

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF SPECIAL MEETING
JULY 11, 2007**

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

MEMBERS ABSENT: Tim Jerman

1. CALL TO ORDER

Village President, Larry Yandow, called the meeting to order at 8:30 a.m.

2. EXECUTIVE SESSION

MOTION by John Lajza, **SECOND** by Deb Billado, to go into executive session to interview candidates for Village Manager.

VOTING: 4 ayes; motion carried.

The board entered executive session at 8:31 a.m.

MOTION by Peter Gustafson, **SECOND** by Deb Billado, to adjourn Executive session.

VOTING: 4 ayes; motion carried.

Executive session adjourned at 4:10 p.m.

4. ADJOURNMENT

MOTION by Deb Billado, **SECOND** by John Lajza, to adjourn the meeting at 4:11 p.m.

VOTING: 4 ayes; motion carried.

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

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

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

1. CALL TO ORDER

Village President, Larry Yandow, called the meeting to order at 10:30 a.m.

2. EXECUTIVE SESSION

MOTION by Tim Jerman, **SECOND** by Peter Gustafson, to go into executive session to interview candidates for Village Manager.

VOTING: 5 ayes; motion carried.

The board entered executive session at 10:31 a.m.

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

VOTING: 4 ayes; motion carried.

Executive session adjourned at 3:55 p.m.

4. ADJOURNMENT

MOTION by Deb Billado, **SECOND** by Tim Jerman, to adjourn the meeting at 3:56 p.m.

VOTING: 5 ayes; motion carried.

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

**VILLAGE OF ESSEX JUNCTION
BOARD OF CIVIL AUTHORITY
MINUTES OF MEETING
July 24, 2007**

MEMBERS PRESENT: Larry Yandow (Chairman); Tim Jerman, John Lajza, Deb Billado, John Bartlett, Bernie Couture, Mary Gauthier, Linda Costello, George Costello, Diane Clemens.
ADMINISTRATION: Susan McNamara-Hill, Village Clerk.

1. CALL TO ORDER

Larry Yandow called the Board of Civil Authority meeting to order at 6:30 p.m.

2. REQUEST FOR ABATEMENT OF TAXES

Barbara Dryer, 41 Jackson Street

Larry Yandow read the request for abatement of \$241.01 in taxes for Year 2006 by Barbara Dryer, 41 Jackson Street. It was noted Ms. Dryer has not as yet presented her abatement request to the village school board or the Town of Essex. The Board received a copy of 24VSA Section 1535 – Abatement.

MOTION by Linda Costello, SECOND by John Lajza, to abate the 2006 village taxes owed by Barbara Dryer, 41 Jackson Street, in the amount of \$241.01 due to inability to pay.

DISCUSSION: Bernie Couture cautioned when the board abates a tax, the burden falls on all the other residents of the village. The difficult circumstances of the appellant are recognized, continued Mr. Couture, suggesting perhaps the amount due could be split with the taxpayer paying half. Linda Costello felt it reasonable to assist a neighbor in need. The appellant's son submitted a letter written by Barbara Dryer, dated 7/24/07, explaining the reasons why she has been unable to pay, including financial hardship following the death of her husband five years ago and late payment of worker compensation being received due to injuries sustained on the job several years ago. The letter further explained money was borrowed to pay back taxes previously. The house has been in foreclosure twice advanced. Ms. Dryer expressed hope to be able to catch up on back taxes once again, and offered to send copies of the late notices on the house payments and copies of pay stubs. John Bartlett pointed out if an appellant is insolvent without assets the board can abate taxes, but if this is not the case, then the process should be followed. The difficulty of the situation is recognized, but taxes cannot be abated for every case when an appellant is saying they cannot pay their taxes. Mr. Bartlett cited a situation where an individual having difficulty paying his taxes sold his house to meet his responsibilities. The board must be consistent, advised Mr. Bartlett, cautioning against setting a precedent and a policy to abate. Mr. Bartlett suggested establishing a payment schedule or taking other measures to help the appellant. Mary Gauthier echoed Mr. Bartlett's comments and concern about setting a precedent. It was noted the

board has set up payment schedules in the past with appellants. Larry Yandow clarified the board can abate interest and penalty while payments are being made per a payment schedule. Tim Jerman suggested the Village Board of Trustees consider establishing a small fund to provide one-time assistance to villagers in hardship cases. There were no further comments. **VOTING: two ayes, eight nays (Larry Yandow, George Costello, Diane Clemens, Tim Jerman, Mary Gauthier, John Bartlett, John Lajza, Bernie Couture); motion did not carry.**

MOTION by Diane Clemens, SECOND by Mary Gauthier, to set up a payment schedule for Year 2006 property taxes due from Barbara Dryer, 41 Jackson Street, and abate all interest and penalties from 7/24/07 forward. VOTING: unanimous; motion carried.

Michael Meier, 8 Railroad Ave.

Larry Yandow read the request by Michael Meier, 8 Railroad Ave., to abate \$79.87 in 2006 village taxes for the time period of April 25, 2007 through June 30, 2007 due to property loss from fire on April 25, 2007.

MOTION by Bernie Couture, SECOND by John Bartlett, to abate 2006 village taxes on the facility (building) at 8 Railroad Ave. owned by Michael Meier in the amount of \$79.87. VOTING: unanimous; motion carried.

3. OTHER BUSINESS

Tax Relief Fund

There was brief discussion of the suggestion to set up a miscellaneous fund under the discretion of the Board of Trustees to provide one-time assistance to a village taxpayer in dire financial need who is unable to pay their taxes. It was suggested the fund be discussed at the annual village meeting. George Costello estimated \$200,000 will be needed in the fund to cover all the requests. Also, criteria for eligibility must be established. Tim Jerman clarified his idea was to establish a small fund. Deb Billado questioned how need would be determined and what paperwork would be submitted to verify need (i.e. income tax forms). John Bartlett stressed a payment plan works in most situations.

4. ADJOURNMENT

MOTION by Bernie Couture, SECOND by John Bartlett, to adjourn the meeting. VOTING: unanimous; motion carried.

The meeting was adjourned at 6:58 p.m.

RScty: M.E.Riordan

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

BOARD OF TRUSTEES: Larry Yandow, Village President; Deb Billado, John Lajza, Tim Jerman, Peter Gustafson (arrived 8:35 p.m.)
ADMINISTRATION: Patty Benoit, Administrative Assistant.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

2. AUDIENCE

None.

3. BUSINESS

Reappraisal

Jeff Carr, Essex Selectboard, and Randy Viens, Essex Tax Assessor, discussed issues associated with the upcoming reappraisal. The process began on July 26, 2004 with the notice that property values in the community were less than 80% of CLA, and per VSA32§4041 a reappraisal of the Grand List must be done. The town did not file a grievance so a plan for reappraisal had to be made. There is money in the reappraisal fund to pay for the process. Reappraisal firms were contacted, however, due to overwhelming demand a firm was not contracted until 2006. This turned out to be to the benefit of the town because the real estate boom that occurred in that time period was missed. To date, 100% of the outside visual inspections are complete and 75% of inside inspections are complete. The first round of valuations is done and 15% of homeowners feel their valuation is too high. Appeals are being addressed as expediently as possible because the tax rate cannot be set until the reappraisal is done. Formal grievances are in process now with a target wrap-up date of mid-August. The goal is to have only a small portion of appeals going to the Board of Civil Authority. The IBM facility is a unique property. A qualified reappraiser was hired to appraise the plant, and the Town Manager just received the report. Copies will be sent to the Essex Selectboard and then the Village Board of Trustees (the Trustees should receive the full report by week ending July 27, 2007). Town staff is comfortable with the firm and the results of the appraisal of the IBM property. Mr. Carr suggested a joint work session be scheduled as soon as possible with both boards and the appraiser to review the report. Initial results of the appraisal show the valuation of the facility is decreased. The appraisal firm was CBRE/New England secured at a cost of \$25,000 through a competitive bid process. The selected appraiser was the low bidder. No one in Vermont was qualified to do the work so the Town had to look at a national firm. Questions can be forwarded to the appraisal firm prior to the joint meeting. Time is of the essence since the Town of Essex cannot set the Grand List until the appraisal is complete, stressed Mr. Carr.

John Lajza commented that the replacement cost projected for the IBM facility appears very low. Jeff Carr stated the impact equals \$285,000 on the Village General Fund and \$90,000 of the Village Recreation Fund. Trustee Lajza said he has numerous questions and concerns with the appraisal, and at first blush feels a new appraisal is needed.

Deb Billado stated the IBM appraisal is a huge shock and a major impact to both communities. Both boards need to look at the appraisal in a very serious manner on behalf of the community.

Tim Jerman asked if changes be made. Randy Viens stated the changes would be error/omission changes only.

Jeff Carr stressed it is imperative to look at the standard of value and how it changed. Questions need to be asked and the appraisal firm can provide the explanations. Tim Jerman observed there will be impact statewide from the appraisal. Jeff Carr agreed, noting if the valuation holds as it is the result will be between a \$1.7 and \$1.9 million dollar decrease on statewide education property taxes as well as significant impact on the two communities. There was again mention of the square footage valuation of the facilities at the IBM site being so low. It was noted the last appraisal was done in 1990 with IBM appraised at \$147 million. The recent appraisal of the facility is \$104 million, a decrease of \$43 million. Tim Jerman asked for an estimate of the impact on the residents in both communities. Jeff Carr stated there are many factors to consider (pre- and post-appraisal Town Grand List, Town outside the Village Grand List, and the Village Grand List) as well as appeals so the dollar amount is a moving target right now.

Larry Yandow mentioned letters sent to residents about their homestead valuation. Randy Viens explained the homestead house sites are numbers required by the State. A house and up to two acres are considered to calculate income sensitivity relative to school taxes.

Jeff Carr announced the Energy Savings Task Force which is a citizen volunteer group, and urged people to apply by the week ending July 27, 2007. The task force will identify potential energy savings within the community and will work with Efficiency Vermont. One item of first focus will be fluorescent lighting. Contact the Essex Town Manager at 878-1341 or e-mail pscheidel@essex.org.

There was mention of doing another appraisal, and it was noted to bring in another appraiser will cost at least another \$25, 000, take time, and impact setting the tax rate and receipt of the education funds. Deb Billado spoke in support of keeping the option to do another appraisal, noting if another reappraisal of IBM changes the figure to the benefit of the community then the money was well spent.

West Street/West Street Extension Crosswalk

Larry Yandow referred to the letter from Warren Mills, 12 Clems Drive, regarding the request for an additional Stop sign at the corner of West Street/West Street Extension. Analysis by the Jeff Kershner, Village Engineer, shows the intersection does not meet the warrants for another Stop sign. Jeff Kershner explained the requirement for the Village to

follow specifications and standards outlined in the Uniform Traffic Control Manual. If the standards are not met for a Stop Sign, then a sign can not be installed. The standards include accidents, volume of traffic, and speed of traffic on the road. Pedestrian safety at the crosswalk and speed on West Street were mentioned by Mr. Mills, noted Mr. Kershner, but these issues are mutually exclusive problems. Review of the site revealed the crosswalk at the intersection and warning signs are very difficult to see. Re-striping of the crosswalk and trimming back the foliage to make the signs more visible has been done and the visibility of the crosswalk is now greatly improved. Mr. Kershner also recommended the crosswalk be moved 10' to the west to further enhance visibility.

John Lajza asked if there is a sign to warn drivers of the crosswalk at the intersection. Jeff Kershner stated there is a crosswalk warning sign. Mr. Kershner will to see if there is a sign at the T-intersection to warn of the crosswalk on the main route.

Tim Jerman felt a Stop Sign is a simple solution to the huge problem of speeding on West Street. Traffic cones and increased enforcement has been done several times, but the problem persists. Mr. Jerman commented it appears other communities do not follow the manual and install Stop signs as necessary. Jeff Kershner clarified speed and safety are two separate issues on West Street. Fixing the speed problem may not improve safety at the crosswalk where it is located presently. Also, installing a Stop sign could impact the traffic light on Pearl Street in that if there is not a queue of cars at the light, the light will kick off. Larry Yandow added there is liability exposure to the village if a Stop sign that does not meet the warrants is installed.

MOTION by John Lajza, SECOND by Deb Billado, to follow the staff recommendation to move the crosswalk to the west as recommended by Hamlin Engineering and to not install a Stop sign because the warrants as stated in the Manual of Uniform Traffic Control are not met. VOTING: 3 ayes, 1 nay (Tim Jerman) [Peter Gustafson not present for vote]; motion carried.

Tax Stabilization

Steven Schonburg, Pearl Street Partners, LLC, requested tax stabilization for 58-80 Pearl Street (Pearl Street Station Shopping Center). Mr. Schonburg explained the plans for redevelopment of the space and the investment in the property to date (greater than \$160,000). By year end an additional \$150,000 will be invested in the property. The space is designated for office space, food service and upgrade of the retail presence. The redevelopment will be pedestrian friendly with an expanded sidewalk, patio, seating area outdoors, and plantings around the buildings. The site will be identified by the tower and the name "Post Office Square".

Larry Yandow commented the redevelopment of the site is an asset to the Village. Deb Billado noted the trend for people to visit smaller shopping sites rather than the larger malls and shopping centers. Steven Schonburg said they are open to suggestions to ideas for tenants. Tim Jerman mentioned the shopping center on Pearl Street tied into the annual block party event.

MOTION by John Lajza, SECOND by Tim Jerman, to grant the request for tax stabilization to Pearl Street Partners, LLC for 58-80 Pearl Street. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

Salt Shed Bid Award

MOTION by John Lajza, SECOND by Tim Jerman, to accept the staff recommendation for the salt shed bid by Neagley & Chase Construction Company in the amount of \$165,281. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

Wastewater Facility Roofs

MOTION by John Lajza, SECOND by Deb Billado, to waive the bid process and authorize staff to allow C.J. Roofing to complete additional roof work for a lump sum of \$53,200.

DISCUSSION: It was noted C.J. Roofing went through a prior bid process and was the low bidder. The company is doing a good job at the waste water facility.

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

MOTION by John Lajza, SECOND by Deb Billado, to maintain a fund balance of 5% of the FY08 operating budget and any surplus will be set aside for the project. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

MOTION by Deb Billado, SECOND by John Lajza, to amend the WWTF FY08 Capital Plan in the amount of \$53,200 to include the roofing project. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

Larry Yandow mentioned the WWTF will begin use of bio-fuels as a trial experiment. Animal fats and grease will be drawn out of the waste flow and used as fuel.

Street Name Request

MOTION by Deb Billado, SECOND by John Lajza, to approve the street name “Appletree Lane” for a street off of Lamoille Street. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

Easement/MOU Panel

MOTION by John Lajza, SECOND by Peter Gustafson, to approve the easement and MOU for the Lake Champlain Byway interpretive panels as presented. VOTING: 5 ayes; motion carried.

Approve Minutes

June 26, 2007 – Regular Meeting

MOTION by John Lajza, SECOND by Deb Billado, to approve the regular meeting minutes of 6/26/ 07 as written. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

July 11, 2007 – Special Meeting

MOTION by John Lajza, SECOND by Deb Billado, to approve the special meeting minutes of 7/11/ 07 as written. VOTING: 3 ayes; 1 abstention (Tim Jerman) [Peter Gustafson not present for vote]; motion carried.

July 13, 2007 – Special Meeting

MOTION by John Lajza, SECOND by Deb Billado, to approve the special meeting minutes of July 13, 2007 as written. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

Approve Bill List

MOTION by Tim Jerman, SECOND by Larry Yandow, to approve the final bill list of FY07 with checks #10034294 through check #10034382 in the amount of \$477,580.38. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

MOTION by Tim Jerman, SECOND by Deb Billado, to approve the first bill list of FY08 with checks #10034470 through check #10034547 in the amount of \$113,420.74. VOTING: 4 ayes [Peter Gustafson not present for vote]; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

Plaque for Police Chief

A plaque for Police Chief Demag will be presented by the Board of Trustees on behalf of the citizens of Essex Junction.

Painting of Lincoln Hall

Positive comments were made on the interior painting of Lincoln Hall.

Small Fund for Emergency Situation

Establishing a small fund to provide one time financial assistance on a tax bill to a village resident in need will be researched through the Secretary of State's Office and the Village Auditor and Accountant. Suggestions for the fund include a line item in next year's budget to be voted by the taxpayers at the annual meeting, a separate fund with a limit on the amount allowed in the fund, establishing the fund with donations rather than tax dollars. Another idea is using money in the fund as a start up loan (revolving loan) provided on a sliding scale to new businesses (the money with interest would be paid back once the business was established).

Successful Village Block Party

Thanks were extended to all parties for another successful and fun Village Block Party.

5. EXECUTIVE SESSION

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

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

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

Executive Session was adjourned and the regular meeting reconvened at 9:50 p.m.

6. ADJOURNMENT

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

The meeting was adjourned at 9:51 p.m.

*Rscdy: M.E.Riordan
Trscptn: JA*

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF SPECIAL MEETING
JULY 31, 2007**

MEMBERS PRESENT: Larry Yandow (Village President); John Lajza, Tim Jerman
MEMBERS ABSENT: Deborah Billado, Peter Gustafson

1. CALL TO ORDER

Village President, Larry Yandow, called the meeting to order at 1:15 p.m.

2. EXECUTIVE SESSION

MOTION by John Lajza, **SECOND** by Tim Jerman, to go into executive session to interview a candidate for Village Manager.

VOTING: 3 ayes; motion carried.

The board entered executive session at 1:16 p.m.

MOTION by Tim Jerman, **SECOND** by John Lajza, to adjourn Executive session.

VOTING: 3 ayes; motion carried.

Executive session adjourned at 4:45 p.m.

4. ADJOURNMENT

MOTION by John Lajza, **SECOND** by Tim Jerman, to adjourn the meeting at 4:46 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 SPECIAL MEETING
AUGUST 2, 2007**

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

MEMBERS ABSENT: Peter Gustafson

1. CALL TO ORDER

Village President, Larry Yandow, called the meeting to order at 12:00 p.m.

2. EXECUTIVE SESSION

MOTION by John Lajza, **SECOND** by Tim Jerman, to go into executive session to interview a candidate for Village Manager.

VOTING: 3 ayes; motion carried.

The board entered executive session at 12:01 p.m.

Deb Billado joined the meeting at 3:15 p.m.

MOTION by Tim Jerman, **SECOND** by Deb Billado, to adjourn Executive session.

VOTING: 4 ayes; motion carried.

Executive session adjourned at 4:55 p.m.

4. ADJOURNMENT

MOTION by John Lajza, **SECOND** by Tim Jerman, to adjourn the meeting at 4:56 p.m.

VOTING: 4 ayes; motion carried.

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

**VILLAGE OF ESSEX JUNCTION/TOWN OF ESSEX
BOARD OF TRUSTEES & SELECTBOARD
SPECIAL JOINT MEETING:
IBM REAPPRAISAL
A.D. LAWTON SCHOOL
ESSEX JUNCTION, VERMONT
August 9, 2007**

BOARD OF TRUSTEES: Larry Yandow (Village President); Deb Billado, Tim Jerman, John Lajza. (Peter Gustafson was absent.)
SELECTBOARD: Jeff Carr (Chairman); Alan Nye, Irene Wrenner, Max Levy. (Linda Myers was absent.)
ADMINISTRATION: Patty Benoit, Village Administrative Assistant
Lauren Morrisseau, Village Accountant
Pat Scheidel, Essex Town Manager
Randy Viens, Essex Town Assessor

Larry Yandow opened the meeting at 7 p.m. and explained the purpose of the special meeting to allow the appraiser to explain the recent reappraisal of the IBM facility in Essex Junction. Randy Viens, Essex Town Assessor, briefly explained the reappraisal procedure and progress to date (currently hearing grievances; August 29, 2007 is the end date). Tim Mitchell, commercial real estate appraiser with C.B. Richard Ellis of Hartford, CT. was introduced. Mr. Mitchell explained how his firm, the largest real estate firm in the country, won the bid to reappraise the IBM facility in Essex Junction. Mr. Mitchell also reviewed his credentials as the lead appraiser on the project.

Other points covered by Mr. Mitchell included:

- IBM was the only facility the firm appraised.
- IBM is a very unique facility. There is 3,087,152 s.f. of industrial, office, research space on 233.15 acres. The space is 100% occupied by IBM, but only 90% of the facility is used. There are four miles of interior roads on the site with 50 acres of parking lots and 39 acres of roofs. IBM has its own emergency/fire facility on-site.
- The assessed value of \$104 million is based on the facility in Essex and Essex Junction only (buildings in Williston are not included).
- Buildings on the site were built in 1957 through to 2001.
- The assessment was from a commercial standpoint and looked at market value in trade (i.e. what another user would pay for the facility).
- Three appraisal approaches were looked at, including cost (cost to reproduce the facility of equal utility to the user), sales comparison (what other similar facilities in area have sold for), and income (what would it cost the user to lease a similar facility for equal utility).
- An environmental contamination adjustment of \$20 million was determined.
- Cost approach appraisal value was \$131,990,000. A buyer will not pay more than the facility is worth, but the IBM facility is unique and this has to be taken into consideration.
- Cost approach takes into consideration the land value based on other land sold in the Vermont area. The value ranged from \$11,770/acre to \$23,300/acre. A rounded

average of \$20,000/acre was used in the calculation for IBM land value (\$20,000 x 233.15 acres = \$4,700,000). The cost to reproduce the structures based on national valuations was computed. The IBM site has 777,718 s.f. of office space, 737,863 s.f. of lab space, 142,000 s.f. of raised floor/office space, 1,255,000 s.f. of utility space with the balance being warehouse, signage, landscaping, miscellaneous site improvements, parking, and walks. Combined value of the structures is \$277,559,564 which was adjusted using straight line depreciation based on the average age of the facility (result was 52.9% of replacement cost) for a figure of \$137,000,000. The structure value (\$137 million) and land value (\$4.7 million) combined equals \$141,843,000 less \$9 million of the \$20 million environmental contamination adjustment (IBM is responsible for some of the cost) for a net cost approach appraisal total of \$131,990,000.

- Sales Comparison appraisal value was \$101,000,000. Sales of other facilities on the eastern seaboard were considered. The list of facilities was narrowed down to six manufacturing facilities with over one million square feet of space except one facility with 934,000 s.f. which was a former IBM building (chip technology in Fishkill, NY). Adjustments were made for size, location, age, quality of construction, ceiling height, office finish, percent of building with air conditioning, building/land ratio, economic character of the market, and specialized space. Square footage sale prices ranged from \$23.55/s.f. to \$50/s.f. IBM Essex Junction was calculated at \$35.19/s.f. for a sales price of \$111,137,472 adjusted by \$9 million for the environmental issue for a net sales figure of \$101 million. The following facility sales were considered for comparison:
 - Fishkill, NY, former IBM chip manufacturing facility, 934,000 s.f., sold for \$20 million or \$21.41/s.f.
 - Enfield, CN, Lego manufacturing facility, 1,185,000 s.f., sold for \$60 million or \$50.61/s.f.
 - Bristol, CN, General Motors ball bearing plant, 1,162,000 s.f., sold for \$27 million or \$23.22/s.f.
 - Mechanicsburg, PA, manufacturing facility, 2,192,000 s.f., sold for \$90 million or \$41/s.f.
 - Joliet, IL, Caterpillar manufacturing plant, 2,872,000 s.f., sold for \$68 million or \$23.88/s.f.
 - Leesport, PA, manufacturing facility, 1,212,264 s.f., sold for \$26,750,000 or \$22/s.f.
- Income Capitalization appraisal value was \$98,100,000. The income approach looked at leases in the industry for one million square feet of space. Rates ranged from \$3.16/s.f. to \$4.30/s.f. Adjustment was made to the lease rate for IBM resulting in an absolute net rate of \$3.50/s.f. The absolute net is the value the landlord receives. The tenant pays all expenses in addition to the lease (i.e. taxes, insurance, common area operation costs, snow plowing, landscaping, and such). The gross lease rate for the IBM facility was calculated at approximately \$6.50/s.f. Using the \$3.50/s.f. rate the income capitalization value for IBM is \$10 million/year minus a vacancy and collection loss of 8% and minus a management fee and a reserves and replacement charge for a net cost of \$9,179,338 or \$2.97/s.f. The 8.5% capitalization was based on sales of other facilities in the United States (using their capitalization rates, income

ratio to overall value). The stabilized value of the IBM facility is \$107,990,000 less \$9,850,000 for the environmental cost for a total value using the income approach of \$98,142,000.

- In summary, IBM value using the cost approach was \$131,990,000, using the sales comparison approach was \$101,000,000, and using the income capitalization approach was \$98,100,000. The most weight was given to the sales comparison approach. The cost approach is not reflective because if the facility was rebuilt it would not be done as it exists today. There are inefficiencies. The income capitalization approach was given less weight because users of facilities tend to want to own, not lease a site. All figures for three approaches are within 10% of each other.
- The appraisal figure of \$104 million was determined for the IBM facility.

Village Trustee, John Lajza, disputed the land value, noting there is a proposed regional landfill adjacent to the IBM facility in Williston and in Year 2000 the 76 acres of land was appraised at \$1.8 million or \$23,684 per acre. Following litigation the court determined the land value for the landfill property in Williston to be \$4 million or \$52,632 per acre. Zoning adjacent to the IBM site is light industrial. Also, sale of land to the Chittenden Solid Waste District was at a cost of \$11,000 per acre and the land was wetlands. Mr. Lajza urged the land value at the IBM site to be appreciably more valued. Alan Nye clarified there is a loss of business value incorporated in the land value at the regional landfill site. Tim Mitchell offered to review the matter further. Trustee Lajza also pointed out the other sites mentioned in the appraisal approaches were mainly warehouses, not office space (only 6% on average). Lease of Class B office space is \$20/s.f. Office space within the IBM buildings could be leased. Tim Mitchell explained typically clients are not looking to rent a three million square foot facility. Mr. Lajza asked if \$3.50/s.f. is competitive. Mr. Mitchell stated the office space portion of the IBM facility would likely not be broken out. An interested party would rent the warehouse and office space. Mr. Lajza mentioned the situation may have been different with the Fishkill, NY facility in the early 1990s. Tim Mitchell confirmed the IBM building in Fishkill, NY sold for \$20/s.f. An investor purchased the facility and planned to rent out the office space, but to date the building is still vacant. A different analysis would be done if the office space is rented, but the value would not likely be much different. There was further debate of the office space value per square foot. Trustee Lajza also took issue with the \$92/s.f. replacement cost, stressing the amount seems low like the cost of a warehouse not a manufacturing or office building. IBM has specialized fabs with \$1,000/s.f. values, stated Mr. Lajza. Tim Mitchell pointed out the cost range was \$138/s.f. to \$24.22/s.f. The value of the facility was not estimated brick by brick. Mr. Lajza mentioned the cost of sales approach, noting IBM is office space and 100% air conditioned. The square footage figure used for the appraisal appears to be more for warehouses, not office space. Mr. Mitchell assured many comparable sales were reviewed and the list was winnowed down to six which most closely represented the IBM facility. There was further discussion. The need to have like comparisons (i.e. "apples to apples") was stressed.

A gentleman in the audience asked where the largest decrease in value occurred between the 1990 appraisal and the current appraisal. Randy Viens explained the 2007 appraisal

was applied to the 2007 market not the 1990 market, and residential property value differs from IBM property value. Mr. Viens also noted the 1990 appraisal of the IBM site was decreased from \$162 million to \$152 million upon the first appeal. The Board of Civil Authority ruled \$112 million and IBM accepted the figure though IBM had an appraisal of \$85 million. Since the 1990 appraisal IBM added buildings and the appraised value was increased to \$147 million. The site is appraised to determine fair market value (FMV). Typically commercial, rental property is appraised using the income approach. Residential property is appraised using the market analysis approach. The sales/market analysis approach is the best with IBM because it compares 'apples to apples'. There was objection by those in attendance to using a different approach with IBM which resulted in a dramatic decrease in the appraisal value. Village Trustee Jerman observed housing appraisals more than doubled for residents. IBM is doing well as a business. The sales comparison appraisal approach seems difficult. Tim Mitchell stated all IBM facilities were visited, inside and outside. Exact comparisons are not possible, but the best data available were used. The value is fair. Mr. Jerman stated IBM added substantial new buildings so it is expected the value would increase. Mr. Mitchell assured all data were taken into consideration.

Village Trustee Deb Billado asked about the raised floor being office space, noting raised floor Class 100 and Non-class 100 space is different and there is a difference in cost to build each respectively. Tim Mitchell stated the cost of raised floor space and office space was similarly appraised. Ms. Billado also clarified the utility space at IBM, also known as penthouse space, is far different from warehouse space. Mr. Mitchell confirmed the space was not compared to warehouse space with loading docks and such. Various components in the utility space were priced out and the cost is similar to warehouse space. Ms. Billado mentioned Building 986, the Mask House. The cost approach for appraisal was used because the building is one of only six in the world. Construction cost was \$500/s.f. in 1999. B.986 is a \$50 million building not including the equipment inside. Even if the building is depreciated by 50%, the value is \$25 million for one building out of approximately 57 buildings on the IBM site. A microprocessor who wants a mast building will pay a premium for it because there are not many such buildings and they are expensive to reproduce. Building 970 and 973 fabs cannot be reproduced for less than \$250 million each, continued Ms. Billado, so even with up to 70% depreciation the value is higher than the appraisal. IBM is the backbone of state and Chittenden County and is a good employer, but fairness needs to be applied. Ms. Billado expressed doubt about the fairness of the appraisal, adding the taxpayers want to revisit the appraisal process.

Essex Selectman, Alan Nye, asked about the office space figure of \$82/s.f. through the cost approach, noting the cost to build an office building currently ranges from \$140 to \$160/s.f. Tim Mitchell stated the Marshal Valuation Cost Service (national service) provided the figure based on their research. Office cost includes the physical building, not architectural, engineering, land, site, or interior build-out costs. Economy of scale is also involved (it will cost more on a square foot basis to build a 5,000 s.f. building than a three million square foot building).

Essex Selectwoman, Irene Wrenner, asked about the national trend for commercial and industrial buildings, noting the National Life Building in Montpelier saw a decrease of 71% from a former appraisal and IBM's value is 71% of its former appraisal. Tim Mitchell confirmed there is a downward trend in manufacturing plants in the northeast. Many firms are moving their plants out of state and out of the country (to Mexico). Essex Selectman, Max Levy, agreed manufacturing is leaving the United States, especially chip manufacturing, so the number of users coming into a plant is dwindling. An investor is likely to purchase these sites and break up the property. Regarding the age of the buildings on the IBM site, an investor would convert the building for smaller manufacturers or raze the building. Trustee Billado stressed the age of an IBM building does not indicate what is in the building. Fabs are turned over every seven years. The building is gutted to the wall on the inside and replaced with updated equipment. Only the shell is original. B.964 and B.963 are more dated because IBM constructed newer buildings. IBM is notorious for good maintenance of their buildings.

Trustee Lajza commented Saratoga Springs, NY is to have the largest fab in the world constructed over the next several years.

Pat Collier, Village resident since 1972, expressed confusion about the appraisal figures, pointing out house appraisal values have doubled while IBM's value has decreased. Ms. Collier felt IBM is holding the village hostage if what is wanted is not provided (i.e. lower appraisal, lower taxes), threatening to take the business to a foreign country and the workers will be out of jobs.

Tom Snyder, IBM worker for 13 years, said he maintained the Burlington Area Report for IBM which provides a detailed square footage accounting of manufacturing and office space. IBM uses the document for tax purposes. The document would be helpful in the reappraisal. Mr. Snyder noted in 1989 IBM had 4.3 million square feet of space. In 2002, the facility was 5.2 million square feet. IBM appraised itself at a minimum of \$70/s.f. to \$125/s.f. Since that time there have been two to three new buildings added. The new fabs, B.973 and B.977, have added 175 services and penthouses of all different piping. The value is tremendous. Mr. Snyder urged comparison of semi-conductor plant to semi-conductor plant, not warehouses.

Betty Darrah, Sandhill Road resident for 41 years, suggested the size of Vermont as a state and taxes versus other states should be considered. Tim Mitchell confirmed locational adjustments were applied. Ms. Darrah mentioned the pollution by IBM and questioned why the public was not informed years ago. Ms. Darrah felt IBM cannot sell the site because of the cost to clean up the pollution. Mr. Mitchell clarified IBM has not tried to sell the site.

Gene Darrah, village resident, expressed concern about the decrease in the IBM appraisal to \$104 million especially when buildings are valued at \$250 million and cannot be replaced for less. Mr. Darrah said if the IBM appraisal stands, his village property tax will increase 20% or \$125 more than the monthly mortgage on his house. Retired people

on a fixed income do not have a means to increase their income and have difficulty with an increase in taxes, stressed Mr. Darrah, and the IBM valued at \$104 million is not right.

Gerald Edwards, village resident since 1999, gave a brief history of his experience working with a large international environmental engineering company ensuring global environmental due diligence for numerous large firms. Mr. Edwards stated he also worked as an adjunct educator at the Honeywell Learning Facility. Honeywell had a top to bottom view on safety from the CFO to the local safety and maintenance person. The largest project was 128 factories in 38 countries, and the main focus of the appraisals was manufacturing line as the #1 income generator and the reason the factory was built. The appraisals also assessed the buildings, the employee base (intellect and operational capacity), and the environmental cost projections (a seller will not take on liability if this can be avoided). Mr. Edwards questioned how IBM's manufacturing assets were being handled, questioning if Legos are worth more than computer chips and stressing the strategic interest in technical assets is what drives the plant, not the buildings. Mr. Edwards stated property taxes are already too high. Also, IBM's machine tax is being eliminated so there will be another burden on the taxpayers which could overwhelm many to bankruptcy and maroon the rest. Tim Mitchell stated the appraisal did not value the business, and adjustment was made for the environmental problem. Randy Viens said in the state of Vermont real estate is defined as the buildings and lands. Business is not part of the fair market value.

Carl Wermer, Essex Junction resident, stated the market value of the IBM buildings is due to technical space and people with strong technical skills in the area.

Keith Lord, Essex Junction resident and IBM worker, said the buildings are 90% occupied, and IBM getting a tax break for polluting their site does not seem fair. Tim Mitchell stated the value of the gross square footage of buildings was computed. There was an adjustment for the environmental matter. IBM is in continued remediation and monitoring of the site. The market value of the site was appraised, but a prospective buyer would likely pay less because the site is contaminated.

Clint Russell, Essex Junction resident, stated IBM spending \$20 million to clean up their pollution is a cost of doing business and should not be reflected as a decrease in taxes. Tim Mitchell clarified the appraisal looked at the facility in terms of how a purchaser would view the site. Alan Nye explained if a house was valued at \$200,000 but not maintained, the amount the property could be sold for would decrease. The assessor looks and assesses a property at sale value. There was discussion of not including the adjustment for the environmental pollution because it is a hypothetical situation (hypothetical cost of clean up by IBM). Mr. Viens stated IBM is doing clean up and monitoring of the site, and submits a report to the state.

Bob Marcotte, town resident, stated the problem is residential taxes in the Town of Essex have doubled, but the Grand List is twice what it was so the tax rate will go down by half. Commercial appraisals have increased by three times in Essex. IBM's appraisal going

down by \$40 million and the tax rate being cut in half is a bonanza for IBM and not fair to the community.

Marla Durham, village resident, stated her residential tax assessment was high and out of proportion compared to her neighbor's property and the matter was appealed. Ms. Durham said she was told that the residential assessment is the square footage of the house and property, not aesthetics. Ms. Durham asked if commercial property is assessed differently than consideration of the square footage of buildings and land. Randy Viens stated property is assessed at fair market value, and the assessor's office tries to be between the high and low sale price on the market.

George Tyler, Village resident, asked about procedure and if the appraiser can make adjustments at this point or if the local government boards or other parties can reject or appeal the IBM appraisal to the Board of Civil Authority. Randy Viens confirmed the boards do not have to accept or reject the appraisal. State of Vermont Property Valuation Division can reject the appraisal. Money for the reappraisal was from accrued funds from the state (the state sends the town money per parcel which is accrued to be used for a reappraisal). The cost of the reappraisal of the community was \$650,000. If the state rejects the appraisal, the town would have to pay for another one. Trustee Billado clarified the total reappraisal cost was \$650,000, but the IBM reappraisal cost was \$25,000. Only the property owner can appeal their own individual appraisal. IBM has not appealed their appraisal. Larry Yandow explained the Essex Junction Board of Trustees has no authority to reject the appraisal. The Town of Essex by statute does the appraisal for both the town and village (the village is part of the town).

The assemblage gave a vote of no confidence on the appraisal. A gentleman remarked on the difference in valuation methods between the cost method and the market method, noting there cannot be a trend from apples to oranges. The IBM appraisal will negatively impact house resale values because taxes will be so high. Alan Nye clarified the trend is that the value of manufacturing properties are decreasing.

Lucky Kalanges, village resident, pointed out the IBM appraisal of \$147 million in 1990 was 17 years ago. The 2007 appraisal of \$104 million is unacceptable when fair market value is increasing. All properties in the village and town are seeing the property value increasing. Mr. Kalanges spoke in support of spending the money for a top notch appraisal to determine fair market value. According to a Vermont appraiser, property in Vermont is on average increasing 12% annually. Mr. Kalanges urged rejection of the IBM appraisal and securing a new appraisal from a top notch appraiser even if the cost is \$100,000.

Shirley Sundell, soon-to-be resident in the community, expressed concern about the impact on her tax bill due to the appraisal. Ms. Sundell asked the percent of the budget covered by the taxes paid by IBM. Jeff Carr stated the tax appeals must be complete and the Grand List determined before the tax rate can be set. Early September is the target. Deb Billado said it appears the impact on the Village of Essex Junction would be \$500,000 of which \$80,000 would be on the Recreation Department. The impact on the

Town (outside the village) appears to be \$250,000. The impact on the State Education Fund could be \$1.5 million. Randy Viens explained the State Education Fund is set by the State Education Department. The rate will not be set until appeals are concluded. There was mention of the tax due date. Alan Nye assured the town can set a different due date for taxes if necessary. Mr. Viens further explained per state statute tax bills must be sent out a minimum of 30 days prior to the due date.

Marie Saber, resident, asked if the appraisals of other manufacturing businesses in the state have decreased as well. Mr. Viens stated other commercial/industrial properties other than IBM have increased, but not to the same percentage of doubling like residential properties. The assessment of the National Life Building in Montpelier decreased. There was mention of real estate market conditions being slow (houses are not selling), and bringing the level of appraisal down to the reality of the situation. Mr. Viens stated sales are compared each year. Jeff Carr explained if the Common Level of Appraisal (CLA) hits 120 the town must do a reappraisal again. The Selectboard postponed the reappraisal as long as possible to avoid the market up cycle. The sub-prime lending cycle has not hit Vermont. Prices are declining in surrounding states and not in Vermont. Foreclosures are the lowest in the area.

Bernie Lemieux asked about the waste disposal facilities on the IBM site (significant in size). Tim Mitchell stated the facilities were typical in size to the comparables. Mr. Lemieux mentioned \$50 million in renovations that were done at IBM and how lab space was handled. Mr. Mitchell stated the space was broken down into various components. Deb Billado noted there is a huge difference in installation cost between “dirty space” and “clean space” at IBM.

There was again mention of the IBM Burlington Area Report being a good data source. The Selectboard will try to get a copy of the report from IBM. There was mention of City of Montpelier rejecting their appraisal and the ability of towns to accept or reject an appraisal. Lauren Morrisseau, Village Accountant clarified municipal taxes are directly impacted by the estimated increase, while the school tax is impacted but the impact is spread across the entire state. The tax rate is adjusted based on what needs to be raised per the Grand List. The school rate is based on the CLA. The school tax is the larger portion of the tax bill. The Village tax rate is 9% of the total tax bill paid by residents.

The Selectboard and Trustees will discuss next steps and determine a plan of action. The public will be kept informed. There was brief further discussion of how the appraisal of the IBM facility was conducted per standard operating procedure (pictures taken, CAD drawings of the buildings reviewed). IBM provided the square footage to CBRE.

Peter Hunt, village resident, expressed concern about the high tax rate on his property and the subsequent impact on selling his property with a high tax rate. The appeal process for this year is closed. Alan Nye stated his informal market research shows houses are selling at close to their appraised values.

There were no further comments.

MOTION by Alan Nye, SECOND by Irene Wrenner, to adjourn the meeting for the Essex Selectboard. VOTING: unanimous; motion carried.

The meeting of the Essex Selectboard was adjourned at 9:48 p.m.

MOTION by Tim Jerman, SECOND by John Lajza, that the Essex Junction Board of Trustees enter Executive Session to discuss contract negotiations. VOTING: 4 ayes; motion carried.

The Board of Trustees convened Executive Session at 10:10 p.m.

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

Executive Session and the meeting adjourned at 11:15 p.m.

RScty: M.E. Riordan

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

MEMBERS PRESENT: Larry Yandow (Village President); John Lajza, Tim Jerman, Peter Gustafson, Deborah Billado

1. CALL TO ORDER

Village President, Larry Yandow, called the meeting to order at 12:10 p.m.

2. EXECUTIVE SESSION

MOTION by John Lajza, **SECOND** by Tim Jerman, to go into executive session to discuss a candidate for Village Manager.

VOTING: 4 ayes; motion carried.

The board entered executive session at 12:11 p.m.

Peter Gustafson joined the meeting at 12:15 p.m. and left at 12:50 p.m.

MOTION by Tim Jerman, **SECOND** by Deb Billado, to adjourn Executive session.

VOTING: 4 ayes; motion carried.

Executive session adjourned at 2:19 p.m.

4. ADJOURNMENT

MOTION by John Lajza, **SECOND** by Tim Jerman, to adjourn the meeting at 2:20 p.m.

VOTING: 4 ayes; motion carried.

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

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
August 28, 2007**

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

ADMINISTRATION: Patty Benoit, Administrative Assistant.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

2. AUDIENCE

There were no comments from the audience.

3. BUSINESS

Fire Department Rescue/Pumper

Chris Gaboriault, Essex Junction Fire Chief, reported the Town of Essex Fire Department is doing a Request for Qualifications (RFQ). The initial draft is complete. The Essex Junction Fire Depart (EJFD) will take no further action on the truck until further action by the Board of Trustees.

John Lajza explained the Trustees would like to move forward, but with the tax reappraisal and \$175,000 of unanticipated capital expense, the Board cannot go forward without a complete package on the equipment. Larry Yandow added the Grand List is not known at this time so the amount to add to the budget (Rolling Stock) is not known. The Village cannot be in the position of not being able to pay its bills. Essex Junction is currently debt free. Chris Gaboriault stressed he will not ask the firefighters who are volunteers to put in more time on a project that may not go to fruition. The information has already been presented to the Trustees. John Lajza reiterated that the Board needs to know what the total tax rate is and what will be added to the tax rate for the rescue/pumper.

Village Web Site

George Tyler reported on his research of web design companies and the recommendation to hire Vermont Design Works to do the website for Essex Junction. Mr. Tyler reviewed other organizations served by Vermont Design Works, including Middlebury College, Vermont Chamber of Commerce, Cabot Cheese, Vermont Jazz Festival, Al's French Fries, and others. Vermont Design Works will design the Village's website for the long term. The bulk of the cost is for compiling information for the design. The website will offer opportunity for anyone who accesses the site to communicate with others. There is web security so the public cannot make changes. There was brief discussion of demand on staff time to keep the information on the website current. Two tasks to be handled by staff include registering the domain name each year (cost of \$15) and hosting the site on sover.net. Mr. Tyler reviewed the fee schedule for additional options offered by Vermont

Design Works relative to the website design. The Board requested representatives from Vermont Design Works make a presentation at the next Trustees meeting.

MOTION by John Lajza, SECOND by Peter Gustafson, to move forward with the Village website design and approve the expenditure of \$8,820 from the Village Advancement Committee budget to be paid to Vermont Design Works for work on the website. VOTING: 5 ayes; motion carried.

Motor Vehicle Ordinance Amendment

MOTION by Tim Jerman, SECOND by John Lajza, to approve the following amendment to Chapter 8, Section 802 of the Regulation of Motor Vehicles (text to be deleted is in brackets [], new text is underlined):

Hiawatha Avenue – on the west side from Owaissa to Nahma and the east side from the north property line of 26 Hiawatha to the fire hydrant in front of Hiawatha School. between the hours of 7:30-8:30 a.m. and 2:30-3:30 p.m. when school is in session. The School Department has the authority to post these areas as a no parking zone during evening assemblies. Residents of the west [this] side of Hiawatha are exempt from this ordinance.

VOTING: 5 ayes; motion carried.

Public Nuisance Ordinance Amendment

Patty Benoit reported additional information on open burning in the village was received from Acting Police Chief Nadeau. Chief Nadeau requested deferring action until confusion on the matter is clarified with the Fire Department.

MOTION by John Lajza, SECOND by Tim Jerman, to table action on amendment of the Public Nuisance Ordinance relative to open burning in the village until the next Trustees meeting. VOTING: 5 ayes; motion carried.

Accounts Receivable Penalty Abatement

MOTION by Deb Billado, SECOND by John Lajza, to waive late penalties on Invoice #5206 to Burlington International Airport in the amount of \$7.26 and Invoice #5831 to Town of Essex in the amount of \$128.23 as presented. VOTING: 5 ayes; motion carried.

Policy Amendment: Penalty and Interest on Delinquent Tax Bills

MOTION by Larry Yandow, SECOND by John Lajza, to make the following amendment to the Trustees' Policy Regarding Penalty and Interest on Delinquent Tax Bills (new text is underlined):

Section 3. Due Dates

Property tax installments shall be due September 15th and March 15th of each year, or as set by the Trustees. If the due date falls on a weekend or holiday, the installment shall be due the following business day.

VOTING: 5 ayes; motion carried.

State Permit and Indemnification Agreement

MOTION by John Lajza, SECOND by Deb Billado, to sign the new permit and indemnification agreement for the water line on Pearl Street from West Street Extension to 235 Pearl Street as presented. VOTING: 5 ayes; motion carried.

Approve Minutes

July 24, 2007 – Board of Civil Authority

MOTION by John Lajza, SECOND by Deb Billado, to approve the Board of Civil Authority minutes of 7/24/07 as written. VOTING: 4 ayes, 1 abstention (Peter Gustafson); motion carried.

July 24, 2007 – Regular Meeting

MOTION by Tim Jerman, SECOND by John Lajza, to approve the regular meeting minutes of 7/24/07 as written. VOTING: 5 ayes; motion carried.

July 31, 2007 – Special Meeting

MOTION by Tim Jerman, SECOND by John Lajza, to approve the special meeting minutes of July 31, 2007 as written. VOTING: 3 ayes, 2 abstentions (Deb Billado, Peter Gustafson); motion carried.

August 2, 2007 – Special Meeting

MOTION by Deb Billado, SECOND by Tim Jerman, to approve the special meeting minutes of 8/2/07 as written. VOTING: 4 ayes, 1 abstention (Peter Gustafson); motion carried.

August 9, 2007 – Joint Meeting re: IBM Reappraisal

MOTION by Deb Billado, SECOND by John Lajza, to table action on the 8/9/07 minutes until the next Trustees meeting. VOTING: 5 ayes; motion carried.

Approve Bill Lists

MOTION by Tim Jerman, SECOND by John Lajza, to approve the bill list dated 8/14/07 with checks #10034548 through check #10034679 in the amount of \$141,866.20. VOTING: 5 ayes; motion carried.

MOTION by Tim Jerman, SECOND by John Lajza, to approve the bill list dated 8/28/07 with checks #10034680 through check #10034748 in the amount of \$405,094.38. VOTING: 5 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

Circumferential Highway Draft Environmental Impact Statement

MOTION by Peter Gustafson, SECOND by John Lajza, to discuss the Circumferential Highway Draft Environmental Impact Statement in Executive Session. VOTING: 5 ayes; motion carried.

5. EXECUTIVE SESSION

MOTION by Peter Gustafson, SECOND by John Lajza, to go into Executive Session to discuss personnel and legal matters. VOTING: 5 ayes; motion carried.

The Board convened Executive Session at 7:55 p.m.

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

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

ACTION FROM EXECUTIVE SESSION

MOTION by Peter Gustafson, SECOND by Tim Jerman, to compensate Patty Benoit for additional work she has performed since Charles Safford left as Village Manager:

For the period April 1, 2007 through August 31, 2007 a lump sum of \$5,000;
From September 1, 2007 until a new Village Manager is in place, an
additional \$250 per week.

VOTING: 5 ayes; motion carried.

6. ADJOURNMENT

**MOTION by Deb Billado, SECOND by John Lajza, to adjourn the meeting.
VOTING: 5 ayes; motion carried.**

The meeting was adjourned at 9:35 p.m.

Rscity: M.E.Riordan

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF SPECIAL MEETING
SEPTEMBER 4, 2007**

MEMBERS PRESENT: Larry Yandow (Village President) Tim Jerman, Peter Gustafson, Deborah Billado
MEMBERS ABSENT: John Lajza

1. CALL TO ORDER

Village President, Larry Yandow, called the meeting to order at 5:00 p.m.

2. EXECUTIVE SESSION

MOTION by Tim Jerman, **SECOND** by Peter Gustafson, to go into executive session to discuss the Village Manager search.

VOTING: 4 ayes; motion carried.

The board entered executive session at 5:01 p.m.

MOTION by Tim Jerman, **SECOND** by Deb Billado, to adjourn Executive session.

VOTING: 4 ayes; motion carried.

Executive session adjourned at 5:43 p.m.

ACTION FROM EXECUTIVE SESSION

MOTION by Peter Gustafson, **SECOND** by Deb Billado, to reimburse a candidate for Village Manager for mileage and meals, as submitted.

VOTING: 4 ayes; motion carried.

MOTION by Peter Gustafson, **SECOND** by Deb Billado, to extend the Essex Junction Employees Association Contract for one year, through December 31, 2008, as stated in Article 29 of the contract.

VOTING: 4 ayes; motion carried.

4. ADJOURNMENT

MOTION by Peter Gustafson, **SECOND** by Tim Jerman, to adjourn the meeting at 5:45 p.m. **VOTING:** 4 ayes; motion carried.

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

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF SPECIAL MEETING
SEPTEMBER 6, 2007**

MEMBERS PRESENT: Larry Yandow (Village President) Tim Jerman, Peter Gustafson, Deborah Billado
MEMBERS ABSENT: John Lajza

1. CALL TO ORDER

Village President, Larry Yandow, called the meeting to order at 3:37 p.m.

2. EXECUTIVE SESSION

MOTION by Deb Billado, **SECOND** by Peter Gustafson, to go into executive session to interview a person interested in serving as interim Village Manager.

VOTING: 3 ayes; motion carried.

The board entered executive session at 3:38 p.m.

Tim Jerman joined the meeting at 3:45 p.m.

MOTION by Tim Jerman, **SECOND** by Deb Billado, to adjourn Executive session.

VOTING: 4 ayes; motion carried.

Executive session adjourned at 5:05 p.m.

ACTION FROM EXECUTIVE SESSION

MOTION by Peter Gustafson, **SECOND** by Tim Jerman, to hire Bert Moffatt as interim Village Manager if he accepts the position.

VOTING: 4 ayes; motion carried.

4. ADJOURNMENT

MOTION by Deb Billado, **SECOND** by Tim Jerman, to adjourn the meeting at 5:06 p.m.

VOTING: 4 ayes; motion carried.

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

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
September 11, 2007**

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

ADMINISTRATION: Patty Benoit, Administrative Assistant.

1. CALL TO ORDER & 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

There were no comments from the audience.

3. BUSINESS

2006 Marvin Heights Project

Ron Gauthier, 24 Upland Road, expressed concern about the condition of his driveway and lawn following work by S.D. Ireland (contractor hired by the Village). Only 30% of the grass has come back in the lawn. The remainder of the area is sand. The topsoil provided by the contractor was mixed with stones. The seed matting was old (stored in a warehouse) and eventually replaced with new matting which was used on lawns on Drury Drive with good results. Some of the residents on Upland Road purchased their own lawn seed. Mr. Gauthier said his driveway was paved for the second time last fall, but a bonding agent was not included in the mix and there is now a crack and asphalt breaking up in the driveway. The work by S.D. Ireland is still under contract. Deb Billado requested time to discuss the matter with the contractor and the Village Engineer before taking action. The Trustees may do a site visit. There was brief discussion of removal of a dead tree in the right-of-way and the property owner's responsibility to water the grass seed.

Noise Concerns

Chris Chiquoine, 39A Prospect Street, requested the stated noise process be followed by Champlain Valley Exposition (CVE), noting the recent "Bad Boys of Rock" concert at the fair was not monitored and the police knew nothing about dealing with noise complaints (saying the issue is between the Village and CVE). A reading of 77 decibels was shown at the police trailer on the fairgrounds. The police thought the limit was 90 decibels. The limit per the ordinance is 80 decibels, stated Mr. Chiquoine. Jeff Arango, Village Development Director, clarified noise levels were taken during the events at the fair. Staff at the fairgrounds was monitoring the noise during the concert mentioned by Mr. Chiquoine. Jeff Arango was not present at that particular time. The police trailers are at the back of the property (by the shopping center along Pearl Street) and the instantaneous noise level is 90 decibels at that location. Readings are also taken where CVE property abuts residential properties (80 decibels was the hourly average with 90 decibel instantaneous). Readings are also taken by commercial properties.

Trustee Jerman confirmed there was noise monitoring occurring when he was at the fair during the concert. Dave Grimm, CVE General Manager, also confirmed readings were being taken on all shows at points all around the fairgrounds. The readings for the concert under discussion were shown to the Trustees. The readings began at 6:30 p.m. and continued through 8:40 p.m. The police were informed the noise monitoring was being done. Decibel readings were 81, 82, 84, 85, and 83 decibels in an instantaneous timeframe. The average level was between 65 decibels and 75 decibels. At the mixer position there was a 15 minute window of one band being louder than preferred. The band was informed of the situation and they took corrective action. Mr. Grimm stressed CVE staff works very hard at monitoring noise at the fairgrounds.

Peter Gustafson said he was an usher at the concert standing right in front of the grandstand.

Chris Chiquoine maintained the process was not being followed since the procedure indicates Village staff, not CVE staff, should be doing the readings and the readings should be recorded. The police did not know how to contact Village staff about the matter, added Mr. Chiquoine. Jeff Arango explained he has been monitoring concerts at the fair for the past five years, including the David Lee Roth concert that exceeded the noise limits. Every second of a show could be recorded, but the concerts are 99% compliant. Noise within acceptable levels can still have an impact on surrounding neighborhoods. There is communication with the police, continued Mr. Arango, noting the police have contact phone numbers for Village staff. The police also work with CVE staff. There is someone monitoring the sound mixer.

Tim Jerman spoke in support of following policy, and recognized the hard work by CVE to be compliant. Trustee Jerman acknowledged the occasional rogue band that refuses to adhere to policy. Mr. Jerman mentioned he heard complaints about the monster trucks and exhaust smoke, and asked if CVE staff has considered this matter. Chris Chiquoine interjected noise is another form of pollution, adding conversations inside his house are not possible when the monster trucks are running due to excessive noise. Trustee Jerman pointed out the fair was operating and the noise waiver in place long before the neighborhoods. A balance between the two is needed. Mr. Chiquoine noted the monster truck event was not at the fairgrounds prior to houses in the area.

Deb Billado asked for clarification of the request from Mr. Chiquoine to follow procedure. Mr. Chiquoine confirmed he wants the procedure to be followed and not changed. There are residential properties on both sides of the fairgrounds so readings should be taken on both sides as well as at the level of where the sound is being generated, suggested Mr. Chiquoine. Jeff Arango pointed out the height of the tripod is a limiting factor. The monitoring equipment is very expensive (up to \$3,000) and fragile and cannot be left unattended. An hourly average is needed so readings must be continually taken in one location. On the west side of the fairgrounds, there is background noise which impacts the readings. Tom Oddy, CVE staff member, explained speakers are angled up to direct the noise at the audience. There is a bounce back of

noise. If readings are in the mid-70 decibel level, the sound board operator is informed. A person speaking can spike the reading. The monitor is sensitive. Monitoring the noise level at the green gate is a key point. Mr. Oddy confirmed the partnership with the police in monitoring the system with CVE staff. The concert under discussion did not have readings out of the 70 decibel range. There was mention of the effect of wind and where readings are taken relative to noise levels.

Chris Chiquoine requested residents impacted by noise at the fairgrounds be notified when noise waivers are on the Trustees agenda. Residents on property or a street that borders the fairgrounds or a street going into other streets that border the fairgrounds should be notified. Tim Jerman noted the Trustees agenda is published in the local newspaper. Patty Benoit added a public notice can be posted. Items to be covered at a meeting are warned on the agenda. All abutting property owners receive a notice if there is an issue directly impacting them. Jeff Arango stated typically residents within 150' of the property under discussion are notified. Larry Yandow mentioned associated costs. Mr. Chiquoine stated the money paid for village taxes should be used to pay the mailing costs though CVE does not pay village property taxes. Mr. Yandow noted many people enjoy the events at the fairgrounds, and there are other entities that violate the noise ordinance on occasion, such as IBM, the train whistle, or a lawn mower. Mr. Chiquoine stated a noise complaint should be filed for each incident. There was again discussion of finding a balance to allow CVE to operate. Mr. Chiquoine rebutted CVE is allowed to do things residents are not allowed to do (e.g. violate the noise ordinance). Peter Gustafson suggested individuals have the option to go on vacation during fair time; the fair has been operating as long as the village has been in existence. Mr. Chiquoine stated CVE operates a 10-day fair plus events and concerts throughout the year. The Relay for Life event broadcasts all night long. Deb Billado reiterated the need to find a balance, acknowledging the tolerance level has been spread out from 10 days to 10 months out of the year, but CVE is trying to work hard to satisfy concerns. The Village needs to make sure the process is not fractured, but cannot tell CVE to go out of business.

Peter Gustafson asked about the future plan to cover over the grandstand and how this will affect noise levels. Tom Oddy stated adding a roof deck will provide an acoustical treatment. Many events are held inside buildings on the fairgrounds. Wind and atmospheric factors do play a part relative to noise levels. David Grimm estimated CVE must experience four or five years of success fairs and other events to help generate revenue for the significant decking project.

David Grimm stated CVE hosts neighborhood meetings which Mr. Chiquoine attends but never likes what he hears, even walking out of meetings. CVE is not perfect and is trying to work hard to find a balance, holding events to reach a wide range and array of people and providing good quality events and fairs. The number of concerts fluctuates each year depending on who is touring. The monster truck and four-wheel jamboree events have been held for the past 13 years. Over 20,000 people attend the events, bringing lots of business to the community. CVE secures a permit for all fireworks.

Chris Chiquoine said he sent an email to CVE before the fair asking if something could be done with the public address system because that is what is heard by residents, but David Grimm said this was not their problem, that every event has their own set up. Just because 20,000 people like something is not reason that it is acceptable for all others, stressed Mr. Chiquoine. The Code regarding commercial property and seven days warning is useless. Jeff Arango stated there is a noise indemnification agreement between CVE and the Village of Essex Junction which includes fines for violation of the noise ordinance. Fines have been paid in the past (\$5,000 for the David Lee Roth concert). Mr. Chiquoine argued he cannot rev his car engine as a resident, but CVE can do this without violations. Mr. Arango clarified the regulations for residential properties were intended to control loud stereo noise and such. Mr. Chiquoine contended the reason there are no violations by CVE is because the noise is not being measured. Police officer, Brad Larose, stated drugs and traffic are the main violations at the fairgrounds. Jeff Arango said he attended two shows at the fair this year. It is not an efficient use of staff time to have Village staff attend every event at the fair.

Peter Hunt, village resident, expressed his continued support of the fair. The Village asked CVE to operate within set limits, and CVE has done an admirable job working with the community. Events are held all year. There is noise that exceeds Chapter 7 of the noise ordinance, and that is of concern. Mr. Hunt suggested the following actions to correct violations of the noise ordinance, such as not waiving the noise ordinance for the monster truck or tractor pull events, monitoring noise (and publishing the readings) at the boundaries of the fairgrounds and the surrounding neighborhoods, having Village staff qualified to monitor noise do the readings and charge the staff time to CVE, significantly increasing the fines to discourage violations, encouraging activities at the fairgrounds that protect/promote the health, safety, welfare, peace and quiet of citizens of the Essex Junction (Chapter 7 of the Noise Ordinance), enforcing the noise ordinance by adhering to the standards to eliminate and reduce noise that is harmful or detrimental to the citizenry, publishing violations and actions taken, reviewing the matter at the next Trustees meeting, informing the public who to contact with a noise complaint and what action will result. Mr. Hunt also suggested Trustee Gustafson did not have the best interest of the taxpayers foremost in mind with his suggestion to leave the area for the week of the fair.

Tim Jerman asked about police presence at concert events. Officer Larose stated typically there are between four and six officers at concerts. Regarding training officers to do noise readings, the police are willing to help, but cannot guarantee they can be available for an hour straight to monitor noise. Larry Yandow suggested training all personnel to monitor noise so the process is known. Officer Larose explained submitting a complaint to police is not the process to stop the noise of a concert. There is a process and consequences for violation of the process. Police cannot shut down a concert at the fairgrounds. Dave Grimm added stopping a concert in mid-stream could cause a riot so CVE tries very hard to have control measures in place. Peter Hunt suggested turning down the sound board and continuing the performance. Tom Oddy confirmed this is what is done, and what was done with the concert under discussion. The level of noise at the green gate was not above 78 decibels. Peter Hunt pointed out the Essex Police acknowledged the concert

was over the limit and the crew was told to turn down the music, but that was after an hour or so of calls (complaints). Staff may need to act quicker, stated Mr. Hunt. There was again mention of spikes in the readings from voices (crowd cheers and such). Tom Oddy stated the stage for events, such as Relay for Life, was moved to help reduce noise. Speakers are redirected as well. Regarding reacting to complaints, it takes at least 10 minutes to communicate to the sound board that the noise level is too high, and then corrective action is taken. It was noted the Village has a meter that records noise levels. CVE and the police each have meters which do not produce a written recording. One location at a time is monitored. The equipment cannot be left unattended. Previously readings were taken all over the fairgrounds, but an hourly average could not be measured. The Village Manager set the procedure to take readings in one location. The noise agreement states one location for readings. CVE monitors at the green gate because that is the closest point to neighbors on the east side. Decibel levels of 78-80 are loud, but a concert can not be done in the 60 decibel range. Even a high school football game exceeds that decibel level.

Peter Allard, village resident, said he calls the police about loud concerts and has attended the neighborhood meetings, but nothing changes. The Trustees listen, the process is reviewed, and CVE states their position. The answer is to turn down the music which does not have to be so loud to be enjoyed. This year the music was heard in South Burlington. Tom Oddy stated the noise level at the sound mixer is 95-102 decibels. For the level to be 80 decibels at the fence line, the level at the sound mixer is 95 decibels. The sound mix is 100' from the front stage. Dave Grimm stated the performers and crew receive a copy of the noise ordinance.

Bertie Boyce, village resident, stated the truck and tractor pulls are of concern. Mr. Boyce asked if a noise waiver has ever been refused. Larry Yandow recalled after the Metallica concert the Board refused waivers for other similar acts.

There was discussion of state statute relative to noise. It was noted CVE is cooperating with the Village by signing the noise agreement. If such an agreement was not in place and noise was created, the fine would be nominal and as specified by the local zoning ordinance. The noise agreement signed by CVE includes substantial fines for violations.

Trustee Jerman acknowledged the frustration of all parties, but pointed out all are neighbors and friends and this should be kept in perspective. Trustee Billado echoed the same, assuring the Board will revisit the process. CVE and the Village are willing to work together. A balance must be found.

Trustee Gustafson clarified his comments about leaving town during the fair, noting the fair has been in operation for the past 97 years and it is known there will be noise. The Board will work with CVE to try to reduce the noise.

MOTION by Deb Billado, SECOND by Peter Gustafson, to cease debate on the issue of noise at the fairgrounds. VOTING: 4 ayes; motion carried.

Street Banner Applications

MOTION by Tim Jerman, SECOND by Deb Billado, to approve the applications for the following banners over Park Street: Antiques Festival on October 6-7, 2007 and Vermont Quilt Festival on June 27-29, 2008. VOTING: 4 ayes; motion carried.

Traffic Controller Replacement

MOTION by Deb Billado, SECOND by Peter Gustafson, to accept the proposal from Signals RYG for a traffic controller at the intersection of Park Street/River Street/South Street in the amount of \$20,000. VOTING: 4 ayes; motion carried.

Approve Minutes

August 9, 2007 – Joint Meeting with Essex Selectboard on IBM Reappraisal

MOTION by Deb Billado, SECOND by Tim Jerman, to approve the joint meeting with the Essex Selectboard on the IBM reappraisal with the following corrections:

Page 4, paragraph beginning with “Village Trustee Deb Billado...”, 1st sentence – insert “compared to” between the words “being” and “office space”; in the sentence beginning with “The cost approach...” – change “only” to “maybe”; in the sentence beginning with “A microprocessor...” – correct the spelling of ‘mask building’; in the last sentence (beginning with “Ms. Billado...” – insert the word “may” between the words “taxpayers” and “want”;

Page 5, top paragraph, sentence beginning with “The building is gutted...” – insert “exterior” before the word “wall”, delete “on the inside”, and replace “updated equipment” with “new interiors”;

Page 5, paragraph/sentence beginning with “Trustee Lajza commented Saratoga Springs...” – delete the entire sentence.

VOTING: 3 ayes, 1 abstention (Peter Gustafson); motion carried.

August 24, 2007 – Special Meeting

MOTION by Deb Billado, SECOND by Peter Gustafson, to approve the special meeting minutes of 8/24/07 as written. VOTING: 4 ayes; motion carried.

August 28, 2007 – Regular Meeting

MOTION by Deb Billado, SECOND by Tim Jerman, to approve the regular meeting minutes of 8/28/07 as written. VOTING: 4 ayes; motion carried.

September 4, 2007 – Special Meeting

MOTION by Peter Gustafson, SECOND by Deb Billado, to approve the special meeting minutes of 9/4/07 as written. VOTING: 4 ayes; motion carried.

September 6, 2007 – Special Meeting

MOTION by Peter Gustafson, SECOND by Tim Jerman, to approve the special meeting minutes of 9/6/07 as written. VOTING: 4 ayes; motion carried.

Approve Bill Lists

MOTION by Tim Jerman, SECOND by Deb Billado, to approve the bill list dated 9/11/07 with checks #10034749 through check #10034808 in the amount of \$126,957.03. VOTING: 4 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

Circumferential Highway Draft Environmental Impact Statement

The Board will invite Tom Weaver to the October 9th meeting to discuss the circumferential highway draft environmental impact study.

IBM Assessment

Larry Yandow reported Chris Hall of Binswanger determined the CB Richard Ellis New England analysis (reappraisal) of IBM is sufficient to support the IBM value conclusion. It was noted there has been no new construction at IBM in the past five years and IBM has no plans for construction.

Dave Willey, village resident, expressed concern about the IBM appraisal and the common level of appraisal (CLA). Larry Yandow noted the CLA for the village is at 100%, but village schools are at 93%, due to the IBM reappraisal. Town schools are at 104%. The Village is appealing the matter to the state.

There was discussion of excessive taxation and tax fairness. Dave Willey stated what is fair is everyone paying their own taxes. Mr. Willey said he attended the last Essex Selectboard meeting and the Selectboard seemed concerned about the situation the village is in. Mr. Willey said he submitted a letter to the Selectboard suggesting the village and town outside the village pay their own taxes beginning with the highway tax.

5. EXECUTIVE SESSION

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

The Board convened Executive Session at 9:15 p.m.

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

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

ACTION FROM EXECUTIVE SESSION

MOTION by Peter Gustafson, SECOND by Tim Jerman, to accept the settlement agreement between the Village of Essex Junction and W. Owen Jenkins (the claim was settled on behalf of the Village of Essex Junction by VLCT/PACIF after investigation of a water main break resulting in water in Mr. Jenkins' basement at 10 Pearl Street) and appoint Jim Jutras as authorized agent to sign the settlement on behalf of the Village. VOTING: 3 ayes, 1 abstention (Billado); motion carried.

MOTION by Peter Gustafson, SECOND by Deb Billado, that the Trustees sign the Employees Association Contract which extends the current contract for one year through December 31, 2008. VOTING: 4 ayes; motion carried.

6. ADJOURNMENT

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

The meeting was adjourned at 11:30 p.m.

Rscdy: M.E.Riordan

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF SPECIAL MEETING
SEPTEMBER 17, 2007**

MEMBERS PRESENT: Deborah Billado, Tim Jerman, Peter Gustafson
MEMBERS ABSENT: Larry Yandow, John Lajza

1. CALL TO ORDER

Deb Billado called the meeting to order at 4:15 p.m.

2. BUSINESS

MOTION by Deb Billado, **SECOND** by Tim Jerman, to set the Village tax rate for FY 08 at \$.2115 per hundred dollars of assessed value, in order to raise the \$2,115,692 in taxes approved at Village meeting.

VOTING: 3 ayes; motion carried.

MOTION by Deb Billado, **SECOND** by Peter Gustafson, to change the first tax installment due date from September 15 to October 31 for this fiscal year only.

VOTING: 3 ayes; motion carried.

3. ADJOURNMENT

MOTION by Peter Gustafson, **SECOND** by Tim Jerman, to adjourn the meeting at 4:30 p.m.

VOTING: 3 ayes; motion carried.

Minutes respectfully submitted by Susan McNamara-Hill, Village Clerk.

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
September 25, 2007**

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

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Larry Yandow called the meeting to order at 7 p.m. and led the assemblage in the Pledge of Allegiance. Bert Moffatt, Interim Village Manager, was introduced. Mr. Moffatt thanked the Board for the opportunity, recognized the quality staff, and urged the public to come in to discuss matters any time.

2. AUDIENCE

Joseph Schraml re: Taxes

Joe Schraml of Drury Drive asked about the difference in the village school CLA of 93% and the town school CLA of 104%. Tim Jerman stated there is a forthcoming newspaper editorial on the reappraisal and to explain the CLA (Common Level of Appraisal). The Village requested the Town of Essex appeal to the Department of Property Valuation and Review. The appeal was denied and the matter was taken to the state tax commissioner. Now that the true value of IBM is known, the CLA should be refigured. It is hoped this can happen at the administrative level.

Mr. Schraml asked for a list of duplicate services with the town. Larry Yandow confirmed there is a list of town services paid for by village taxpayers, but not received, such as library, fire department, street, recreation. Shared services include assessor, police, and records. Deb Billado noted it is hoped to have a dialogue in the near future with the Essex Selectboard to find solutions to alleviate some tax burden on villagers.

3. BUSINESS

2006 Marvin Heights Project

Larry Yandow reported Rick Jones, Public Works Superintendent, and several members of the Board of Trustees viewed the lawns on Upland Road and agreed the lawns at 24 and 26 Upland Road need further work, but not driveways.

MOTION by Tim Jerman, SECOND by Peter Gustafson, to approve reseeding the lawns at 24 & 26 Upland Road, and that no additional work is needed on the driveways. VOTING: 5 ayes; motion carried.

Essex High School Homecoming Parade

It was noted there will be coordination with the Essex Police regarding an escort for the parade.

MOTION by John Lajza, SECOND by Peter Gustafson, to approve the request for the annual Homecoming Parade on Saturday, October 13, 2007, at 4 p.m. on Route 15 from the fairgrounds to Educational Drive including a noise waiver for fireworks if planned. VOTING: 5 ayes; motion carried.

Appointments

MOTION by Larry Yandow, SECOND by Tim Jerman, to accept the staff recommendation to extend the following appointments until a permanent Village Manager can make the appointments in accordance with the Village Charter:

Susan McNamara-Hill	Village Clerk/Treasurer/Tax Collector
David Barra	Village Attorney
Hamlin Consulting Engineers	Village Engineer
Forcier, Aldrich & Associates	WWTF Engineer

VOTING: 5 ayes; motion carried.

Public Nuisance Ordinance Amendment

MOTION by Tim Jerman, SECOND by John Lajza, to accept the language in Chapter 13, Section 1302 of the Public Nuisance Ordinance regarding open burning in the village as presented. VOTING: 5 ayes; motion carried.

Authorized Signer

MOTION by Deb Billado, SECOND by John Lajza, to authorize Bert Moffatt, Interim Village Manager, as the authorized signer on behalf of the Essex Junction Board of Trustees. VOTING: 5 ayes; motion carried.

Approve Minutes

September 11, 2007 – Regular Meeting

MOTION by Peter Gustafson, SECOND by Deb Billado, to approve the 9/11/07 minutes as written. VOTING: 4 ayes, 1 abstention (John Lajza); motion carried.

September 17, 2007 – Special Meeting

MOTION by Deb Billado, SECOND by Tim Jerman, to approve the 9/17/07 minutes as written. VOTING: 3 ayes, 2 abstentions (Larry Yandow, John Lajza); motion carried.

Approve Bill Lists

MOTION by Tim Jerman, SECOND by Peter Gustafson, to approve the bill list dated 9/25/07 with checks #10034809 through check #10034903 in the amount of \$272,126.80. VOTING: 5 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

Circumferential Highway Draft Environmental Impact Statement

The Board briefly discussed issues and concerns with the suggested highway options. John Lajza pointed out the Executive Summary is lacking some important issues,

especially the queued traffic on Route 2A which would prohibit a timely emergency vehicle response and the pollution resulting from so many idling cars.

Taxes

Tim Jerman encouraged taxpayers to contact their elected officials to discuss tax matters in the village and town. Bert Moffatt asked about a possible rebate. Mr. Jerman stated a rebate may be likely with the CLA appeal, but this would not take effect with the first tax payment installment. The Essex staff and selectboard were recognized for making the appeal to the state on behalf of the Village, and giving the villagers a small break on the town highway tax which is a step in the right direction. The large increases in municipal taxes are not being changed though. There was mention of having three or four tax payment installments rather than just two to help ease the burden on people. Tim Jerman noted the Trustees are looking at three scenarios for next year's budget: 2% decrease, level funding, and 3% increase. The Village Advancement Committee survey to see what direction the public wants to take will be reviewed by the Trustees at the next meeting and if approved, mailed to all residents in the village. Residents are urged to complete the survey.

School District Unification

The vote on the unification of the school district is scheduled for November 6, 2007. Information meetings are scheduled on 9/27/07 (Essex Elementary School), 10/11/07 (Fleming), 10/16/07 (Westford Red Brick School), 10/23/07 (Westford Red Brick School), and 10/25/07 (Essex Founders School).

5. EXECUTIVE SESSION

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

The Board convened Executive Session at 7:50 p.m.

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

Executive Session was adjourned and the regular meeting reconvened at 9:25 p.m.

6. ADJOURNMENT

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

The meeting was adjourned at 9:30 p.m.

Rscity: M.E.Riordan

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

MEMBERS PRESENT: Larry Yandow (Village President) Tim Jerman, Peter Gustafson, John Lajza, Deborah Billado

1. CALL TO ORDER

Village President, Larry Yandow, called the meeting to order at 4:00 p.m.

2. EXECUTIVE SESSION

MOTION by Deb Billado, **SECOND** by Peter Gustafson, to go into executive session to discuss the Village Manager search.

VOTING: 5 ayes; motion carried.

The board entered executive session at 4:01 p.m.

MOTION by Tim Jerman, **SECOND** by Deb Billado, to adjourn Executive session.

VOTING: 5 ayes; motion carried.

Executive session adjourned at 5:25 p.m.

ACTION FROM EXECUTIVE SESSION

MOTION by Peter Gustafson, **SECOND** by Tim Jerman, to have Bert Moffatt coordinate the efforts for hiring a permanent Village Manager.

VOTING: 5 ayes; motion carried.

4. ADJOURNMENT

MOTION by John Lajza, **SECOND** by Tim Jerman, to adjourn the meeting at 5:26 p.m.

VOTING: 5 ayes; motion carried.

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

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

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

ADMINISTRATION: Bert Moffatt, Interim Village Manager; Patty Benoit,
Administrative Assistant; Jeff Arango, Village
Development Director.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

2. AUDIENCE

Tax Fairness

Peter Hunt, village resident and representative to the House of Representatives, thanked the Board for the opportunity to talk on the issue of tax fairness, specifically Champlain Valley Exposition paying its fair share to support the village. Mr. Hunt thanked the public for attending the meeting and the effort put into the petition drive, the likes of which have not been seen in his 40 years as a resident of the community. The petition has 500 signatures as of 10/8/07 and would have more signatures if there had been more time before the meeting on 10/9/07. Villagers are anxious to sign the petition in support of CVE paying its fair share. Mr. Hunt stated everyone has to make choices and CVE cannot take advantage of the taxpayers of Essex Junction by saying it cannot make payments because it has already spent its earnings. Mr. Hunt cautioned against anticipated rhetoric from CVE, such as acknowledging \$5.5 million was collected but more was spent or threatening to go out of business or suspend public use of the fairgrounds. Strong opinions were stated from the people who signed the petition. The taxpayers want something done and done now. Mr. Hunt gave the Board a packet of information including the signed petition and a copy of the agreement between UVM and the City of Burlington, information on payment in lieu of taxes, service charge on tickets, the 2004 and 2005 tax filings for CVE. Mr. Hunt asked the Board to hold negotiations with CVE at Lincoln Hall and to open the meetings to the public. Mr. Hunt also requested the Board negotiate an agreement that is favorable to the voters of Essex Junction. It was noted the petition is still available for signature.

George Dunbar, village resident and past Village President for 12 years, echoed the comments from Mr. Hunt. Mr. Dunbar recalled the work with CVE in pursuit of payment in lieu of taxes. The property is assessed at \$27 million and taxes would be \$566,000, but it is recognized it is not feasible to be paid all at once today. There were 105 events held at the fairgrounds, continued Mr. Dunbar, which means CVE was doing business on the 130 acres in the village for 200 days during the past year. CVE should be paying their fair share.

Pam Borden, village resident, asked about the town portion of her tax bill being higher than the village portion. Ms. Borden asked for documentation showing how much the villagers contribute to the town and how the money is used. Deb Billado pointed out 70% of the tax money is in support of education (schools), 15% is for services by the town outside the village whether they are received, used or wanted (recreation, library, streets, planning & zoning, fire, police, assessor), 10% is for services provided by the village, and 3% is in support of the recreation department in the village. Villagers paying for services not received is a valid issue under discussion with town officials, stated Ms. Billado.

Hans Mertens, village resident, pointed out 45% of the town's fire department is paid for by the villagers plus 100% of the village fire department. The Essex Selectboard is presently made up of town residents only though 45% of the population resides in the village. The village needs representation on the Selectboard in order to bring village issues to the table. The merger effort did not result in moving closer to equity. With merger the townspeople realized they would have to pay more and rely less on subsidy from the village. Now the issue cannot be raised again for five years. Perhaps some equity can be achieved by charging a fee for service when a village fire truck is sent to a fire in the town. This concept could be applied to many other services as well. Essex Junction is no longer a "gold" town and is facing budget cuts and potentially service cuts. The village needs to think about progress and demonstrate the community is viable so it can grow. Be proactive and find alternate solutions. Options include budget cuts, charging for services provided (review the fee schedule), pursuing tax equity (the village should not be held hostage to the town), charging an entertainment fee (this would apply to hotels, the fairgrounds, and other entertainment activities as allowed by law), charging a payroll tax on IBM (IBM is a resource. IBM's profits are at an all time high. The value of the company is more than just bricks and mortar). Mr. Mertens asked the Board to consider the options and communicate the outcome to the public. The education tax is high (70%). There are heavy layers of bureaucracy in the education system which needs to be streamlined. The schools should be asked to be more careful with the taxpayers' money. Spending the most does not guarantee a good education. Mr. Mertens suggested redirecting high paid administrator jobs to where the students are. CVE cannot be the only target. Options must be reviewed simultaneously. Trustee Billado assured the Board is discussing and working in different areas (school, town, village). Slashing \$100,000 from the village budget will only decrease the tax rate by one cent. Looking at the bigger picture is necessary – future income from the fairgrounds, future taxes paid to the town. Ms. Billado pointed out the example tax bill (handout) has the phone numbers of who to call on portions of the bill (school department, village, town). The tax bills are confusing so it is important to know who to call. Also, Representatives Hunt and Jerman will be following up on the CLA decision by the tax commissioner. Comments (letters or email) should be sent to them or the state tax commissioner. Comments/questions can also be sent to Peter Hunt at PDHunt@yahoo.com

George Boucher, village resident, spoke in support of the statements made by Hans Mertens relative to tax equity and that it is overdue for CVE to start paying its fair share. Mr. Boucher mentioned when he operated his gas station in the 60s and 70s, during the

fair gas sales were negatively impacted because no one wanted to stop. Mr. Boucher suggested having an extra sales tax in the community as other communities have. Mr. Boucher invited the public to a meeting on 10/11/07 at Fleming School to discuss unifying the school district, cautioning that the voters should be wary of this move. It is absurd that Essex Junction is eliminated from the equation, stated Mr. Boucher. The unified school district will be "Essex-Westford School District". Mr. Boucher recalled how the village built the high school in the early 70s and eventually sold it to the Union #46 School District at a cost of \$6.4 million which was \$4 million below the lowest appraised value for the school. Mr. Boucher stressed his dismay at the lack of recognition of Essex Junction, citing the signs for the high school being "Essex High School" rather than Essex Community High School. Mr. Boucher pointed out the same has happened (lack of recognition of the village) with the police, the reservoir, and Saxon Hill property owned by the community.

Marla Durham, village resident, acknowledged the work by Hans Mertens and George Boucher in the best interest of the community. Ms. Durham recalled her service on the Prudential Committee for 12 years following the union high school vote, and cautioned about a knee jerk reaction on the unified school district issue, stressing the importance of keeping in mind the best interest of the students to retain the quality of the village. Ms. Durham urged the public to attend the unified school district meetings. It was noted school buses will bring the children to school and the village schools which are nearly debt free at this point will take on the debt of the Essex schools with the unification. Regarding controlling costs, the Prudential Committee tried many initiatives to cut costs some of which were not allowed by the state education commissioner, continued Ms. Durham, also the \$6 million from the sale of the high school was invested wisely, but the sales figure and the assessment on which it was based in hindsight was low.

Frank Jordan, village resident, asked why taxation for residents is greater than that for nonresidents when Act 60 which was adopted in 1996 promised just the opposite. Tim Jerman explained the rate reverts to \$1.10/\$100 of value each year. The legislature lowers the tax rate as much as possible. The commercial rate is not tied to local spending and has decreased. Commercial property values have decreased dramatically as well. Mr. Jordan mentioned the State of Virginia uses four taxes to cover costs, including property, payroll, portion of sales tax, and a tax directed at visitors to the state. Peter Hunt stated the Ways & Means Committee is looking at funding of education. Comments from the public should be forwarded to the state website.

Madelyn Nash, village resident, asked about tax equity and options, including possible reassessment of IBM. Deb Billado stated the issue with IBM is over. The appraisal stands as is. Requests for reassessment were denied. Only the appraised can appeal their appraisal (e.g. IBM would have to appeal their appraisal).

Steve McGrath, village resident, asked if IBM is exempt from getting building permits and if the company pays more in taxes as they make improvements to the site. Jeff Arango confirmed the assessor is notified when a building permit is secured. Mr.

McGrath who is an IBM employee spoke against a payroll tax because that would mean double taxation for IBM workers who are also village residents.

Lorri Picard, village resident, asked if places like Subway, Loretta's, Rocky's, and the Lincoln Inn pay property taxes. Deb Billado stated every property owner pays property taxes otherwise the taxes are paid through leases (triple net). Ms. Picard suggested CVE pay their taxes before they assess an entertainment tax.

Jim Mooney, village resident, spoke in agreement to fair and equitable payment by CVE to the village. The impact of an entertainment tax or other type of tax on nonprofit organizations in general needs to be explored before CVE is targeted because this could have an unanticipated impact on churches and other places, for example. Regarding IBM, the equipment and machinery tax was phased out over time which is how the community tried to help IBM. Perhaps IBM would be willing to phase down the property tax differential. Tim Jerman stated IBM declined to do this.

Joanne Flynn, resident, questioned how CVE spends down its earnings to remain a non-profit organization and can be tax exempt if it is a business. Deb Billado stated it is assumed revenues are turned back into the organization for new/improved facilities, grounds, salaries. CVE is a business and has always been a business in the sense of selling a product for cash return. The product was the agricultural fair for 10 days a year. Today there are 52 weeks per year of activities and the majority is not agricultural in nature. The villagers do not want CVE to lose their tax exempt status, but does want CVE to be an equal partner in the community, contributing to the community and its upkeep. Peter Gustafson added the mission statement of the fair says to serve the people of Vermont by promoting agriculture, education, commerce, and entertainment activities. Rep. Hunt interjected CVE started as a profit organization then changed to non-profit.

Resa Mehren, village resident, gave a brief history of her move to Essex Junction and the impact of the activities at the fairgrounds on her quality of life at her house. The music is so loud, said Ms. Mehren, that she is forced to leave her house. It was suggested there is no need to buy tickets to the concerts since the music can be fully heard from the street. Ms. Mehren felt CVE needs to be a better neighbor, noting the fairgrounds has not been disturbed by noise coming from her house. Regarding adding a sales tax in the village, people are not coming into the village to shop so a sales tax will only be taxing the village residents, said Ms. Mehren.

A gentleman in the audience who said he has worked at IBM for the past 13 years asked about charging CVE for police services during events or charging an 'inconvenience fee' because people are driven from their homes during activities. It was also suggested to encourage small businesses to locate in the village to help increase the tax base.

Chris Chiquoine, village resident, asked about the status of proposals recently submitted to the Board of Trustees regarding noise at the fairgrounds. Deb Billado assured the Board is working on the matter.

Ron Savage, village resident, stated when activities are taking place at the fairgrounds, the police are not patrolling the streets as often. Mr. Savage asked if residents can issue tickets to offenders who ignore the speed limit. Another individual suggested there be a “pain in the butt” tax applied to those who break traffic rules.

Jeff Culkin, Chairman of the Union #46 Board and member of the Unified School Committee, provided information on the public forums (eight in total), noting the remaining two are on October 11th and October 30th. If the unification is passed, it will not take effect until 2009. Information is available on the high school or CCSU websites.

A resident of Mansfield Avenue asked about the revitalization project in the village and designating only one percent of the budget for this project. Deb Billado urged everyone to shop locally to contribute to the vitality of the community. Jeff Arango reviewed plans to improve the Five Corners area of the village (new traffic signals, streetlamps, street trees, parking reconfiguration, and sidewalks). Now that easements have been secured from the railroad, construction will begin in the spring.

A gentleman in the audience asked about space to bring in employers. Jeff Arango confirmed the village does not have a large land base, but does have local markets supported by the local community. The village is revitalizing by investing in infrastructure, making the area a nice place to develop niche businesses. It was suggested the fairground property be used for industrial business development. Deb Billado pointed out the fairgrounds is private property.

Gerald Edwards, village resident, asked about the library budget which is 23% of the village budget (the Fire Department is only 9% of the budget). Deb Billado confirmed the library has a half million dollars of the total village budget, and this is consistently voted in support by the community. The Trustees listen to the community. Linda Costello, library trustee, stated the Brownell Library is a destination. People come into the village to go to the library, and while they are here they spend money in the community.

Mary Gauthier, village resident, asked about the Fire Department budget (9% of the village budget). Deb Billado stated villagers pay 21 cents for village services plus 32 cents to the town for services that may or may not be received/used. There was further discussion of village taxes and the town tax burden on villagers. Deb Billado mentioned the Village Advancement Committee is working on ensuring the viability of the village. George Tyler is co-chair of the committee. Mr. Tyler explained the committee was formed after the merger vote failed and to address the \$65,000 tax loss to the village each year. A survey is being sent to every resident to get input on issues facing the community. Everyone is urged to complete the survey. A report will be drafted after the results are compiled.

3. BUSINESS

Circ-Williston Draft Environmental Impact Statement (EIS)

Tom Weaver, village representative on the Regional Planning Commission, confirmed his understanding of the Board’s support for completion of the circumferential highway

to alleviate traffic congestion in the village. John Lajza stated regional safety issues were not addressed in the EIS, especially the impact if Route 2A is closed which will put the entire northeast quadrant of Chittenden County at risk since there is no alternate route. This matter needs to be brought to the attention of the Regional Planning Commission. There was discussion of the resolution regarding the AB alternatives and conformance to the Chittenden County Regional Plan. Tom Weaver said he cannot support the resolution as presently worded. VTrans presented options, but will make the choice. Mr. Weaver felt the communities directly impacted by the highway want the project to move forward, and more consideration should be given to these communities. There was continued discussion of the matter. Frustration was vented at the delay of the project for over 30 years and the ever increasing expense. The need for the highway is demonstrated on a daily basis. There is an environmental impact by 500 cars idling in traffic for 25 minutes between Tafts Corners and Five Corners each day.

Dale Arango, Regional Planning Commission, spoke in support of efforts to expedite the process, and agreed the safety issue mentioned by Trustee Lajza needs to be addressed.

Gerald Edwards, village resident, opined the EIS process is arduous and a nano issue can stop a project. Regarding the argument about the circumferential highway promoting sprawl, this type of development happened regardless. Regarding protecting streams and wetlands, there are engineering controls to deal with these issues. The stop gaps are political and emotional. This is what needs to be defused in order for the project to proceed. Mr. Edwards spoke in support of building the circ highway rather than reconfiguring Five Corners to try to improve traffic flow through the village.

Request to Close Lincoln Street for Veterans Day Ceremony

MOTION by Tim Jerman, SECOND by Peter Gustafson, to approve the request by Ray DeGiovine, father of fallen veteran, Chris DeGiovine, to close Lincoln Street from 10:45 a.m. to 11:45 a.m. on Veterans Day, November 11, 2007, for a dedication ceremony at 11 a.m. at Veterans Memorial Park (marble bench to be dedicated to Chris DeGiovine).

DISCUSSION: Mention was made of making the event an annual occurrence. Disruptive traffic noise from Main Street during solemn events at Five Corners is an issue.

VOTING: 4 ayes; motion carried.

Survey to Village Residents

MOTION by Peter Gustafson, SECOND by Tim Jerman, to approve the survey as presented for printing and mailing to every household in the village at a cost of \$2,500. VOTING: 4 ayes; motion carried.

Additional copies of the survey will be available at the Village Office. Marla Durham thanked Deb Billado and the Board for leadership in forming the committee. Ms. Durham stated there is a deficiency of news being communicated in the community, and suggested a staff member write a column for the local newspaper on what is happening at village meetings, including articles on the survey and results as well as other key issues.

Dan Bousquet asked for volunteers to help the Village Advancement Committee by holding forums in the community as a follow up to the survey. George Tyler stated a website is being constructed to communicate with the people. The committee may remain intact to pursue the long term vision for the village.

Approve Minutes

September 25, 2007 – Regular Meeting & September 27, 2007 – Special Meeting

MOTION by Peter Gustafson, SECOND by Tim Jerman, to approve the 9/25/07 regular meeting minutes and the 9/27/07 special meeting minutes as written.

VOTING: 4 ayes; motion carried.

Approve Bill Lists

MOTION by Tim Jerman, SECOND by Peter Gustafson, to approve the bill list dated 10/9/07 with checks #10034904 through check #10034987 in the amount of \$78,350.60. VOTING: 4 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

Driveway on Upland Road

Following brief discussion, the Board concurred no further work on the driveway on Upland Road is needed.

5. EXECUTIVE SESSION

None.

6. ADJOURNMENT

MOTION by Peter Gustafson, SECOND by Tim Jerman, to adjourn the meeting.

VOTING: 4 ayes; motion carried.

The meeting was adjourned at 9:50 p.m.

Rscity: M.E.Riordan

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

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

ADMINISTRATION: Bert Moffatt, Interim Village Manager.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

2. AUDIENCE

Mary Cavanaugh re: Zoning

Mary Cavanaugh, 23 Maple Street, submitted a letter, dated 10/23/07, outlining her request and supporting reasons to rezone the area by her house from Residential to Residential-Office. Reasons include adding to the tax base to offset the recent decrease in IBM's value, the change will blend well with the block (there are other offices now including a dentist at 24 Maple Street, an insurance office at 18 Maple Street, Bushey's service station at 16 Maple Street, and Gabbie's at 19 Maple Street), the change will not significantly increase traffic and there is space available for parking in the adjoining lot, there was a doctor's office in the house in the past. Ms. Cavanaugh said that the house if sold under current zoning would likely become multiple dwellings or condominiums such as those at 27 Maple Street rather than a single family house. The Planning Commission was supportive of the zoning change and suggested the matter be brought before the Board of Trustees.

3. BUSINESS

Essex Rescue Building Expansion Proposal

Craig Butkus, Essex Rescue, explained the proposal to expand the Essex Rescue facility so the non-profit, self-funded organization can evolve into the added space and continue to provide 24 hour, seven day a week service to the community. The parcel of land where the 14' expansion will be is owned by the village. There is also a sewer line to consider. Ownership must be transferred to the school district and an easement provided for the sewer line. The sewer line will be upgraded and reinforced to avoid future problems. The new pipe will run from manhole to manhole rather than be coupled in between. The proposal will go through site plan review. No changes to parking are planned. The engineers did consider adding a second story to the building, but it was determined the better course is to expand the building out by 14'. The addition will be a slab on grade with footings five feet from the sewer line.

Bert Moffatt confirmed the only issue for the village is the sewer line which will be five feet from the building expansion. The pipe to be installed is the most failsafe available at this time.

MOTION by Tim Jerman, SECOND by Peter Gustafson, to transfer the land to the school department and approve the legal process for obtaining a sewer easement with the following conditions:

- 1. Essex Rescue shall be responsible for the preparation of all legal documents and associated costs regarding the transfer of the 30' strip of land adjacent to the Essex Rescue building between the Village and the School District, including the cost to review the documents by the Village Attorney.**
- 2. Approval of the sewer line reinforcement shall be subject to approval by the Planning Commission as part of site plan review, and at that time, the Village Engineer shall review the plan and provide recommendations; the cost of the review shall be paid by Essex Rescue and approval is not guaranteed.**
- 3. The land transfer shall be finalized upon approval of all zoning requirements, and if this does not occur, the Village shall retain the land.**

VOTING: 4 ayes; motion carried.

Peter Gustafson mentioned the recent passing of Marvin Campbell, veteran of World War II and the Korean War, and original member of Essex Rescue. Mr. Butkus added Mr. Campbell was an active member of Essex Rescue for over 25 years and a successful fund raiser for the organization (Essex Rescue Super Party Annual Fund Raising Event) as well as an active community member who will be greatly missed. Essex Rescue was honored to be involved as honor guard at his funeral service. Tim Jerman noted Marvin Campbell raised a phenomenal amount (over \$10,000 each year) for the Memorial Day Parade and was a long time crossing guard by A.D. Lawton School.

Resolution Supporting Campaign for Active Transportation

MOTION by Tim Jerman, SECOND by John Lajza, to enthusiastically support and adopt the resolution to demonstrate strong local interest and support participation in the potential program to plan, develop and construct facilities such as sidewalks, bicycle lanes and trails to demonstrate the viability of biking and walking as effective modes of travel and to support their role in addressing transportation issues. VOTING: 4 ayes; motion carried.

The Board signed the resolution.

Ethics Policy Review

The Board reviewed and signed the Village's Ethics Policy.

Approve Minutes

October 9, 2007 – Regular Meeting

MOTION by Tim Jerman, SECOND by John Lajza, to approve the 10/9/07 minutes as written. VOTING: 4 ayes; motion carried.

Approve Bill Lists

MOTION by Deb Billado, SECOND by John Lajza, to approve the bill list, dated 10/23/07, with checks #10034988 through check #10035092 in the amount of \$237,116.07. VOTING: 4 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

Meier Properties

Village staff continues to work with the property owner to resolve outstanding issues.

Public Records

Tim Jerman reported the legislature will discuss the matter in January, 2008. It was noted there have not been any inquiries at the Village Office to date.

CLA

Tim Jerman reported legislation is being crafted to get the CLA back to 100% at least, and hopefully this will be credited to the second tax installment in March for villagers. CLA applies only to the education portion of the tax bill, not the municipal tax. John Lajza felt large facilities, such as IBM, should not be considered part of the CLA, but if they are, keeping the appraisal current should be the state's responsibility. Tim Jerman confirmed there is discussion of 'rolling reappraisals' by the state. Cost is an issue. Also, there is a proposal to remove the residential property tax (base taxes on income).

5. EXECUTIVE SESSION

MOTION by Deb Billado, SECOND by Peter Gustafson, to enter Executive Session to discuss contracts and legal matters. VOTING: 4 ayes; motion carried.

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

MOTION by John Lajza, 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 8:45 p.m.

6. ADJOURNMENT

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

The meeting was adjourned at 8:46 p.m.

Rscity: M.E.Riordan

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

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

1. CALL TO ORDER & 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

Funding for Martin Luther King Celebration

Joyce Carroll explained the program of events to celebrate Martin Luther King Day in January, including musicians, speakers, and a dinner. A flyer of the program and a copy of the draft budget were given to the Board. Essex Parks & Rec is doing the printing as an in-kind donation. Other sources of donations are being solicited as well. Ms. Carroll asked that the Trustees consider providing some funding from the village for the celebration.

3. BUSINESS

Essex Junction Redevelopment Project

Jeff Arango, Village Development Director, reported cost estimates for the Essex Junction Redevelopment Project are higher than anticipated (an increase of \$103,285.90 of which \$67,000 is for add alternates). There is a \$70,000 surplus in the Capital Plan that can be used plus \$15,000 interest earnings from the Capital account. Also, surplus funds from the General Fund can be transferred to the Capital Fund to help cover the cost increase so there will not be a tax increase. Another option is to delete the add alternates though the add-ons include some items that are necessary to the project, including tree guards and structural soil for trees, fluted mast arm poles with gas lamps to make the area unique from other area towns, emergency vehicle emitters to give priority consideration through Five Corners, repellant coating on the sidewalk to prevent chipping, and excavation of contaminated soils from the work site. The project will go out to bid in January so costs may change. There is opportunity to eliminate add-ons at a later time (i.e. once the bids are received).

Owen Jenkins, 10-12 Pearl Street, noted his property is on the cusp of the redevelopment project, and asked if the change of use of the Chittenden Bank property is being considered relative to the project. Jeff Arango stated the project was designed prior to the Chittenden Bank property being proposed for redevelopment. Additionally, there has not been a site plan submitted by Chittenden Bank for changes to the property. One potential impact may be replacement of the trees by the bank with trees of scale to the area. The location of the curb cut is not likely to change. Mr. Jenkins interjected the curb cut and access to the bank property is a concern (people still turn left into the property even with

a sign posted prohibiting this maneuver). Mr. Jenkins urged looking carefully at the curb cut on the site, and also asked that the impact of the project on Pearl Street be considered.

CVE Noise Concerns

Jeff Arango reported on the meeting with Champlain Valley Exposition (CVE) about monitoring noise at the fairgrounds from more than one point at the property line. Two options were discussed. CVE will get back to staff with their decision. The options include investing in a real time permanent noise monitoring system (cost is \$20,000) or hiring a consultant with expertise in noise monitoring to monitor noise at the eastern and western property lines for all grandstand events (cost is \$1,500 for the first concert and \$500 for each additional concert). Jeff Arango stated noise waivers were discussed in a general sense. CVE was informed waivers have been granted in the past, but the Village is not obligated to grant waivers in the future. Each waiver request is subject to discussion.

Peter Gustafson asked if a person needs to be present to monitor the real time system. Jeff Arango stated there would be some monitoring, but compliance will be in CVE's control during a concert. Fines can only be levied if the noise level is exceeded. John Lajza felt the fines are not excessive and even increasing the fines may not be a deterrent. Jeff Arango pointed out there has not been evidence of violations and now a CVE representative is at the sound board to correct any violations immediately. CVE does not want to incur fines. Larry Yandow stated the sound engineer or CVE staff must have the authority to turn down the sound level to an acceptable limit. Jeff Arango suggested language to this effect could be added to the indemnification agreement. Mr. Arango will try to have an agreement with CVE in place by the end of the year.

PUBLIC COMMENTS

Nancy Chiquoine, Prospect Street, urged the Board to pursue the noise waiver issue with CVE sooner than later, and asked if residents will be allowed to provide input. Larry Yandow stated the Board wants to first see what CVE has in mind to monitor the noise level at the fairgrounds. Ms. Chiquoine asked if the noise level will be based on decibels. Larry Yandow explained originally the sound testing was based on decibels per the recommendation of an expert consultant hired by the Village.

Tim Jerman asked about the history of noise waivers (granted for concerts or fireworks). Larry Yandow explained previously the village did not have a noise ordinance in place. About 14 years ago a noise consultant was hired and made the recommendation to measure decibels over a duration of time to determine if a waiver should be granted. All noise events were required to seek a waiver (concerts, fireworks, and such) regardless of who was hosting the event (CVE, high school, other organizations).

Peter Hunt, village resident, thanked the Board and staff for initiating the response from residents as a great start in the process. Mr. Hunt suggested the mixing board be set at 80 decibels. Fines are a deterrent. Residents want to work with the Board on the matter, stressed Mr. Hunt.

Owen Jenkins, 22 Prospect Street, recalled from 1978-1982 he lived at 6 East Williams Street adjacent to the fairgrounds. The annual fair was held for seven days. Every year the fair changed and more days were added to the duration. Over four years, the fair changed from predominantly agricultural to something other than that. Mr. Jenkins stated there were days where the tractor pull was ongoing and it was unbearable to be in the house. From 1982 to the present Mr. Jenkins has lived on top of Hillcrest about 500 yards from the fairgrounds and the noise impact is not much different than it was on East Williams Street. During tractor pulls and concerts at times it is unbearable in the house, stated Mr. Jenkins. There are too many variables in the noise ordinance, continued Mr. Jenkins, adding the best way to regulate the noise is at the mixing board. The level should be set at 80-85 decibels which is tolerable. There will not be the need to expend \$20,000 for a system or constant monitoring if the noise is controlled at the mixing board. People will still attend concerts set at 80 decibels and probably be more comfortable listening in the grandstand.

Peter Gustafson mentioned the plan by CVE to install a mini-roof over the grandstand stage which will help muffle noise. Larry Yandow noted wind can also influence how far sound travels beyond the fairgrounds.

Chris Chiquoine, Prospect Street, suggested staff notify residents directly via email when the issue is on the Board's agenda since people will not likely keep checking the village website. Mr. Chiquoine thanked everyone for the work done so far on the noise problem and urged the list of items previously presented by Peter Hunt be addressed. Larry Yandow assured the Board will try to address the matter and find a satisfactory balance.

Deb Billado suggested a simple solution may be to hire a police officer to monitor the mixing board which is set at a predetermined level. Jeff Arango stated CVE does have someone at the mixing board. The simplest approach is to monitor noise at the venue, but the current noise ordinance addresses noise emanating from the property onto other property which means noise must be monitored at the property lines. Also, an event could be in compliance, but the noise level may still not be acceptable to the neighbors.

John Lajza pointed out what the Village can do legally is another consideration. The Village may not be able to specify what happens on private property. Mr. Lajza suggested the values specified in the ordinance be revisited.

Tim Jerman stated the content of some shows was an issue this year at the fair, and this was worse than the noise. It was acknowledged that CVE is trying to deal with this issue with performers.

Circ-Williston Draft Environmental Impact Statement

MOTION by Tim Jerman, SECOND by Peter Gustafson, to direct staff to draft and send by 11/21/07 a letter opposing the no-build alternatives and supporting 16A as the most desirable option (as stated in the resolution from the Essex Selectboard and the letter from GBIC to Ken Robie, dated 10/31/07). VOTING: 5 ayes; motion carried.

Policy Amendment re: Street Banners

There was discussion of increasing the fee to \$250 for banners and waiving the fee for the Memorial Day Parade banner.

MOTION by Deb Billado, SECOND by Tim Jerman, to accept the policy amendment relative to street banners as presented. VOTING: 5 ayes; motion carried.

Street Banner Application

MOTION by Tim Jerman, SECOND by Peter Gustafson, to approve the street banner for the Vermont International Festival at CVE from 11/30/07-12/2/07. VOTING: 5 ayes; motion carried.

Approve Minutes

October 23, 2007 – Regular Meeting

MOTION by Deb Billado, SECOND by John Lajza, to approve the 10/23/07 minutes as written. VOTING: 4 ayes, 1 abstention (Yandow); motion carried.

Approve Bill Lists

MOTION by Tim Jerman, SECOND by Peter Gustafson, to approve the bill list, dated 11/13/07, with checks #10035093 through check #10035218 in the amount of \$165,904.09.

DISCUSSION: There was a question about refunding tax over payments relative to rebates and crossover payments from mortgage companies. VOTING: 5 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

Legislative Priorities

There was consensus of support to add to the priority list the issue of phosphorus reduction to Lake Champlain per the request from the Water Quality Superintendent (Jim Jutras). The Board discussed the issue of funding public transportation.

The 2008 Legislative Priorities List was accepted with the addition of phosphorus reduction legislation as recommended by Jim Jutras.

Zoning Request

The Board discussed the request to rezone Maple Street to Residential-Office from the village center to East Street. Deb Billado noted rezoning (to residential) was just done because housing stock in the village was being lost to commercial uses. There is also concern the residential “feel” of the area will be lost with houses being converted to offices. Once the larger homes start to be converted, typically the result is multi-family dwellings and remote landlords which in the long run could produce an undesirable area

in which to live. Also, the Board wanted commercial uses to be focused in the downtown area rather than dispersed throughout the village, stated Trustee Billado.

MOTION by Peter Gustafson, SECOND by Deb Billado, to deny the request to change the zoning on Maple Street to Residential-Office (RO). VOTING: 5 ayes; motion carried.

Tree in Veterans Memorial Park

MOTION by Deb Billado, SECOND by Peter Gustafson, to have staff work with Sandy Willey on replacing the Blue Spruce tree in Veterans Memorial Park and to take action as soon as possible (i.e. before the snow flies if this is the appropriate time for planting). VOTING: 5 ayes; motion carried.

Village Newsletter

The results of the survey by the Village Advancement Committee will be included in the newsletter before publishing.

5. EXECUTIVE SESSION

MOTION by Larry Yandow, SECOND by John Lajza, to enter Executive Session to discuss legal and personnel matters. VOTING: 5 ayes; motion carried.

The Board entered Executive Session at 8:40 p.m.

MOTION by John Lajza, 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 10:09 p.m.

6. ADJOURNMENT

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

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

Rscdy: M.E.Riordan

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF SPECIAL MEETING
DECEMBER 5, 2007**

MEMBERS PRESENT: Deborah Billado, Tim Jerman, Peter Gustafson, John Lajza.
MEMBERS ABSENT: Lawrence Yandow, Village President
ADMINISTRATION: Bert Moffatt, Interim Village Manager

1. CALL TO ORDER

Deb Billado called the meeting to order at 4:00 p.m.

2. EXECUTIVE SESSION

MOTION by Deb Billado, **SECOND** by Peter Gustafson, to go into executive session to interview candidates for Village Manager.

VOTING: 4 ayes; motion carried.

The board entered executive session at 4:01 p.m.

MOTION by Tim Jerman, **SECOND** by Deb Billado, to adjourn Executive session.

VOTING: 4 ayes; motion carried.

Executive session adjourned at 5:35 p.m. No action was taken.

3. ADJOURNMENT

MOTION by John Lajza, **SECOND** by Tim Jerman, to adjourn the meeting at 5:38 p.m.

VOTING: 4 ayes; motion carried.

Minutes respectfully submitted by Bert Moffatt, Interim Village Manager.

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
December 11, 2007**

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

ADMINISTRATION: Patty Benoit, Administrative Assistant; Jeff Arango,
Development Director.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

2. AUDIENCE

Essex Junction and Essex Town

George Boucher, Main Street, mentioned the article in the *Burlington Free Press* on 12/10/07 and expressed concern about the comments by Jeff Carr regarding duplication of services by Essex Junction and Essex Town. Mr. Boucher stressed the Town did not provide services to Essex Junction so Essex Junction had to provide necessary services, including the fire department beginning in 1893, police service in 1896, the library in 1899, recreation department in 1952, and village manager in 1955. There was no duplication of services. Mr. Boucher feels it is unjust the villagers pay the Town of Essex for services not used, and it is appalling that the Town is constantly intruding in the Village's business. Essex Junction should have the freedom to control its own destiny, stated Mr. Boucher. Deb Billado agreed Essex Junction established services before the Town. There are several efforts underway focused on tax fairness, including a press release and proposed legislation to discontinue duplicate services.

Discussions with CVE

Deb Billado reported discussions with CVE regarding help in funding the village continue. Several options were suggested to CVE. A response is anticipated by the end of the month.

3. BUSINESS

VLCT Leader Program Credit

Chris LaBerge, VLCT Senior Loss Control Consultant, thanked the Village and the Village Wellness Coordinator (Susan McNamara-Hill) for helping the staff stay healthy. A financial incentive of \$4,090 earned by the Village was presented to the Village of Essex Junction.

Public Hearing: Updated Village Plan

The public hearing on the updated Village Plan was opened at 7:15 p.m. Jeff Arango gave a brief description of the Comprehensive Plan which is a policy document to guide and control growth in the community. The plan is not a regulatory document. The update attempted to connect the Village's vision and goals with concrete objectives. The

Comprehensive Plan must not conflict with the zoning code, and any necessary amendments were made to ensure this.

Tim Jerman asked for a description of some of the updates. Jeff Arango stated major effort was made to better document policies. In the agricultural section it was recognized there is the only remaining working farm in the village, part of which has been developed with housing. The Comprehensive Plan offers ideas on what happens when the farming operation is not longer viable. The land use section was strengthened in connecting transportation and land use (smart growth, higher density development, transportation).

Deb Billado asked if the recent rezoning of Maple Street and Main Street to residential has had drawbacks or positive momentum. Jeff Arango stated the zoning change has led to preservation of residential dwellings in the district. Trustee Billado asked about an increase in the commercial district with businesses coming into the village. Mr. Arango stated there has been a decline in new businesses in the past few years. Applications tend to be for in-fill type development. There is not a volume of residential development so the focus can be on redevelopment.

There were no further comments. The public hearing was closed at 7:25 p.m.

Results of Village Survey

George Tyler briefed the Board on the results of the survey. There was overwhelming approval and satisfaction with village services (over 90%). There was also significant support for design review control on development to preserve the historic character of the village (88%). Respondents (62%) did not want to dissolve the village. People are happy with the way things are in the village. There was support for mixed use development (residential/commercial) in the village (80%). The majority of respondents (86%) wanted a better understanding of the lines of authority (who is responsible for what, especially with regard to village and town taxes). Mr. Tyler stated there were written comments which will be compiled and presented to the Board. Work continues on the Village Advancement Committee website. The committee wants to develop a policy for the Board relative to using the Front Porch Forum email network. The Village Advancement Committee website should link to the Front Porch Forum. Suggestions on how the committee can be of further assistance are welcomed.

George Tyler relayed the suggestion from Steve Eustis to post information about the annual meeting on the website. Future activities of the Village Advancement Committee should also be discussed on the website and at the annual meeting.

Tim Jerman observed the survey results show equity and taxation are the real issues, not separation or merger. Mr. Tyler agreed, noting 93% of respondents said they want a tax rate adjustment so villagers no longer are paying for something they are not receiving. John Lajza mentioned the survey also indicated 88% of the respondents want the circumferential highway built. This information has been forwarded to the Circ. Highway EIS.

Development Fee Schedule

Jeff Arango explained the rationale for increasing fees based on comparison to surrounding municipalities (Village fees are lower) and better aligning the fees with the costs incurred in reviewing projects. The last update of the fee schedule was over five years ago.

MOTION by John Lajza, SECOND by Tim Jerman, to adopt the updated fee schedule as presented. VOTING: 4 ayes; motion carried.

Impact Fee Ordinance Amendment

Jeff Arango explained a residential unit built in the village is charged a school impact fee to offset the cost to schools. The ordinance was changed to allow payment of the educational impact fee when seeking a certificate of occupancy, but this has been difficult to track. Staff is recommending the fee be paid upfront, prior to the issuance of a zoning permit. This is the practice of area towns.

MOTION by Peter Gustafson, SECOND by John Lajza, to rescind the previous amendment of the educational impact fee and require payment of school impact fees prior to the issuance of a zoning permit, and further, to investigate when the bond expires so there can be consideration of phasing out the fee.

DISCUSSION: There was discussion of the need for school impact fees in light of declining school enrollment. Jeff Arango noted the fees are used to pay a bond for past school improvements. Once the bond is repaid the impact fee can be phased out. Bill Kalanges, resident, spoke in support of repealing the impact fee because the village is mainly built out. There is very little school impact. Mr. Kalanges also questioned making a change in a process that seems to be working (i.e. the fees are being collected before a certificate of occupancy is issued). Also, the fee is a cost passed onto the buyer so the seller does not receive the money until after the sale. Requiring the fee to be paid with the zoning permit means the seller must pay before receiving money from the buyer.

VOTING: 4 ayes; motion carried.

Channel 17 Proposal

Lauren-Glenn Davitian gave a presentation on the “clickable” service for meetings and agendas being offered by Channel 17 to help people participate in government. The pilot service will be implemented by the end of June, 2008. One hour of resources per meeting is needed for the process at a cost of \$85/meeting. Channel 17 covers three meetings per month for the Village so the cost for the service would be \$3,060 per year. The new service can track usage. Meetings can be viewed any time and by agenda item. An infinite archive of meetings will be held for a year. Portals to municipal websites can be explored. The Board will discuss the proposal by Channel 17 at a future meeting.

Tax Stabilization for 4 & 12 Park Street and 58-80 Pearl Street

Positive comments were made on the success of the tax stabilization program in the village and the welcomed renovations to 58-80 Pearl Street.

MOTION by John Lajza, SECOND by Tim Jerman, to accept and approve the tax stabilization agreement for 4 & 12 Park Street as presented. VOTING: 4 ayes; motion carried.

MOTION by John Lajza, SECOND by Tim Jerman, to accept and approve the tax stabilization agreement for 58-80 Pearl Street as presented. VOTING: 4 ayes; motion carried.

2008 Legislative Priorities

Deb Billado reviewed the list of 2008 legislative priorities including Common Level of Appraisal at 100%, tax fairness, P-12 funding, reappraisals, public transportation, education fund, circ highway, affordable housing, downtown incentives, home rule, and phosphorus reduction. Tim Jerman reported the CLA credit will not appear in the second installment of the current village tax bill, but will be on the 2009 bill (September payment).

Tim Jerman commented on the positive relationship building between the Essex Selectboard and Village Trustees. The Village pays \$680,000 to the Town which equates to five cents on the town tax rate. The Essex Selectboard did support the Village's initiative with the IBM reappraisal and held their highway tax which if the Town would eliminate this five cents on the tax rate paid by the Village, there is opportunity to discuss their space needs. Tim Jerman felt there is opportunity to support two proud communities helping each other. John Lajza agreed, adding holding the town highway tax is demonstration of phasing, and this can be the first step toward tax equity. Deb Billado observed there is forward movement in that both entities are recognizing a tax inequity needs to be addressed.

Hydraulic Tool System Bid Award

MOTION by Tim Jerman, SECOND by John Lajza, to award the bid to Hydron, Inc. for a hydraulic tool system and accessories at a cost of \$23,103 as presented. VOTING: 4 ayes; motion carried.

VLCT Health Trust Vision Service Plan

MOTION by Tim Jerman, SECOND by John Lajza, to accept the staff recommendation to offer the vision service plan instead of the current eye exam and glasses policy as presented. VOTING: 4 ayes; motion carried.

Employee Association Contract Amendment/Personnel Policies Amendment

MOTION by John Lajza, SECOND by Peter Gustafson, to amend the Employee Association Contract for the period of January 1, 2008-December 31, 2008 and Section 207.3(e) of the Personnel Policies as presented. VOTING: 4 ayes; motion carried.

Request to Waive Penalty

MOTION by John Lajza, SECOND by Tim Jerman, to table action on the request by Yun Poon of Park Street Holding Company to waive the penalty for engineering fees (\$51.13) related to the proposed development (hotel) at 9-11 Park Street pending further information from staff. VOTING: 4 ayes; motion carried.

Approve Minutes

November 13, 2007 – Regular Meeting

MOTION by Peter Gustafson, SECOND by John Lajza, to approve the 11/13/07 minutes as written. VOTING: 4 ayes; motion carried.

Approve Bill List(s)

MOTION by Tim Jerman, SECOND by John Lajza, to approve the bill list, dated 11/27/07, with checks #10035219 through check #10035306 in the amount of \$359,157.83. VOTING: 4 ayes; motion carried.

MOTION by Tim Jerman, SECOND by Peter Gustafson, to approve the bill list, dated 12/11/07, with checks #10035307 through check #10035376 in the amount of \$143,989.24. VOTING: 4 ayes; motion carried.

4. TRUSTEES/STAFF COMMENTS

The Board reviewed correspondence received.

Railroad Lease

It was noted the increase in the lease with the railroad is now 25% over five years (it was 20% over five years).

5. EXECUTIVE SESSION

None.

6. ADJOURNMENT

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

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

Rscity: M.E.Riordan

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

MEMBERS PRESENT: Deborah Billado, Tim Jerman, Peter Gustafson, John Lajza.
MEMBERS ABSENT: Lawrence Yandow, Village President
ADMINISTRATION: Bert Moffatt, Interim Village Manager

1. CALL TO ORDER

Deb Billado called the meeting to order at 3:30 p.m.

2. EXECUTIVE SESSION

MOTION by Deb Billado, **SECOND** by Peter Gustafson, to go into executive session to interview a candidate for Village Manager.

VOTING: 4 ayes; motion carried.

The board entered executive session at 3:31 p.m.

MOTION by John Lajza, **SECOND** by Tim Jerman, to adjourn Executive session.

VOTING: 4 ayes; motion carried.

Executive session adjourned at 5:45 p.m. No action was taken.

3. ADJOURNMENT

MOTION by Peter Gustafson, **SECOND** by Deb Billado, to adjourn the meeting at 5:50 p.m. **VOTING:** 4 ayes; motion carried.

Minutes respectfully submitted by Bert Moffatt, Interim Village Manager.

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF TRUSTEES' RETREAT
DECEMBER 18, 2007**

MEMBERS PRESENT: Deborah Billado, Tim Jerman, Peter Gustafson, John Lajza.
MEMBERS ABSENT: Larry Yandow (Village President)
ADMINISTRATION: Bert Moffatt, Interim Village Manager

1. CALL TO ORDER

Deb Billado called the meeting to order at 8:30 a.m.

2. BUSINESS

Draft FY 09 Budget

Interim Manager Bert Moffatt and Finance Director Lauren Morrisseau presented the proposed budget in its entirety to the Board and there followed a series of meetings with department heads.

The budget was accepted in concept by the Trustees with a few minor changes and will move to public hearing. No actual vote was taken.

3. EXECUTIVE SESSION

MOTION by Deb Billado, **SECOND** by Peter Gustafson, to go into executive session to discuss the Village Manager candidates.

VOTING: 4 ayes; motion carried. The board entered executive session at 12:30 p.m.

MOTION by Tim Jerman, **SECOND** by John Lajza, to adjourn Executive session.

VOTING: 4 ayes; motion carried.

Executive session adjourned at 1:15 p.m. No action was taken.

4. ADJOURNMENT

MOTION by Deb Billado, **SECOND** by Tim Jerman, to adjourn the meeting at 1:17 p.m.

VOTING: 4 ayes; motion carried.

Minutes respectfully submitted by Bert Moffatt, Interim Village Manager.