Village Manager.

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Village President, Larry Yandow, called the meeting to order at 7 p.m. and led the assemblage in the Pledge of Allegiance.

2. AUDIENCE

Next Steps After Failed Merger Vote

Marla Durham, village resident, asked for an update from the Board on the plan now that the merger vote has occurred and was voted in the negative. Larry Yandow stated that as a board there has not been discussion as yet. Ms. Durham noted the concern the tax payment from IBM is phasing out, and that a financial outlook for the next ten years for the village is needed. Charles Safford stated generally the Village tax rate increases two cents per year, but any increase is dependent on the desire of the voters and mandates from state and federal government. Half of the tax increase in the village is due to inflation and half is due to the phase down of the IBM subsidy. Deb Billado noted there are charts and projections available. The Village Annual Report shows the proposed budget and warning as well as the projected Grand List and the decline of the IBM subsidy. Ms. Durham expressed her pro merger views and stated it does not seem fair the law will not allow the Village to separate from the Town if the Town does not want to merge. Ms. Durham urged leadership from elected officials on the matter so the community can move forward. Larry Yandow stated the Trustees plan to hold a retreat to develop a plan of action. Tim Jerman noted there is a draft bill in the Legislature to allow a municipality to independently and unilaterally decide their future. There is also a bill addressing the re-vote statute (the threshold is very low). Peter Gustafson interjected allowing five percent of the community membership to force a re-vote is not right; the threshold needs to be increased. Marla Durham suggested the Board hold focus forums now while people are available so a consensus can be determined. Ms. Durham mentioned amending the budget at the Annual Meeting to include funds to pursue the matter.

Larry Yandow noted he has received many comments from the public while at the bake shop. Many people are afraid to talk at meetings. The Trustees are always available to hear comments from the community. Ms. Durham urged informing the public of the facts of the situation and the impact on the tax rate over the next 10 years so people can understand and give the Trustees feedback. Larry Yandow stressed the Board tries to remain neutral on the matter and listen to the opinions of the citizens.

Peter Gustafson related his experience with people still being confused about the merger vote, not realizing the recent merger vote pertained to the municipalities, not the schools. The public needs to be clearly informed about the upcoming school merger vote in November, 2007.

There was mention of the new town municipal building and that the issue is as much a village issue as it is a town issue.

George Boucher, village resident, observed with the change in the town's governing officials there will likely be changes. Mr. Boucher opined there is a communication gap in the village. The merger vote had 577 villagers voting and exactly twice that number (1154) of townspeople voting. The village continues to be unfairly taxed, stressed Mr. Boucher. Over 100 years ago, the Village had no choice to incorporate in order to have the services wanted by the residents. At the time the townspeople did not want the services and did not want to pay for services received only by people living in the village limits. Now the town is providing the same services to town residents, but villagers are paying for the services received by residents of the town. The situation needs to be rectified once and for all. Changes to the law are needed. Mr. Boucher offered some seed money to get the process started. Deb Billado mentioned Representatives Tim Jerman and Peter Hunt are the only exclusively village representatives in the Legislature. The majority of the lawmakers are from cities and towns within the state, and these individuals are not excited about legislation that could negatively impact their municipalities. Time is needed to see if the Trustees can work with the Essex Selectboard on a new plan, stated Ms. Billado.

Tim Jerman stated in order for a change in the law, the lawmakers (Legislature) have to be convinced there is a systemic, long term legal problem with the law that has to be corrected. The issue is greater than Essex Junction versus the Town of Essex.

3. BUSINESS

Countryside Sign Request

Gail Connors and Julie Miller Johnson, Co-Presidents of the Countryside Homeowners Association, requested permission to install a sign and landscaping on the median on Countryside Drive. Charles Safford noted the draft Memorandum of Understanding states the Countryside Homeowners Association will have no permanent rights to the Village right-of-way and an insured professional landscaper must be hired to do and maintain the landscaping. As well, the Village must be named as "additional insured". According to the Public Works Supervisor, top soil and seeding the area has not been successful in the past so bark mulch is suggested. Julie Miller Johnson noted the work to be done at the end of the median will be done by a professional landscaping, not residents of the neighborhood. There was mention of removing the median. Charles Safford stated there are multiple accesses to the neighborhood so the median could be removed and the street narrowed to the standard width. Gail Connors agreed there are two other accesses to the 250 house development, but the majority of the residents use the main entrance so the median should remain. Ms. Miller Johnson noted the residents would like to landscape the entire median; the residents want a green median. Charles Safford stated

per the MOU anything can be done that is not a visual impediment to drivers. Gail Connors asked about working in partnership with the Village on the project and sharing the cost. Larry Yandow stated the Board is cautious about setting a precedent with such arrangements. The Village would be inundated with similar requests from other neighborhoods in the community. Charles Safford mentioned moving the crosswalk to connect the sidewalk and fixing the curb to the median will be done by the Village road crew.

MOTION by Peter Gustafson, SECOND by Deb Billado, to accept the proposed Memorandum of Understanding between the Village of Essex Junction and the Countryside Homeowners Association as drafted (i.e. no permanent right to the village right-of-way and contracting with an insured professional landscaper for the work in the median), and to instruct the road crew to move the crosswalk and do the curb work before work occurs in the median VOTING: 4 ayes; motion carried.

Public Hearing re: Land Development Code Amendments

Larry Yandow opened the public hearing. Jeff Arango, Village Development Director, highlighted the amendments in the Code dealing mainly with the commercial district in the village center and zoning changes on Pearl Street and Lincoln Street. Phil Kolvoord, village resident, commended staff and the Trustees for their efforts with the merger vote. Regarding the zoning map, Mr. Kolvoord mentioned the land he owns at the end of Lincoln Street (the land was previously a construction site). There is no sewer service to the property. The proposed uses in the Use Chart require sewer service. Mr. Kolvoord did not object to the proposed uses, but requested the present use be allowed to continue until sewer service is available to the parcel. Jeff Arango clarified the intent of the overlay district allows the uses on the property to continue. There were no further comments. The public hearing was closed. The consensus of the Board is to instruct staff to warn adoption of the Land Development Code at the meeting on March 27, 2007.

Village Plan Update

Jeff Arango reviewed the schedule for update of the Village Plan. Staff will begin compiling data and developing drafts for review. October, 2007 is the targeted public hearing date on the update. Larry Yandow asked if the issue with the cul-de-sac on Athens Drive will be addressed. Mr. Arango stated in the Code amendments the regulations give the Planning Commission authority to require two connections and restrict access on one of the connections.

WWTF Truck Bid

MOTION by Tim Jerman, SECOND by Peter Gustafson, to accept the bid from Heritage Ford for \$24,683 as the low bidder. VOTING: 4 ayes; motion carried.

Stormwater Mitigation Project Grant Agreements

MOTION by Deb Billado, SECOND by Tim Jerman, to approve the stormwater mitigation grant for a pipeline jetter at a cost not to exceed \$350,000 as presented, and to approve the stormwater mitigation grant for the Fairview Farms stormwater

facility improvements at a cost not to exceed \$199,500 as presented. VOTING: 4 ayes; motion carried.

Resolution for Public Works Department

The Board recognized the efforts by the Street Department during the blizzard on 2/14/07. Charles Safford commended the schools for their cooperation and patience in closing the schools so the sidewalks could be cleared and the safety of the schoolchildren secured. There are 30 miles of sidewalk to be plowed in the village. The Board signed the resolution as drafted.

Public Streets Ordinance Amendment

MOTION by Peter Gustafson, SECOND by Deb Billado, to approve the amendment to Chapter 2 of the Municipal code, General Regulation of Public Streets, to prohibit access to municipal utility infrastructure without permission as presented:

SECTION 202:

(a) No person shall throw or put, or cause to be thrown or put, snow or ice in any street, road, park or public ground without first having secured permission of the Public Works [Director] Superintendent or his designee.

(b) No person shall sprinkle any salt, or chloride in any street, road, park or public ground without first having secured permission of the Public Works [Director] Superintendent or his designee.

(c) No person shall slide on a sled or sleigh in any street, road, walk, lane, or alley.

SECTION 205:

(a) Any person or firm desiring to excavate within the public right-of-way shall be required to submit a completed Village of Essex Junction Excavation Permit accompanied by a certificate of insurance demonstrating \$1 million of commercial general liability insurance naming the Village of Essex Junction as an additional insured.

(b) No person or firm shall excavate within a public right-of-way for construction without first having obtained an approved Village of Essex Junction Excavation Permit signed by the Public Works [Director] Superintendent or his/her designee.

(c) No person or firm shall close or otherwise obstruct a public right-of-way for construction or the storage of equipment and/or construction related material without first having obtained approval of the Public Works [Director] Superintendent or his/her designee.

(d) The Village Manager, Public Works Superintendent or his/her designee, or the Essex Police Department to reserve the right to rescind any permission to close, obstruct or excavate within a public right-of-way without advance notice if the public interest and/or safety so requires.

SECTION 206:

(a) No person shall operate Village of Essex Junction water system infrastructure (i.e., main line water valves, home service curb stops, fire hydrant gate valves, fire hydrants, etc.) without permission of the Public Works Superintendent or his/her designee.

(b) No person shall open covers to sewer manholes, water system valves or catch basins without permission of the Public Works Superintendent or his/her designee.

(c) The Public Works Superintendent, Water Quality Superintendent, Village Manager or the Essex Police Department reserve the right to rescind any permission authorized under this section without notice if the public interest and/or safety so requires. The Village Manager may authorize the Essex Police to issue a notice of trespass. A notice of trespass may be appealed to the Village Trustees.

SECTION [206] 207:

No person shall close or obstruct a public right-of-way ...

SECTION [207] 208:

No event, parade, procession, gathering or demonstration ...

SECTION [208] 209.

No recreational equipment ...

[SECTION 209: RIGHT TO RESCIND

The Village Manager, Public Works Director or his/her designee, or the Essex Police Department to reserve the right to rescind any permission to close, obstruct or excavate within a public right-of-way without advance notice if the public interest and/or safety so requires.]

SECTION 210: APPEAL

A decision of the Public Works [Director] Superintendent, Village Manager or Essex Police Chief may be appealed in writing to the Essex Junction Village Trustees, c/o Village Manager, 2 Lincoln Street, Essex Junction, VT 05452, whose decision shall be final.

VOTING: 4 ayes; motion carried.

General Fund Capital Plan Amendment

MOTION by Peter Gustafson, SECOND by Deb Billado, to approve amendment of the General Fund Capital Fund from \$30,000 to \$68,000 for replacement of boilers in Lincoln Hall, and further, to waive the bid process to allow the Village Manager to award a contract to Pella Windows for \$16,397 to replace windows as recommended in Lincoln Hall to increase energy efficiency. VOTING: 4 ayes; motion carried.

Street Vending Permit Application

MOTION by Tim Jerman, SECOND by Peter Gustafson, to approve the street vending permit application for "The Ice Cream Man, LLC". VOTING: 4 ayes; motion carried.

Approve Minutes

MOTION by Deb Billado, SECOND by Tim Jerman, to approve the February 27, 2007 minutes as written. VOTING: 3 ayes; 1 abstention (Larry Yandow); motion carried.

Approve Bill List

MOTION by Deb Billado, SECOND by Tim Jerman, to approve the bill list, dated March 13, 2007, for checks #10033584 through check #10033665 in the amount of \$137,653.08. VOTING: 4 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed the correspondence received.

Bernadette Howard

The contribution and many years of service at the Brownell Library by Bernadette Howard were recognized.

5. EXECUTIVE SESSION

MOTION by Larry Yandow, SECOND by Peter Gustafson, to go into Executive Session to discuss personnel matters. VOTING: 4 ayes; motion carried.

The Board convened Executive Session at 8:45 p.m.

MOTION by Peter Gustafson, SECOND by Tim Jerman, to adjourn Executive Session and reconvene the regular meeting. VOTING: 4 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 9:20 p.m.

6. ADJOURNMENT

MOTION by Deb Billado, SECOND by Tim Jerman, to adjourn the meeting. VOTING: 4 ayes; motion carried.

The meeting was adjourned at 9:22 p.m.

Minutes respectfully submitted by M.E.Riordan, Recording Secretary.

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
March 27, 2007**

BOARD OF TRUSTEES: Larry Yandow (Village President); Deb Billado, Tim Jerman, Peter Gustafson. (John Lajza was absent.)
ADMINISTRATION: Charles Safford, Village Manager.

EXECUTIVE SESSION

The board met in Executive Session prior to the regular meeting to discuss personnel matters.

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Village President, Larry Yandow, called the regular meeting to order at 7 p.m. and led the assemblage in the Pledge of Allegiance.

2. AUDIENCE

Offer to Assist Village

Jeff Carr, resident of Town of Essex outside the village and Vice Chairman of the Essex Selectboard, made an offer in the spirit of cooperation and on behalf of the Essex Selectboard to share the services of Town Manager as needed in the transition of the Village Manager. Mr. Carr read a letter to the Board of Trustees, noting the offer can be long term if necessary. The Essex Selectboard voted unanimously in support of the offer and is willing to speak to the Board of the Trustees further on this matter and other issues. Mr. Carr stressed the offer is an honest offer to help.

Tim Jerman stated the Board appreciates the offer being there, especially as the village goes through the process of finding a replacement for the Village Manager. Jeff Carr commented on how both boards worked together on the merger issue for over a year and both entities have an interest in continued cooperation for the betterment of the citizens.

George Tyler, village resident, affirmed the offer is sincere from the Essex Selectboard based on discussion held at the last Selectboard meeting. Mr. Tyler said he witnessed cooperation between the two boards when working on the merger issue. The decision in November by the voters in the town outside the village was very clear against merger. Mr. Tyler opined it needs to be concluded the merger as an option is over for now. The matter may be revived in the future. Mr. Tyler felt due to misinformation that was circulated, there may be issues of trust to deal with as well. Dialogue is needed on what options are available that will be acceptable to the entire community. Mr. Tyler urged continuing the spirit of cooperation, but cautioned against pursuing the merger route at this time.

Willis Racht, village resident, emphatically stated the merger is dead. Mr. Racht pointed out Essex Junction has had a financial advantage over the town for many years, but now it appears the town has a financial advantage. Mr. Racht suggested progress could be

made if both the village and town sat at the table as independents, not adversaries. Mr. Racht urged considering independence as this will help future discussions.

Allison Wermer, village resident, echoed the comments by Mr. Tyler. Ms. Wermer asked about a part-time Village Manager. Charles Safford pointed out there are many projects going on in the village which require a full time manager. Whatever the Board of Trustees decides will be in the best interest of the village residents.

Steve Eustis thanked Jeff Carr and the Essex Selectboard for the offer, observing it is always beneficial to have dialogue. Mr. Eustis cited other examples of cooperation between the town and village relating to the fire departments, but felt from a management point of view this may not be the best time to share managerial duties. Mr. Eustis spoke in support of an independent manager position, not a shared one. Mr. Eustis said he concurs with the comments by George Tyler.

Marla Durham, village resident, expressed annoyance at continuing the status quo and spoke against accepting the Town's offer. Ms. Durham felt there is bitterness and issues to be resolved. Ms. Durham stated she is not political and would like to have the ability to look at other options. Marla Durham strongly urged having a separate village manager, adding if the Town of Essex can afford to make the offer to share the services of their manager, perhaps taxpayers have been overpaying for these services over the years. Tax equity and eliminating the highway tax is a better example of cooperation than saving \$50,000 a year in salary cost. The Village has a quality product and Ms. Durham said she does not want to lose the service. Taking the offer will cause bitterness and will be a slap in the face to taxpayers, stressed Ms. Durham. Jeff Carr stated there was significant discussion with senior management in the town administration about the offer. The offer is viewed as a 60 to 90 day offer. If the offer is accepted some town activities will be put on hold temporarily. There will be significant sacrifice on the town's management objectives in order to fulfill the offer. Additionally, if the offer becomes long term, further adjustments will have to be made. Mr. Carr emphasized the town does not have a bloated administration at the top, but is simply making an offer to help at significant sacrifice.

George Boucher, village resident, stated he worked on the merger committee and tried cooperation to get the merger passed. Mr. Boucher acknowledged Essex Junction is handicapped by town taxes. The village taxpayer is paying two sets of taxes. Business owners in the village are paying two sets of taxes, but despite this are doing well. If the tax fairness obstacle is removed businesses will do even better. Tax fairness is needed to decrease the handicap. Mr. Boucher felt the Village and Town cannot merge unless they are equal. Mr. Boucher said he is willing to try for independence again, but does not want to lose the identity of the Village. Bigger is not always better, and the bigger you are the more it will cost, observed Mr. Boucher. The Village is always being challenged and intruded on by an outside entity. Mr. Boucher mentioned the sign for "Essex High School" on Main Street is bothersome since the Village built and paid for the high school, but now it appears to be a town entity. The school system should be informed. Mr. Boucher reiterated the villagers want to be a community and treated fairly, and if the tax

situation can be corrected, then discussion with the Town can continue. The loss of the village's senior bus to the town was mentioned. Mr. Boucher said he does not want to lose the Fire Station or the Fire Department as well. Mr. Boucher said he is willing to work together, but it is the people who count, not boundary lines. The Village and Town can and have worked together, but it must be fair.

Kudos to Charles Safford

Phil Kolvoord, town resident, gave Charles Safford accolades for his service as Village Manager. Larry Yandow announced there will be a celebration for Charles Safford at the annual meeting on April 4, 2007 at 6 pm. at the High School. Mr. Yandow stated Charles Safford has been a fantastic asset to the Board of Trustees and the Village of Essex Junction. Charles Safford stated it has been an honor to serve the Board of Trustees, the Village staff, and the people of the community.

3. BUSINESS

Adoption of Land Development Code Amendments

Phil Kolvoord stated the initial zoning proposal was acceptable, but this changed in a subsequent Planning Commission meeting and the revision creates a hardship for the property. There is no sewer or water service to the parcel. In order to bring in these services there must be the development density. The land was purchased in the 1970s and has been a construction site ever since. Sherwin Electric is on the adjacent property and would not be allowed under the new zoning regulations. Jeff Arango, Village Development Director, assured the Planning Commission is always willing to re-examine items in the Code. The zoning change on the property under discussion will lower the density, but development could still be as dense as that of Highland Village. There are no proposals for development of the property presently so there is no sufficient reason to delay the revisions to the Code that the Planning Commission has been working on for the past year. Again, the Planning Commission is always willing to discuss the Code and potential changes.

Steve Eustis suggested the proposed amendments be adopted, and the Planning Commission be asked to work further on Mr. Kolvoord's request. If appropriate, further changes can be made at a future date. Jeff Arango confirmed property owners can approach the Planning Commission on a change at any time. Phil Kolvoord stressed he would want his request seriously considered by the Board of Trustees and the Planning Commission. Jeff Arango stated 15 units per acre are not insignificant, and without an application in process, there is no way of knowing whether the density is workable or not. Mr. Kolvoord questioned why the density was changed in the first place, and also mentioned his discussion about the Village extending the water and sewer lines (there is no development to warrant extending the utilities).

The Board of Trustees discussed the request by Mr. Kolvoord regarding the zoning change, and the consensus is to approve the proposed changes as presented and give good consideration to Mr. Kolvoord's request if/when it is brought forth.

MOTION by Deb Billado, SECOND by Tim Jerman, to accept the changes to the Land Development Code as proposed by the Planning Commission VOTING: 4 ayes; motion carried.

Essex Junction Redevelopment Project Agreement

MOTION by Peter Gustafson, SECOND by Deb Billado, to approve and sign the agreement between Richard Whittlesey and the Village of Essex Junction concerning coordination of construction activities with the Essex Junction Redevelopment project and hotel development as presented. VOTING: 4 ayes; motion carried.

Rescue-Pumper Bid Process

Essex Junction Fire Chief, Chris Gaboriault, presented the request for a new rescue-pumper truck. With the purchase of the new truck, two older pieces of apparatus will be removed from the fleet. The cost of the new truck is approximately \$400,000. The two older trucks will be sold for \$95,000, and \$355,000 will be used from the Rolling Stock Fund to purchase the new equipment. The Town of Essex Fire Department is purchasing a rescue-pumper truck. The two fire departments are working cooperatively on a specific package for both vehicles. The trucks will be purchased individually, but with a discount due to a multi-truck purchase. Chief Gaboriault briefly reviewed the specialized equipment on the proposed rescue-pumper truck. Deb Billado questioned if the Village is providing redundancy to the town's equipment, and observed both municipalities will be spending a significant amount of money for the same trucks but the Village will pay for the village truck plus a portion of the town truck (a total of approximately \$600,000 to the town's cost of \$450,000). Also, both vehicles will be due for replacement at the same time. Chief Gaboriault said the Town tries to replace a fire truck every five years, but for the Village, the replacements are based on purchases made in the late 1980s, early 1990s. In 2011, the ladder truck will need to be replaced at a cost ranging from \$800,000 to nearly \$1 million. If the purchase of the rescue-pumper truck is postponed, the equipment cost will have to be added to future purchases. Charles Safford noted money for the fire truck is set aside and scheduled in the Rolling Stock Fund so the Village will not need to borrow or bond for the truck.

Larry Yandow asked about budget increases to be anticipated in the next two to three years to cover fire equipment needs. Charles Safford stated two and a half cents on the tax rate are added for the Rolling Stock Fund to cover equipment for the Village. If the prices are not accurate or need to be upgraded, then discussion is needed on how to address this in the Rolling Stock Fund.

Deb Billado asked if a new truck is needed if the Town already has one and there is mutual aid in place. Chief Gaboriault explained the Village needs the truck to provide a water supply at the scene of a fire. ISO requires a certain amount of pumping capacity. Deb Billado also asks if all fire departments work collaboratively with regard to available equipment. Chief Gaboriault conceded more resources could be shared, but some communities choose to focus on their jurisdiction. Essex Junction is receiving a grant from Homeland Security for fit testing of self contained breathing apparatus, and it must

be shown the equipment can be shared in order to secure the grant. There is a working relationship among the area fire departments. Tim Jerman asked if the Village is subsidizing other communities, for example, are certain towns choosing not to budget for equipment because they know the next community has one. Charles Safford stated in the past this has been the case, but as communities have grown they have secured their own equipment. Chief Gaboriault stated the Village's heavy rescue vehicle was heavily used by surrounding communities in the past, but now most communities have their own vehicles and carry their own hydraulics so the Village's truck is no longer needed.

Municipal Project Manager

MOTION by Deb Billado, SECOND by Tim Jerman, to appoint Patricia Benoit as the Essex Junction Redevelopment Project Municipal Manager until a new Village Manager is hired. VOTING: 4 ayes; motion carried.

Street Banner Application

MOTION by Deb Billado, SECOND by Tim Jerman, to approve the street banner applications for the following event at the Champlain Valley Exposition (CVE): Vermont Quilt Festival on June 29-July 1, 2007 and Circus Smirkus on July 6-8, 2007. VOTING: 4 ayes; motion carried.

Annual Town Highway Financial Plan

MOTION by Larry Yandow, SECOND by Peter Gustafson, to approve and sign the Essex Junction Annual Financial Plan – Town Highways in accordance with 19VSA§306(e). VOTING: 4 ayes; motion carried.

Approve Minutes

MOTION by Deb Billado, SECOND by Tim Jerman, to approve the March 13, 2007 minutes as written. VOTING: 4 ayes; motion carried.

Approve Bill List

MOTION by Tim Jerman, SECOND by Deb Billado, to approve the bill list, dated March 27, 2007, for checks #10033666 through check #10033743 in the amount of \$227,689.27. VOTING: 4 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

Letter from the Essex Selectboard

The Board discussed the offer to share the Town Manager's services. The consensus of the Board is Patty Benoit, with the support of the Board and with assistance from Charles Safford, as needed, is competent to maintain the daily operation of the Village until a new Village Manager is hired. The Board of Trustees noted their gratitude for the effort by Jeff Carr to present the offer from the Town of Essex Selectboard. A letter of thanks for the offer will be sent by the Board of Trustees to the Essex Selectboard.

MOTION by Deb Billado, SECOND by Peter Gustafson, to accept Patty Benoit as Administrative Assistant in absence of a Village Manager until such time as a new Village Manager is hired, and further, to have Patty Benoit serve as the authorized

agent subject to the necessary approval by the Board of Trustees. **VOTING: 4 ayes; motion carried.**

MOTION by Deb Billado, SECOND by Tim Jerman, to engage the VLCT in the process of hiring a new Village Manager.

DISCUSSION: There was brief discussion of the burden being on the Board of Trustees to make the decision as expediently as possible.
VOTING: 4 ayes; motion carried.

5. EXECUTIVE SESSION

MOTION by Deb Billado, SECOND by Peter Gustafson, to go into Executive Session to discuss legal issues and personnel matters. VOTING: 4 ayes; motion carried.

The Board convened Executive Session at 8:45 p.m.

MOTION by Peter Gustafson, SECOND by Tim Jerman, to adjourn Executive Session and reconvene the regular meeting. VOTING: 4 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 9:15 p.m.

ACTION FROM THE EXECUTIVE SESSION

The Board of Trustees accepted Michael Boyer's resignation from the Essex Junction Planning Commission.

6. ADJOURNMENT

MOTION by Deb Billado, SECOND by Tim Jerman, to adjourn the meeting. VOTING: 4 ayes; motion carried.

The meeting was adjourned at 9:20 p.m.

rsec: M.E.Riordan

tsct: JA

**VILLAGE OF ESSEX JUNCTION
ANNUAL MEETING MINUTES
April 4, 2007**

Moderator Steve Eustis welcomed the assemblage to the 114th Annual Meeting of the Village of Essex Junction. Village President, Larry Yandow, led the assemblage in the Pledge of Alliance. Thanks were extended to the Essex Junction Technical Center culinary students for the delicious community dinner preceding the meeting. Attendees enjoyed a cake from Piece of Cake in honor of Charles Safford. Gary Moreau, Director of Music at Albert D. Lawton School along with the ADL Select Chorus sang the National Anthem. President Yandow introduced members of the Board of Trustees (Tim Jerman, Peter Gustafson, John Lajza, and Deb Billado) and members of the Village administration in attendance (Village Manager Charles Safford, Village Clerk Susan McNamara-Hill, Village Accountant Lauren Morrisseau, Village Development Director Jeff Arango, Public Works Superintendent Rick Jones, Water Quality Superintendent Jim Jutras, Village Attorney Dave Barra, Essex Junction Fire Chief Chris Gaboriault, Brownell Library Director Penny Pillsbury, Brownell Library Board Chairwoman Christine Packard, and Marianne Riordan, Recording Secretary).

RECOGNITIONS

Jeff Couture, IBM, accepted a resolution on behalf of the 50th anniversary of IBM in Essex Junction.

Charles Safford was presented with a plaque recognizing 11 years of exemplary service and dedication as the Village Manager of Essex Junction. Mr. Safford accepted a position as the Stowe Town Manager. Villagers in attendance were invited to share their comments about Mr. Safford. George Tyler recalled his interactions with Charles Safford on fiscal matters relative to the Brownell Library and Mr. Safford's perseverance and insistence in maintaining the inflationary increase in the budget. Mary Tewarson presented a memory book to Charles Safford. Penny Pillsbury, Brownell Librarian Director, affirmed Mr. Safford's tenacious perseverance and approach of always wanting to stay on the same book and page. Angie Chapple-Sokol spoke positively of Mr. Safford's good relationship with the Brownell Library and the Library Trustees. Diane Clemens positively affirmed Mr. Safford's level of professionalism and pursuit of continuing education. Dennis Hill recalled one of Charles Safford's favorite phrases: "greater minds than mine". Charles Safford thanked the community, the Board of Trustees, and the Village staff for the honor to serve, wishing everyone the best, and closing with his trademark "keep smiling".

Moderator Eustis called the meeting to order at 7:35 p.m. and explained the procedure to be followed.

ARTICLE 1: Shall the voters act upon the report of the auditor?

MOTION by Chuck Barry, SECOND by George Boucher, to approve Article 1 as read.

DISCUSSION: None.

VOTING: unanimous; motion carried. Article 1 is adopted.

ARTICLE 2: Shall the voters approve the annual General Fund Budget in the amount of \$2,712,923 for fiscal year July 1, 2007 to June 30, 2008 of which \$2,088,692 is to be levied in taxes against the Village Grand List?

MOTION by Ray Weed, SECOND by Chuck Barry, to approve Article 2 as read.

DISCUSSION: George Tyler commended Charles Safford for his professionalism especially while enduring discussions during the recent merger meetings of the possible elimination of the manager's position. Mr. Tyler observed based on the result of the merger votes the communities do not want to go through the merger issue again, but there are some serious financial considerations with the status quo. A plan is needed to get the community back on track. Mr. Tyler suggested the Trustees be provided with 1% of the Village budget to conduct a survey and then hold forums and sustained dialogue with the villagers to determine the next steps. A plan is needed to protect the assets of the village and determine the legal rights of a village versus a town. Additional money in the budget will allow the Trustees to formulate and execute a plan.

AMENDMENT by George Tyler, SECOND by Harold Simpson, to add \$27,000 to the annual General Fund Budget for an amended total of \$2,739,923 of which \$2,115,692 is levied in taxes.

DISCUSSION ON AMENDMENT: Mary Jo Engel spoke in support of continuing dialogue, noting there is acrimony due to failure of merger. The Trustees are credited with carrying on their fiduciary duties for the village. Marla Durham spoke in support of the amendment and continuing communications. Ms. Durham noted the Town had \$200,000 in the town budget for a plan if merger was approved, and volunteered to fund raise should more than \$27,000 be needed by the Trustees. The Board may have to challenge the law at the state level if pursuing tax equity and funds will be needed for this. George Boucher spoke in support of the extra funds as a start (\$50,000 may be a more realistic amount). Mr. Boucher mentioned the tax unfairness to the villagers with status quo, and that the town tax portion of his tax bill has tripled but the services received have not. Sarah Stultz mentioned consideration must be given to the upcoming reappraisal and impact on taxes. Ms. Stultz spoke in support of exploring what the Village needs to do and better communication on what is being done with the money specifically. There was further discussion of the reappraisal. It was noted as the Grand List grows, the tax rate goes down; the same amount of tax revenue is raised. There was also mention of forming an ad hoc committee including members of the Board of Trustees to provide oversight on how the money to develop a plan for next steps will be expended. It was noted the Trustees can establish a holding fund for any money not spent. Harold Simpson spoke of hearing about merger since moving to Essex Junction in 1990 and the numerous failed merger votes, stressing now is the time to give the Trustees the resources to reach out to the community and do what is necessary to end the stalemate.

VOTING ON AMENDMENT TO BUDGET: majority of ayes; motion to amend carried. Article 2 is amended.

CONTINUED DISCUSSION ON ARTICLE 2 AS AMENDED: Steven Wood offered gratitude to Village staff for their good work. Mr. Wood asked about removing the median on the entry road to the Countryside development. Charles Safford stated there is no provision in the budget for this work. Permission was granted by the Trustees to allow the homeowners association to install a sign and do some landscaping in the median (paid for by the homeowners association). There were no further comments.

VOTING: unanimous; motion carried. Article 2 is adopted.

ARTICLE 3: Shall the voters approve holding the 2008 Annual Meeting on Wednesday, April 2, 2008 to act upon any articles not involving voting by Australian ballot and to reconvene on Thursday, April 3, 2008 to vote for the village officers and transact any business involving voting by Australian ballot?

MOTION by George Boucher, **SECOND** by Garrett Langlois, to approve Article 3 as read.

DISCUSSION: None.

VOTING: unanimous; motion carried. Article 3 is adopted.

ARTICLE 4: To transact any other business that may lawfully come before the meeting.

MOTION by Steve Wood, **SECOND** by Marla Durham, to hold discussion on Article 4. **VOTING:** unanimous; motion carried. Discussion on Article 4 ensured.

Steve Wood mentioned sidewalks in the village are a valuable asset and should maintained.

Elaine Sopchak, Brownell Library Trustee, urged attendees to complete the survey on services offered by the Brownell Library.

Larry Yandow urged the public to provide input on how the additional \$27,000 in the budget should be used by the Trustees.

Marla Durham asked for an update on replacement of the Village Manager. Larry Yandow explained the Board is working with the Vermont League of Cities and Towns (VLCT) on a replacement for Charles Safford. August is targeted to fill the position. In the interim, Patty Benoit will handle daily operations of the Village Office and the Trustees will provide necessary support.

Marla Durham announced a small group is meeting informally to discuss solutions for change. All are invited. A list of volunteers for village committees will be given to the Board of Trustees. Ms. Durham also announced openings on the school board and recreation board.

Dave Willey asked for an update on the downtown rehabilitation project, especially in the Five Corners area. Charles Safford reported the Village secured a \$1.5 million downtown revitalization grant to be used for lighting, parking, sidewalks, and landscaping in the Five Corners area. An easement from the railroad company must be secured in order for the project to proceed. Having a grocery store and hotel in the village remain as goals. The owners of the gas station at Five Corners to date have not been interested in selling the property.

Elizabeth Fiaschetti spoke against the change in the Land Development Code with regard to dead-end streets in the village being temporary. Jeff Arango explained the provision has always been in the Code. The amendment allows the Planning Commission to restrict access on a street. Municipalities promote street connection for safety purposes.

John Keene spoke in support of having the village be independent of the town.

Dennis Hill mentioned pavers at Veterans Memorial Park are available for purchase. The cost includes engraving.

Polly Alexander expressed concern about the plan for Park Street that shows parking on both sides of the street and narrowing the street to two lanes. Charles Safford explained the principal property owners on each side of the street requested changes to the parking and roadway to keep the businesses vibrant. Parking is needed in the village, and the Trustees felt traffic flow should not be at the expense of local businesses. Parking on each side of the road constrains traffic flow and alerts drivers they are entering the village. The plans for the street are posted on the Village's website.

Tim Kemerer asked about the response by the Trustees to the Essex Selectboard's offer to share the services of the town manager. Larry Yandow stated a letter of thanks for the offer and an explanation plans are in place to fill the position was sent to the Selectboard. Mr. Kemerer recognized the professionalism and dedication of Charles Safford as the Village Manager, and questioned how the issue of job permanency will be addressed with potential candidates, especially with the Trustees investigating different options for the future. Trustee Deb Billado pointed out the money added to the budget is to educate the community on the value of the village and where to go in the future. Essex Junction will be as stable a community as any other community. Larry Yandow noted VLCT was used to hire Charles Safford, and will work to satisfy the needs of the village in the candidate search. President Yandow expressed his goal to maintain the village as a village forever. Trustee Tim Jerman urged the public to submit their ideas on options for the village, noting the offer from the Town of Essex to help is there if the Village wants to use it.

Garrett Langlois spoke positively of the support from Charles Safford when he was establishing his gaming group in the downtown area. Mr. Langlois also spoke positively of the improvements to the village center. It was suggested the Village website be "spruced up" a bit.

State Representative Tim Jerman gave a brief update on activities in the Legislature. The Government Operations Committee is dealing with a charter issue in South Burlington. There is a bill not yet discussed indicating if merger fails, a village has the unilateral option to be independent. There are merger statutes mandating votes from both municipalities. Rep. Jerman urged the public to voice their position on changing the law so legislators can investigate ways to do this legislatively and judicially. There is a bill on recall votes being based on a small percentage of the population.

Following a vote of the assemblage, Alex McEwing, resident of the Town of Essex (and business owner in the Village), was allowed to make a statement. Mr. McEwing noted he will be moving back to the village in June, 2007. Mr. McEwing explained the request he made to change the parking and traffic flow on Park Street to slow the speed of cars on the street. Regarding the merger vote, merger has been an issue for the past 50 years. The Village needs to have clear representation on the Town of Essex Selectboard.

The following announcements were made:

Memorial Day Parade, May 2007

Annual Village Block Party, July, 2007

Candidate for Village President - Larry Yandow

Candidate for Library Trustee (one vacancy) - Elaine Sopchak

Candidate for Moderator - Steve Eustis

MOTION by Marla Durham, SECOND by Bill Bickford, to adjourn the 114th Annual Meeting of the Village of Essex Junction. VOTING: unanimous; motion carried.

The meeting was adjourned at 8:50 p.m. Voting by Australian ballot will take place on April 5, 2007 from 7 a.m. to 7 p.m. at Albert D. Lawton School.

Minutes Respectfully submitted by M. E. Riordan, Recording Secretary

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
April 10, 2007**

BOARD OF TRUSTEES: Larry Yandow (Village President); John Lajza, Tim Jerman, Peter Gustafson, Deb Billado.
ADMINISTRATION: Patty Benoit, Administrative Assistant.

Prior to the start of the meeting Larry Yandow took the Oath of Office for Village President.

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Village President, Larry Yandow, called the meeting to order at 7 p.m. and led the assemblage in the Pledge of Allegiance.

2. AUDIENCE

George Boucher, Main Street, expressed concern about light pollution from his neighbor's cars since the change in the curb cut in front of the house. The car lights shine on Mr. Boucher's house. There are numerous cars parked in front of the neighbor's house, and the cars come and go at all hours of the day and night, stated Mr. Boucher, adding he is forced to close his window blinds even in the daytime to avoid the light shine. Typically the neighbor has up to four cars parked facing Mr. Boucher's residence. There are at least five cars and sometimes up to eight cars parked on the front lawn and sometimes on the sidewalk, continued Mr. Boucher, and in the winter the cars are started to warm up and the lights shine directly in the windows. Mr. Boucher requested the ordinance be changed so this situation can be avoided for other residents. The neighbor's front lawn is full of mud holes due to the cars. Mr. Boucher stated his intention to install a six foot high fence to protect from the light shine and the snow his neighbor blows onto his property whenever there is a storm. Mr. Boucher said he is a 44 year resident of the village and has had no prior neighbor problems. Attempts have been made to discuss the matter with the neighbor, noted Mr. Boucher, but the neighbor was not receptive. The situation is due to the change in the curb cut and the boarding house type arrangement of all the people residing in the neighbor's house. Mr. Boucher mentioned the past problem with the neighbor's dog which has been resolved.

Trustee Lajza recalled discussions were held with the neighbor about the issues raised by Mr. Boucher, and the neighbor made promises if parking is allowed in the front yard rather than the side yard or the back yard. Staff will research past minutes to determine what transpired and if the conditions are being followed.

3. BUSINESS

Countryside Homeowners Association M.O.U.

Peter Gustafson stated Gail Connors remains concerned about the Village removing the center island in the development. The residents do not want the island removed.

MOTION by Peter Gustafson, SECOND by John Lajza, to accept and sign the Countryside Homeowners Association M.O.U. as presented upon receipt of a Certificate of Insurance showing the landscaper is covered by the Association's insurance. VOTING: 4 ayes [Deb Billado not present for vote]; motion carried.

FY08 Water Fund Budget Amendment

MOTION by John Lajza, SECOND by Tim Jerman, to amend the FY08 Water Fund Budget to \$2,460,028 (increase of \$ 29,793) due to the increase in the wholesale water rate. VOTING: 4 ayes [Deb Billado not present for vote]; motion carried.

FY08 Utility Rates

MOTION by John Lajza, SECOND by Tim Jerman to adopt the Village of Essex Junction water/sewer/sanitation rate schedule as follows:

<u>Fund</u>	<u>Rate</u>	<u>6 mo. (2,000 cf) minimum</u>
Water	0.01869	\$37.38
Sewer	0.01172	\$23.44
Sanitation	<u>0.01124</u>	<u>\$22.48</u>
Total Minimum	0.04165	\$83.30

VOTING: 5 ayes; motion carried.

Municipal Project Manager

MOTION by John Lajza, SECOND by Peter Gustafson, to appoint Jeff Arango as the Municipal Project Manager for the Essex Junction Redevelopment Project and Patty Benoit as his assistant. VOTING: 5 ayes; motion carried.

Patty Benoit briefed the Board on the status of the project. VTrans Right-of-Way Division still has the project under their review. Ten of 14 easements have been secured. The railroad right-of way must still be secured. VTrans is indicating the project will be tight for fall completion (unlikely completion in 2007).

Manager's Job Description

The Board reviewed the draft job description for the Village Manager. The responsibility pertaining to serving as the principal Village liaison with the media was amended with the insertion of "in conjunction with a member of the Board of Trustees" following "with the media..." in the text.

MOTION by Peter Gustafson, SECOND by Tim Jerman, to accept the job description for the Village Manager as amended. VOTING: 5 ayes; motion carried.

Approve Minutes

MOTION by Deb Billado, SECOND by Tim Jerman, to approve the 3/27/07 minutes as written. VOTING: 4 ayes, 1 abstention (Lajza); motion carried.

Approve Bill List

MOTION by Deb Billado, SECOND by Tim Jerman, to approve the bill list, dated April 10, 2007, with checks #10033744 through check #10033813 in the amount of \$61,808.06. VOTING: 5 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

Low Voter Turnout

The Board discussed the issue of low voter turnout as demonstrated at the recent Annual Village elections on April 5, 2007, and potential ways to increase participation. The Board also discussed building a base of volunteers in the village to serve on committees.

VCDP Community Achievement Award

Several Board members and Jeff Arango will accept the award on 4/17/07.

Meeting with the Prudential Committee

The Board reviewed the items proposed for discussion at the joint meeting. There was brief discussion of the Recreation Department and recent personnel changes as well as the relationship with the School Department.

Valentine's Day Blizzard

Patty Benoit noted each spring the Street Department repairs damages by the sidewalk plow.

CSWD Representative from the Village

A letter will be sent to the current CSWD representative from the Village to affirm interest in continuing in the position.

5. EXECUTIVE SESSION

MOTION by Peter Gustafson, SECOND by Deb Billado, to go into Executive Session to discuss legal matters. VOTING: 5 ayes; motion carried.

The Board convened Executive Session at 8:15 p.m.

MOTION by Tim Jerman, SECOND by John Lajza, to adjourn Executive Session and reconvene the regular meeting. VOTING: 5 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 9:44 p.m.

6. ADJOURNMENT

MOTION by Deb Billado, SECOND by Peter Gustafson, to adjourn the meeting. VOTING: 5 ayes; motion carried.

The meeting was adjourned at 9:45 p.m.

Rsec: M.E.Riordan

Tscpt: JA

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
April 24, 2007**

BOARD OF TRUSTEES: Larry Yandow (Village President); John Lajza, Tim Jerman, Peter Gustafson, Deb Billado.

ADMINISTRATION: Patty Benoit, Administrative Assistant.

EXECUTIVE SESSION

The Board met in Executive Session from 6:35 p.m. to 7:10 p.m. to discuss contracts.

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Village President, Larry Yandow, called the regular meeting to order at 7:10 p.m. and led the assemblage in the Pledge of Allegiance.

2. AUDIENCE

None.

3. BUSINESS

Boiler Replacement Bid

MOTION by Deb Billado, SECOND by Tim Jerman, to accept the bid from New England Air Systems, Williston, in the amount of \$22,900 for replacement of the boiler in Lincoln Hall. VOTING: 5 ayes; motion carried.

Five Corners North Drainage Project Bid Award

MOTION by Tim Jerman, SECOND by John Lajza, to discuss the storm water drainage matter in Executive Session at the end of the regular meeting. VOTING: 5 ayes; motion carried.

Approve Minutes

MOTION by Tim Jerman, SECOND by Deb Billado, to approve the 4/10/07 minutes as written. VOTING: 5 ayes; motion carried.

Approve Bill List

MOTION by Tim Jerman, SECOND by Peter Gustafson, to approve the bill list, dated April 24, 2007, with checks #10033815 through check #10033924 in the total amount of \$264,004.90. VOTING: 5 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

Letter to Meier, 149 Main Street

MOTION by Peter Gustafson, SECOND by Deb Billado, to approve and send the letter as drafted to Mr. and Mrs. Meier, 149 Main Street, regarding completion of

landscaping as promised at the 7/29/03 Board of Trustees meeting. VOTING: 5 ayes; motion carried.

Public Service Opportunities

Announcement was made of vacancies on the Village Planning Commission (3 openings), the Zoning Board (2 vacancies), and the ad hoc Village Advancement Committee.

Memorial Day Candlelight Vigil and Parade

Announcement was made of the Memorial Day Candlelight Vigil on May 25, 2007 and the Memorial Day Parade on May 26, 2007.

Lincoln Hall Improvements

There was brief discussion of the cost to paint 65 shutters on Lincoln Hall. Staff noted the shutters are in need of painting, and because the building is on the historic registry vinyl shutters are not allowed. Even with engineering costs included in the budget for the building improvements, the project is still under budget by approximately \$10,000.

Storm Water Bill in Legislature

Tim Jerman briefed the Board on a bill in the Legislature to regulate phosphorous and the potential impact on the waste water treatment plant. It is hoped there is flexibility in the bill to take care of the problem, but not at an extreme expense to the municipality.

5. EXECUTIVE SESSION

MOTION by Larry Yandow, SECOND by Peter Gustafson, to go into Executive Session to discuss contracts. VOTING: 5 ayes; motion carried.

The Board convened Executive Session at 7:45 p.m.

MOTION by Tim Jerman, SECOND by John Lajza, to adjourn Executive Session and reconvene the regular meeting. VOTING: 5 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 8:40 p.m.

ACTION FROM EXECUTIVE SESSION

MOTION by John Lajza, SECOND by Tim Jerman, to award the bid for the Five Corners North drainage project to Don Weston Excavating in the amount of \$286,463. VOTING: 5 ayes; motion carried.

6. ADJOURNMENT

MOTION by Deb Billado, SECOND by Peter Gustafson, to adjourn the meeting. VOTING: 5 ayes; motion carried.

The meeting was adjourned at 8:45 p.m.

Rsec: M.E.Riordan

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
May 8, 2007**

BOARD OF TRUSTEES: Deb Billado, John Lajza, Tim Jerman, Peter Gustafson.
(Larry Yandow was absent.)

ADMINISTRATION: Patty Benoit, Administrative Assistant.

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Trustee Deb Billado in the absence of Larry Yandow called the meeting to order at 7 p.m. and led the assemblage in the Pledge of Allegiance.

2. AUDIENCE

Leslie Cobler re: Water Bill

Leslie Cobler, village resident, questioned her water bill relative to the charge for using less than 2,000 c.f. Ms. Cobler stated she is trying to reduce, reuse and save water and teach her children the same concept. Ms. Cobler asked how many other residents do not reach the 2000 c.f. level, and if there is a maximum level of usage. John Lajza explained the water bill includes a base cost factored into the minimum amount before any water goes through the pipes. The board requested that staff send an answer to Ms. Cobler regarding how many residents are charged the minimum amount, as well as explaining the need to charge a minimum.

3. BUSINESS

Letter Honoring U.S. Marine Corporal Christopher DeGiovine

The board read a letter honoring Christopher DeGiovine from Essex Junction, a fallen soldier in the war in Iraq. Peter Gustafson recalled memories of the young man since he was three years old, as his son's friend, as a former student at ADL, and as a police officer on bike patrol in the village. The entire community and state is in shock and mourning for the tragic loss of a brave, young man who honored his country.

FY07 Budget

MOTION by John Lajza, SECOND by Tim Jerman, to authorize the use of the anticipated surplus in the Street Department to cover any deficits in other general fund departmental budgets and to withhold the 4th quarter Sanitation Fund transfer of \$30,000 to the Sanitation Capital Reserve as recommended by staff
VOTING: 4 ayes; motion carried.

Sanitation Capital Allocation Request

MOTION by Peter Gustafson, SECOND by John Lajza, to withhold the last \$30,000 quarterly contribution to the Capital Reserve Fund and create a new Capital Project for the repair/replacement of the Park Street sewer line in the amount of \$50,000. VOTING: 4 ayes; motion carried.

Leachate Agreement

MOTION by Tim Jerman, SECOND by John Lajza, to approve the leachate agreement with New England Waste Services, Inc. VOTING: 4 ayes; motion carried.

Lincoln Hall Leases

MOTION by John Lajza, SECOND by Peter Gustafson, to table discussion of the Lincoln Hall leases until the next meeting. VOTING: 4 ayes; motion carried.

Chittenden Solid Waste District (CSWD) FY08 Budget Presentation

Tom Moreau, CSWD General Manager, requested approval of the CSWD FY08 budget. Mr. Moreau reviewed budget highlights. The budget is increased by 5.4% mainly due to one time items such as two one-year contractual employees in recycling, one to coordinate marketing and one to coordinate enforcement (working with businesses on recycling). Other budget increases include inflation cost in salaries, health insurance benefits where each employee pays 2.25% of their total salary toward their health insurance premium, legal services and one time research studies (biosolids study).

Peter Gustafson mentioned mining recyclables (steel, metal) from closed landfills. Tom Moreau explained mining out elements is often due to the fact they are leaching pollutants into the environment. It is better to be prepared by having new technology in place to handle increased recycling (optical sorting and robotic technology). The high price of oil is a driving factor in the development of technology to sort plastics for recycling.

Tim Jerman asked about the landfill and the transfer trucks going through the village. Tom Moreau stated zero waste going into the landfill is unlikely, however, as much as possible will be recycled. The standard for the landfill is set very high and CSWD feels the standard can be met at a lowered cost with the regional landfill. John Lajza asked about responsibility for the old landfill in Williston. Tim Moreau gave a brief history of the Phase I and Phase II landfills which had to be capped. The Phase III Williston landfill was closed by CSWD and the District has the first \$100,000 of liability for the landfill. There was discussion of the Williston landfill and landfills in Coventry and Moretown. State regulations require that water quality standards must be met at the property boundary. The Williston Phase III landfill has some contamination such as arsenic which occurs naturally in the soil. The state felt the levels were an "acceptable risk". To further protect the environment the new regional landfill will have a triple liner. If the State of Vermont ever assesses the level of risk to be unacceptable, the issue will need to be addressed. The proposed regional landfill will have piping and vacuum systems installed to capture methane gas for conversion into energy. John Lajza pointed out if CSWD is not operating the landfill and monitoring the closed landfill (Phase III), then the Town of Williston would have to resume these duties and there is the risk the landfill may not be as closely or properly monitored as is done by CSWD.

Tom Moreau explained some of the decreases in the proposed budget, including MRF contract terms, a decrease in hazardous waste disposal cost, tip fee reduction and other reductions. Future plans include possibly locating a biosolids facility in Chittenden

County. The population figures for Essex Town and the Village of Essex Junction will be corrected in the budget.

Deb Billado mentioned the increased amount of recyclable plastics and asked if household recycling bins will be retrofitted. Mr. Moreau stated CSWD is in the process of assessing the most efficient way to move forward. Bins cost \$4 each. Carts cost \$50 each. There is significant cost involved and the smaller haulers are not equipped to handle carts. Franchising is being considered. There are many exciting potential advances in the industry, such as RecycleBank which rewards customers for recycling by providing rebates and coupon savings at local stores.

MOTION by Tim Jerman, SECOND by Deb Billado, to support the CSWD FY08 budget as presented. VOTING: 4 ayes; motion carried.

Champlain Valley Exposition (CVE) Sewage Agreement

MOTION by John Lajza, SECOND by Peter Gustafson, to accept the CVE sewage agreement as presented. VOTING: 4 ayes; motion carried.

Approve Minutes

MOTION by Deb Billado, SECOND by John Lajza, to approve the 4/24/07 minutes as written. VOTING: 4 ayes; motion carried.

Approve Bill List

MOTION by Tim Jerman, SECOND by Deb Billado, to approve the bill list, dated May 8, 2007, with checks #10033927 through check #10034000 in the total amount of \$76,118.22. VOTING: 4 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

CHIPS Forum

Tim Jerman announced the CHIPS Forum on May 23, 2007, starting at 3 p.m. until 5:30 p.m. with a banquet at 6 p.m. The communities of Essex, Essex Junction, and Westford are welcome to attend.

Memorial Day Parade and Candlelight Vigil

Announcement was made of the Memorial Day Parade on May 26, 2007, starting at 9 am. The candlelight vigil on May 25, 2007 at 7 pm at the Congregational Church is expected to be a very moving and worthwhile event.

5. EXECUTIVE SESSION

MOTION by Deb Billado, SECOND by Peter Gustafson, to go into Executive Session to discuss personnel issues until 8:15 pm. VOTING: 4 ayes; motion carried.

The Board convened Executive Session at 7:30 p.m.

MOTION by John Lajza, SECOND by Peter Gustafson, to adjourn Executive Session and reconvene the regular meeting. VOTING: 4 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 8:20 p.m. The presentation on the CSWD budget was heard at this time.

6. ADJOURNMENT

MOTION by Peter Gustafson, SECOND by John Lajza, to adjourn the meeting. VOTING: 4 ayes; motion carried.

The meeting was adjourned at 9:40 p.m.

Rsec: M.E.Riordan

Trnsct: JA

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
May 22, 2007**

BOARD OF TRUSTEES: Larry Yandow, Village President; Deb Billado, John Lajza, Tim Jerman, Peter Gustafson.

ADMINISTRATION: Joyce Stannard for Patty Benoit, Administrative Assistant.

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Larry Yandow called the meeting to order at 7 p.m. and led the assemblage in the Pledge of Allegiance.

2. AUDIENCE

Elizabeth Fiaschetti, 15 Athens Drive re: Planning Commission

Elizabeth Fiaschetti read a letter concerning Mark Thibeault. The letter addressed to the Board and signed by village residents residing on Athens Drive requested that Mark Thibeault be denied reappointment to the Essex Junction Planning Commission. Ms. Fiaschetti discussed Mr. Thibeault's behavior in review of the proposed senior housing development by Dr. Rubman which has since been withdrawn. Ms. Fiaschetti stressed the request to deny reappointment of Mr. Thibeault is not due to the issue of making Athens Drive a through street as discussed with Dr. Rubman's application. The letter cited Mark Thibeault's current job and associations with similar developments, and opined that Mr. Thibeault should have recused himself from the deliberation/decision process with the project due to conflict of interest. Ms. Fiaschetti stated many people agreed with the sentiment of the letter, but did not want to sign for fear of repercussion. In addition, continued Ms. Fiaschetti, the issue with Mr. Thibeault serving on the Planning Commission is negatively impacting others from seeking to fill vacancies.

3. BUSINESS

Water Bill Abatement Request

Ettore Mancuso, Jr. requested the Board abate the water bill for Apartment D at 65 Maple Street. The bill is 14 times the minimum bill. There is no swimming pool at the apartment complex and tenants have been told to inform management (Mr. Mancuso) of any water problems. There are 25 apartments at 65 Maple Street and following inspection no dripping faucets or running toilets were found. The showers are low volume (1.6 gallons per minute). The water supply is half inch pipe and a decrease in pressure occurs when running the water in the kitchen while taking a shower. Mr. Mancuso stated three people are living in the apartment and the tenant cannot afford the water bill. Prior and other tenants had lower water bills. About 18 of the 25 units use the minimum amount of water or less. The history of water usage for Apartment D since 1989 was briefly reviewed. Deb Billado pointed out from October, 2000 to April, 2001 there was significant water usage. Mr. Mancuso confirmed a water leak was discovered and repaired during that time period. Deb Billado mentioned other large bills. Mr. Mancuso stated he used to allow washing machines, but there were problems so a small laundry area was created for the complex. Washing machines are no longer allowed in the units.

Joyce Stannard noted the water meter was tested and it was found to be fine. Mr. Mancuso wanted the water meter change. It was noted the cost of a new meter is borne by the customer. It was not clear from the meter test whether the meter had been replaced or not. Staff will clarify the matter. Peter Gustafson suggested taking another reading in a month or two to determine the usage each month. It was mentioned if the dial is moving on the meter than water is flowing from somewhere. If a toilet tank is overflowing even slightly, the water bill will be impacted. There was mention of special provisions for payment if necessary. Water bills are due May 31, 2007. A penalty is applied for late payment. There was mention of abating the penalty if necessary. Penalties are applied to bills for late payment. There was further discussion of rechecking the meter and reporting the findings prior to May 31st.

MOTION by Larry Yandow, SECOND by Peter Gustafson, to table action on the request by Ettore Mancuso, Jr. to abate the water bill for Apartment D at 65 Maple Street until the next meeting, and to not apply a penalty on the bill while the matter is tabled. VOTING: 5 ayes; motion carried.

Railroad Agreement

MOTION by Deb Billado, SECOND by Peter Gustafson, to go into executive session at the end of the regular meeting to discuss contracts and negotiations related to the Railroad Agreement. VOTING: 5 ayes; motion carried.

Homestead Property Tax Income Sensitivity Adjustment

MOTION by Tim Jerman, SECOND by John Lajza, to accept the responsibility to determine the application of the homestead property tax income sensitivity adjustment and to apply the credit to the first tax installment with any remaining or excess to be applied to the second tax installment.

DISCUSSION: Tim Jerman briefly explained the two tiers of property tax reform being discussed by the legislature this past session.

VOTING: 5 ayes; motion carried.

Chittenden Solid Waste District (CSWD) Appointments

MOTION by Tim Jerman, SECOND by Peter Gustafson, to appoint John Lajza as the CSWD representative and Deb Billado as the alternate. VOTING: 3 ayes; 2 abstentions (Billado, Lajza); motion carried.

Noise Waiver Requests

MOTION by Peter Gustafson, SECOND by Deb Billado, to grant noise waiver requests for the following:

CVE Event(s):

Balloon Festival	June 1, 2007 (rain date: June 2, 2007)
July 4th Celebration (Essex Recreation Dept.)	July 4, 2007
Bond Auto Parts 4-Wheel Drive Jamboree	August 4 & 5, 2007
Champlain Valley Fair Fireworks	August 25, 2007 and Sept. 1, 2007
NTPA Tractor and Truck Pull	September 3, 2007

Essex High School Event(s):

Howitzer Activity - Vermont National Guard May 25, 2007, 1:30 p.m.

VOTING: 5 ayes; motion carried.

There was discussion of fireworks while school is in session. Per the requests for noise waivers, it appears there is only one potential date, a rain date, for fireworks on a school night.

Memorial Park Request

Dave and Marie Johnson, residents since 1983 and neighbors to the DeGiovini family since 1984, appeared before the board to request permission to place a memorial bench in Veterans Memorial Park at Five Corners. Mr. Johnson noted the DeGiovini family is still in shock over the death of their son recently killed in Iraq. Funds will be raised for the bench. To date \$1,500 has been pledged. The bench will honor Chris DeGiovini's service to Essex and the country. The Johnsons requested the Village Office receive the donations for the memorial bench. Once enough funds are raised, the bench will be purchased. In addition, the Johnsons requested the Village consider a gift to the fund raising effort. Larry Yandow spoke in support of the Johnsons efforts, but expressed concern about setting a precedent by having the Village provide a contribution. Tim Jerman will check with the Memorial Day Committee concerning help with fund raising for the memorial bench. It was noted the bench can be placed in the grassy area of the park on a concrete pad installed by the Public Works Dept. According to research by Ann Gray, the cost of the bench is as follows:

Bench	\$2,233
Per letter	\$ 3.50 per letter
Small Emblem	\$115
Large Emblem	\$288

MOTION by Tim Jerman, SECOND by Deb Billado, to support the Johnson's request that the Village accept donations in support of the Chris DeGiovini memorial. VOTING: 5 ayes; motion carried.

Girl Scouts Request to Plant Red Maple Tree

MOTION by Peter Gustafson, SECOND by John Lajza, to grant the request by the Girl Scouts to plant a Red Maple Tree in the village and to contact Warren Spinner, Village Arborist, to determine an appropriate location for the tree. VOTING: 5 ayes; motion carried.

It was mentioned some of the trees in the median on Route 15 (Pearl Street) appear to not be thriving and should be checked.

Approve Minutes

MOTION by Deb Billado, SECOND by John Lajza, to approve the 5/8/07 minutes as written. VOTING: 4 ayes, 1 abstention (Larry Yandow); motion carried.

Approve Bill List

MOTION by Tim Jerman, SECOND by John Lajza, to approve the bill list, dated May 22, 2007, with checks #10034001 through check #10034095 in the total amount of \$250,254.89.

DISCUSSION: Deb Billado asked about the payment for the boilers in Lincoln Hall. Joyce Stannard confirmed the payment is half the total due. There was a question about Check #10034074 (Reynolds & Son) and Check #10034083 (TSI, Inc.) relative to Homeland Security. Staff will research the matter.

VOTING: 5 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received. Tim Jerman reported the bill on rescinded votes was passed into law, but the global warming bill was vetoed.

5. EXECUTIVE SESSION

MOTION by Peter Gustafson, SECOND by Deb Billado, to go into Executive Session to discuss contracts and negotiations. VOTING: 5 ayes; motion carried.

The Board convened Executive Session at 8:20 p.m.

MOTION by Peter Gustafson, SECOND by Tim Jerman, to adjourn Executive Session and reconvene the regular meeting. VOTING: 5 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 10:25 p.m.

ACTION FOLLOWING EXECUTIVE SESSION

Railroad Lease

MOTION by Peter Gustafson, SECOND by Tim Jerman, to approve the Standard Contract for Railroad Services between the Village of Essex Junction and New England Central Railroad, Inc., Contract No. STP 5300(9), and the contract to close a portion of Park Street and re-route traffic subject to approval from the Public Works Superintendent. VOTING: 5 ayes; motion carried.

CHIPS Lease

MOTION by Peter Gustafson, SECOND by Tim Jerman, to table discussion of the CHIPS lease at this time and invite members of the Chips Board of Directors and the CHIPS Director to meet in executive session on June 12, 2007. VOTING: 5 ayes; motion carried.

Planning Commission and Zoning Board Openings

MOTION by Peter Gustafson, SECOND by Tim Jerman, to extend the application deadline for openings on the Planning Commission and Zoning Board until June 7, 2007 with interviews to be held on June 12, 2007 in executive session, and further, to instruct staff to submit a new ad to the *Essex Reporter* noting the extended deadline. VOTING: 5 ayes; motion carried.

Next Meeting

MOTION by Peter Gustafson, SECOND by Tim Jerman, to begin the next regular meeting a 7:30 p.m. rather than 7 p.m. VOTING: 5 ayes; motion carried.

Candidate Interviews for Planning Commission and Zoning Board Vacancies

MOTION by Peter Gustafson, SECOND by Tim Jerman, to conduct interviews with candidates for the Planning Commission and Zoning Board in executive session on June 12, 2007. VOTING: 5 ayes; motion carried.

Advancement Committee

MOTION by Peter Gustafson, SECOND by Tim Jerman, to have John Lajza and Deb Billado draft an operating policy for the Advancement Committee (limit 10 members) based on the proposal made by George Taylor at the Annual Meeting, voted on as an amendment to the budget (Article 2) and approved. June 12, 2007. VOTING: 5 ayes; motion carried.

Committee Appointments

MOTION by Peter Gustafson, SECOND by Tim Jerman, to appoint Marla Durham, Mary Jo Engel, Steve Eustis, Jerry Firkey, Leslie Mooney, Sara Michelle Stultz and George Tyler to serve on the Advancement Committee and to send letters advising of their appointment and information on the first meeting in the near future (agenda, date, time of meeting). VOTING: 3 ayes; 2 abstentions (Lajza, Billado); motion carried.

Community Safety

MOTION by Peter Gustafson, SECOND by Tim Jerman, to invite Captain Leo Nadeau to a future meeting (possibly late July) to discuss community safety issues. VOTING: 5 ayes; motion carried.

Rolling Stock Report Request

MOTION by Peter Gustafson, SECOND by Tim Jerman, to ask department heads for their rolling stock report by June 7, 2007 with emphasis on identifying abnormal maintenance problems with rolling stock versus routine maintenance. VOTING: 5 ayes; motion carried.

6. ADJOURNMENT

MOTION by Peter Gustafson, SECOND by Tim Jerman, to adjourn the meeting. VOTING: 5 ayes; motion carried.

The meeting was adjourned at 10:45 p.m.

Rsec: M.E.Riordan

Trnsct: JA

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
June 12, 2007**

BOARD OF TRUSTEES: Larry Yandow, Village President; Deb Billado, John Lajza, Tim Jerman, Peter Gustafson.

ADMINISTRATION: Patty Benoit, Administrative Assistant.

EXECUTIVE SESSION

MOTION by Peter Gustafson, SECOND by Deb Billado, to go into Executive Session to discuss personnel matters and contracts. VOTING: 5 ayes; motion carried.

The Board entered Executive Session at 6 p.m.

MOTION by Peter Gustafson, SECOND by Deb Billado, to adjourn Executive Session. VOTING: 5 ayes; motion carried.

Executive Session was adjourned at 7:45 p.m.

1. CALL TO ORDER (regular meeting) & PLEDGE OF ALLEGIANCE

Larry Yandow called the regular meeting to order at 7: 55 p.m. and led the assemblage in the Pledge of Allegiance.

2. AUDIENCE

Property at 11 Park Street and Park Terrace (Ming's)

There was discussion of the article in *Seven Days* about the owners/operators of Ming's Restaurant and violations relative to building codes, immigration, zoning, health, wage and employment practices. Jeff Arango stated the Village has jurisdiction with property violations, mainly zoning violations, and can contact appropriate state and federal agencies to handle other violations. The current property owners are pursuing a hotel on the site and if the application is approved many of the existing violations will be resolved. It was noted the plans for a hotel on the site are proceeding slower than expected. Dave Barra, Village Attorney, advised it is better to work with violators toward compliance, especially if they have expressed a willingness to cooperate, rather than go through Environmental Court. The Village cannot enforce immigration and wage issues. The Board expressed concern about the situation at the existing establishment (Ming's) being one of indentured servitude. It was noted an investigation by the Department of Labor may have to be triggered by a complaint, perhaps from one of the workers. The Village can alert appropriate agencies, but cannot enforce federal or state regulations. Political pressure can be put on the appropriate institutions to become aware of the situation at Ming's so action can be taken. With regard to zoning, the Village can enforce the Land Development Code whenever violations are brought to the zoning enforcement officer's (Jeff Arango) attention.

Larry Yandow suggested a condition of approval for any building permit on the property state that no more than four employees can live on the property. Jeff Arango agreed conditions of approval can cover many matters. The definition of hotel has been clarified as not being permanent living units. The Planning Commission has discussed conditions of approval to provide the Village with better legal standing on violations in the future.

Deb Billado asked if the Village can pursue the issue of five unrelated people living in the same residence. Dave Barra stated the Village can send a written notice of violation for lack of a permit for a residential use and the number of unrelated people living in the building. Per diem fines will be invoked. Tim Jerman recommended aggressive but appropriate action to get to the bottom of the allegations at 11 Park Street. The definitions of 'boarding house' (meals and beds for pay) and 'group housing' (sorority/fraternity) were reviewed. Jeff Arango did not feel the definitions fit the existing situation.

Larry Yandow asked if indentured servitude is legal. Dave Barra stated the Village does not know the arrangement between employer and employee in the Ming's case. There is probably a legal way someone could come to this country and work in a restaurant to work off a debt. It is not known if this is the case at Ming's. Wages, withholding, and taxes must be properly paid. There are appropriate agencies that can investigate these matters. The Village can send a notice of violation for zoning infractions. The violator can appeal and provide information to support their appeal. If compliance does not result, then the Village can bring enforcement action. The Village tries to have compliance before going to court.

Bridget Meyer, village resident and landlord, mentioned the landlord registry program for rental properties in Winooski which requires inspection of rental properties every four years to ensure there is no substandard housing. The Village may want to consider adopting a similar program.

3. BUSINESS

Water Bill Abatement Request

Larry Yandow reported when a complaint about a water bill is investigated, the old meter is replaced with a new meter to avoid any lapse in service. Also, a payment plan is offered to the property owner to ease the burden of a large water bill. Regarding the request for 65D Maple Street, it was suggested a second reading be taken to see if the usage pattern is the same. Following discussion, it was felt the matter was thoroughly investigated and the meter confirmed as being in proper working order.

MOTION by John Lajza, SECOND by Tim Jerman, to deny the request for abatement of the water bill for 65D Maple Street because the meter was checked and confirmed to be within specification.

DISCUSSION: Peter Gustafson advocated taking another reading. Deb Billado felt the general population of the village should not have to pay for water already delivered to the housing unit.

VOTING: 4 ayes, 1 nay (Gustafson); motion carried.

Paving Bid Award

MOTION by Deb Billado, SECOND by Tim Jerman, to award the bid to pave East Williams Street, Murray Road, Villa Drive, Grandview Ave., and Brooks Ave. to the low bidder, F.W. Whitcomb Corp., for a cost of \$54,032.97. VOTING: 5 ayes; motion carried.

WWTP Roof Bid Award

MOTION by John Lajza, SECOND by Tim Jerman, to award the bid to replace the roof on the waste water plant to C.J.'s Roofing for a cost of \$11,650.

DISCUSSION: In response to the differences in bid amounts, it was confirmed the bid specifications received by all bidders were the same.

VOTING: 5 ayes; motion carried.

WWTP Influent Screen Grinder

MOTION by Tim Jerman, SECOND by Peter Gustafson, to waive the bid requirement for the influent screen grinder project due to the negotiated nature of the purchase, to amend the WWTF Capital Project Influent Screen (grinder replacement) from \$95,000 to \$130,000 to allow for purchase and installation costs, and to transfer year-end WWTF surplus in the amount of \$35,000 to the Capital Reserve to fund the increased cost of the grinder. VOTING: 5 ayes; motion carried.

Leachate Agreement

MOTION by Peter Gustafson, SECOND by John Lajza, to approve the leachate agreement between Casella Waste Management and the Village of Essex Junction as presented. VOTING: 5 ayes; motion carried.

Advancement Committee Policy

MOTION by Deb Billado, SECOND by John Lajza, to accept the Village's Advancement Committee Policy as presented. VOTING: 5 ayes; motion carried.

CVE Proclamation

MOTION by Deb Billado, SECOND by John Lajza, to accept the proclamation declaring August 25, 2007 as Champlain Valley Fair Day in Essex Junction which is also the start of the 86th annual fair. VOTING: 5 ayes; motion carried.

Fee Schedule Amendment

MOTION by Tim Jerman, SECOND by Deb Billado, to approve the amendment to the fee schedule to increase the recording cost to \$8 per page. VOTING: 5 ayes; motion carried.

Appointments

MOTION by Peter Gustafson, SECOND by Tim Jerman, to reappoint Bruce Murdough to the Zoning Board of Adjustment for a three year term and to extend the following appointments for three months to September 30, 2007 until a new Village Manager is hired and makes appointments in accordance with Section 4.02, Subsection 13 of the Village Charter:

**Village Attorney
Village Engineer
Clerk/Treasurer/Tax Collector**

**Dave Barra
Hamlin Consulting Engineers
Susan McNamara-Hill**

VOTING: 5 ayes; motion carried.

Lawn Mower

Larry Yandow reported according to the Public Works Director a new lawn mower to mow village property is desperately needed.

MOTION by John Lajza, SECOND by Deb Billado, to approve the purchase of a lawn mower for the Public Works Department of a suitable nature, and that prices for the mower will be submitted at the next Trustees meeting. VOTING: 5 ayes; motion carried.

CHIPS Lease

MOTION by Deb Billado, SECOND by Peter Gustafson, to renew the lease with Essex CHIPS with changes to the existing lease to include converting to a monthly lease with an end date of 2/28/08 and to maintain the lease amount of \$1 per year. VOTING: 5 ayes; motion carried.

Approve Minutes

MOTION by Peter Gustafson, SECOND by Deb Billado, to approve the 5/22/07 minutes as written. VOTING: 5 ayes; motion carried.

Approve Bill List

MOTION by Tim Jerman, SECOND by John Lajza, to approve the bill list, dated June 12, 2007, with checks #10034096 through check #10034182 in the total amount of \$84,538.33. VOTING: 5 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

DeGiovine Memorial Bench

Larry Yandow reported \$6,401.50 has been raised for the memorial to date.

Freedom Walk Committee

Larry Yandow reported the Freedom Walk Committee from Washington, D.C. asked if Essex Junction will be hosting an event like last year's walk from the fairgrounds to Veterans Memorial Park. All groups/individuals can participate. An event may be scheduled for Veteran's Day.

Paint Striping on Park Street and West Street

It was noted the paint striping on Park Street has clarified the left turn onto Cascade Street. Also, clearing the vegetation by the sign and re-striping the crosswalk on West Street are great improvements.

Village Maintaining Route 15

It was suggested discussion of the Village taking over Route 15 from Susie Wilson Road to the village boundary should begin again.

New Grocery Store

The opening of the grocery store on Pearl Street has been a welcomed addition.

Apartments in the Village

There was brief discussion of determining the number of apartments in the village and fire safety requirements for apartment units.

5. EXECUTIVE SESSION

MOTION by Peter Gustafson, SECOND by Larry Yandow, to go into Executive Session to discuss personnel matters and contracts. VOTING: 5 ayes; motion carried.

The Board convened Executive Session at 9 p.m.

MOTION by Peter Gustafson, SECOND by Tim Jerman, to adjourn Executive Session and reconvene the regular meeting. VOTING: 5 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 10:24 p.m.

6. ADJOURNMENT

MOTION by John Lajza, SECOND by Tim Jerman, to adjourn the meeting. VOTING: 5 ayes; motion carried.

The meeting was adjourned at 10:25 p.m.

Rsec: M.E.Riordan

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF SPECIAL MEETING
JUNE 20, 2007**

MEMBERS PRESENT: Larry Yandow (Village President); John Lajza, Deborah Billado.

MEMBERS ABSENT: Peter Gustafson; Tim Jerman

1. CALL TO ORDER

Village President, Larry Yandow, called the meeting to order at 10 a.m.

2. EXECUTIVE SESSION

MOTION by John Lajza, **SECOND** by Deb Billado, to go into Executive session.

VOTING: 3 ayes; motion carried.

The board entered executive session at 10:02 a.m.

MOTION by John Lajza, **SECOND** by Deb Billado, to adjourn Executive session.

VOTING: 3 ayes; motion carried.

Executive session adjourned at 2:30 p.m.

3. BUSINESS

MOTION by Larry Yandow, **SECOND** by John Lajza, to submit a list of seven Village Manager applicants to the Vermont League of Cities and Towns to have VLCT arrange for interviews with the Village Trustees during the week of July 9, 2007.

VOTING: 3 ayes; motion carried.

4. ADJOURNMENT

MOTION by Deb Billado, **SECOND** by John Lajza, to adjourn the meeting at 2:32 p.m.

VOTING: 3 ayes; motion carried.

Minutes respectfully submitted by Lawrence C. Yandow, Jr., Village President.

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
June 26, 2007**

BOARD OF TRUSTEES: Larry Yandow, Village President; Deb Billado, John Lajza, Tim Jerman, Peter Gustafson.

ADMINISTRATION: Patty Benoit, Administrative Assistant.

EXECUTIVE SESSION

MOTION by Larry Yandow, SECOND by Tim Jerman, to go into Executive Session to discuss personnel matters and contracts. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

The Board entered Executive Session at 6 p.m.

MOTION by Tim Jerman, SECOND by John Lajza, to adjourn Executive Session. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

Executive Session was adjourned at 7:10 p.m.

1. CALL TO ORDER (regular meeting) & PLEDGE OF ALLEGIANCE

Larry Yandow called the regular meeting to order at 7: 15 p.m. and led the assemblage in the Pledge of Allegiance.

2. AUDIENCE

None.

3. BUSINESS

Rolling Stock Request

Chris Gaboriault, Essex Junction Fire Chief, addressed the Board. John Lajza requested cost figures and benchmarks for a comprehensive look at how business is conducted in terms of replacing equipment. Just because a piece of equipment is in the queue for replacement does not necessarily mean it should be replaced, stated Trustee Lajza. Traditionally, Essex Junction has been the leader in Chittenden County with the latest and newest equipment due mainly to IBM, however, the financial landscape has changed and now a closer look must be taken on how the taxpayer's money is spent – more on an as needed basis rather than on a time line. Larry Yandow added the Village wants to get as much use out of a vehicle as possible. Chris Gaboriault stated different consideration must be given for fire equipment. Waiting until a fire truck is not safe to replace it is not an acceptable practice. Fire trucks save lives. The process to replace a fire truck takes two years. The Fire Department is the biggest burden to the Rolling Stock Fund due to the cost of equipment so consequently purchases have to be spaced out. The 'youngest' truck in the fleet is 11 years old. The ladder truck is 16 years old. Both of these vehicles are the ones doing most of the work in the department. The new truck is a combination of the two trucks for a savings of \$200,000. Some of burden on the pumper can be moved to

the new vehicle. If the replacement time frame is extended, the pumper and ladder trucks will be exhausted as well as other vehicles so the Village would be looking at replacing a fleet. Essex Town purchased their pumper in 1991, noted Chief Gaboriault, and the truck is the workhorse of the department. The truck to be replaced in the town is 17 years old.

John Lajza asked about calls in the town handled by EJFD. Chief Gaboriault reported according to the call volume data for 2006-2007 there were 257 mutual aid calls (to surrounding towns), 207 fire calls in the village, and 139 EMS calls. A village call encompasses carbon monoxide alarms, building alarms, or a fire alarm. The hour meter on the fire truck runs while the truck is running even if the call is only two miles away. Trustee Lajza asked about repairs. Mr. Gaboriault noted a significant repair costing nearly \$7,000 involved replacement of a generator on a fire truck. Trustee Lajza asked about the basic truck cost. Mr. Gaboriault said he is not aware of a basic fire truck for \$200,000. The proposed truck is base with regard to the number of firefighters on board and the volume of water carried. The extra equipment on the truck is also basic. There are a few pieces of spec equipment, one being the hydraulic tools in the compartment connected to the reels.

Larry Yandow asked for any suggestions to help maximize the Rolling Stock Fund. Chief Gaboriault noted the ISO said that to service a five story building, a 75 foot aerial device is necessary and the Village already has this in the station. Mr. Gaboriault reminded the Board that the Fire Department saves taxpayers \$250,000 in fixed costs because the department is volunteer. Each member must complete and maintain stringent training requirements. Firefighting is a dangerous profession. Many hours of service are required by each firefighter. There is sharing of services between the Fire Department and Essex Rescue. Twelve of the volunteer firefighters are EMTs and some of these individuals are working with Essex Rescue. Essex Junction has many exposures, such as hazardous material at IBM, large crowds annually at the exposition, and the railroad carries a variety of materials right through the center of the community. Both fire and first response are provided by the department. Fire calls average one daily. Department assets are being combined. The capital plan is successful. Safety is the number one priority. Fire trucks now have fully enclosed cabs with seatbelts, antilock brakes, airbags, foot switches for horns and sirens, and air conditioning. Five air packs are carried so five firefighters are ready to go. John Lajza reiterated the Board is exercising its fiduciary responsibilities and trying to spend taxpayer dollars wisely in looking at the cluster of fire departments in the area and the potential to share equipment. Chris Gaboriault noted the Town of Essex is working the specifications for their fire truck purchase and EJFD will review them to see if they are the same as the village fire truck. A volume discount is available when more apparatus are ordered. Larry Yandow asked if there are any state programs to help fire departments collaborate on the purchase of common gear, such as air packs, to realize a manufacturer discount. Chief Gaboriault was not aware of any programs, and noted the difficulty is getting area fire departments to work together and agree on equipment specs. Reasons for different specifications include different coverage areas, different budget cycles, and different manufacturer preferences. EJFD does try to find savings wherever possible, such as buying cat litter (speedy-dri) in bulk (by the palette) when it is on sale at

area pet supply stores. Also, the department is discussing eliminating the fire boat from service because Colchester handles most water rescues.

Larry Yandow requested a quarterly update from the Fire Department at a regularly scheduled Board of Trustee meeting so the Board is up to date and well informed. Mr. Gaboriault agreed and invited the Board of Trustees to view the equipment at the Fire Department. The current membership is 40 firefighters. Many other fire departments in Vermont have more fire trucks than the Village, and many trucks are newer models. EJFD is always trying to improve its ISO rating.

The Board thanked Chief Gaboriault and EJFD for their greatly appreciated service to the community.

Lincoln Hall Leases

MOTION by Deb Billado, SECOND by Tim Jerman, to accept the following leases:

Essex Senior Center	\$1.00/year	July 1, 2007 – June 30, 2008
Vermont Associate	\$137.28/year	July 1, 2007 – June 30, 2008
Save the Greyhound Dogs	\$288/year	July 1, 2007 – June 30, 2008
Essex CHIPS	\$1.00/year	July 1, 2007 – February 29, 2008

VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

Zoning Board Appointment

Postponed until after Executive Session.

Audit Contract

MOTION by Tim Jerman, SECOND by John Lajza, to approve the annual audit contract with Sullivan, Powers & Co. in the amount of \$11,400 as presented.

VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

WWTF Engineer Appointment

MOTION by John Lajza, SECOND by Peter Gustafson, to extend the appointment of Forcier, Aldrich & Associates as the engineer for the Wastewater Treatment Facility through September 30, 2007 until a new Village Manager is hired and makes the appointment in accordance with the Village Charter. VOTING: 5 ayes; motion carried.

Lincoln Hall Interior Work

MOTION by John Lajza, SECOND by Deb Billado, to consider the bid from Valley Painting for a cost estimated at \$2,400 to paint the manager's office and conference room. VOTING: 5 ayes; motion carried.

Approve Minutes

April 4, 2007 – Annual Village Meeting and June 12, 2007 – Regular Meeting

MOTION by Deb Billado, SECOND by John Lajza, to approve the 4/4/07 annual meeting minutes, and the 6/12/07 regular meeting minutes as written. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

June 20, 2007 – Special Meeting

MOTION by Deb Billado, SECOND by John Lajza, to approve the 6/20/07 special meeting minutes as written. VOTING: 3 ayes, 1 abstention (Tim Jerman) [Peter Gustafson not present for vote]; motion carried.

Approve Bill List

MOTION by Tim Jerman, SECOND by John Lajza, to approve the bill list, dated June 26, 2007, with checks #10034183 through check #10034282 in the total amount of \$273,066.79. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

Response from Meier

The Board will discuss progress on improvements to the Meier property on Main Street in September.

Property at 8 Railroad Avenue

Tim Jerman mentioned there are potential funding sources available for affordable housing units. The property owner should be informed of this.

Circumferential Highway, Williston Draft EIS

It was noted there is no alternative to Route 2A corridor and this needs to be addressed. John Lajza will forward his comments to Neale Lunderville, Secretary of Transportation.

Soccer Tournament at the Tree Farm

Peter Gustafson spoke positively of the recent soccer tournament held at the Tree Farm, noting the event was well run with no traffic problems or complaints.

5. EXECUTIVE SESSION

MOTION by Deb Billado, SECOND by Larry Yandow, to go into Executive Session to discuss personnel matters and contracts. VOTING: 5 ayes; motion carried.

The Board convened Executive Session at 8:50 p.m.

MOTION by John Lajza, SECOND by Peter Gustafson, to adjourn Executive Session and reconvene the regular meeting. VOTING: 5 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 9:51 p.m.

ACTION FROM EXECUTIVE SESSSION

MOTION by John Lajza, SECOND by Peter Gustafson, to make the following (re)appointments to the Essex Junction Planning Commission:

- Mark Thibeault to a three year term

- Diane Clemens to a three year term
- Andrew Boutin to a one year term

VOTING: 5 ayes; motion carried.

MOTION by John Lajza, SECOND by Tim Jerman, to re-appoint Mary Gauthier to a three year term on the Essex Junction Zoning Board of Adjustment. VOTING: 5 ayes; motion carried.

6. ADJOURNMENT

MOTION by John Lajza, SECOND by Deb Billado, to adjourn the meeting.

VOTING: 5 ayes; motion carried.

The meeting was adjourned at 9:52 p.m.

Rscly: M.E.Riordan

Trscptn: JA