

**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
January 27, 2009**

**BOARD OF TRUSTEES:** Larry Yandow (Village President); Deb Billado, George Tyler, Peter Gustafson, John Lajza.  
**ADMINISTRATION:** Dave Crawford, Village Manager.

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**I. CALL TO ORDER and PLEDGE OF ALLEGIANCE**

Village President, Larry Yandow, called the meeting to order at 6:30 p.m. and led the assemblage in the Pledge of Allegiance.

**II. AGENDA ADDITIONS/CHANGES**

None.

**III. GUESTS/PRESENTATIONS**

1. Comments from Public on Items not on Agenda

None.

2. Presentation/Discussion of Champlain Valley Exposition (CVE) Draft Financial Agreement and Status Report on Negotiations of Noise Monitoring and Noise Violation Waivers

*CVE Financial Agreement*

Dave Crawford introduced the draft financial agreement with CVE, noting the agreement was initiated in response to a petition in 2007 signed by over 500 village residents requesting a payment in lieu of taxes from CVE. The negotiating team included members of the Board of Trustees and CVE Board and staff. The group met twice a month over the course of 2008. Also during 2008 CVE and Village agreed to have New England Air Quality, Inc. monitor events at the fairgrounds to compile noise data. The information was referenced when dealing with noise violations and requests for waivers by CVE. Discussion of the noise issue with CVE was on-going in 2008 although not as regularly as discussion over financial issues.

Matt Stevens, President of the CVE Board of Directors, described the financial agreement as a win-win for the Village and CVE. The meetings deepened the understanding of the concerns and position by each party, and set the stage for improved relations in the future. The CVE Board approved the draft financial agreement on 1/26/09 by a vote of 12 to one.

Trustee Peter Gustafson commented on the small size of the audience (five individuals in addition to the three CVE representatives) in light of the large number of signatures on the petition that initiated the discussions with CVE.

George Dunbar, III, village resident, asked about the Village's policy on receiving gifts, noting the financial agreement stipulates money from CVE is to be a donation intended

for economic development. Mr. Dunbar asked how the Village manages such donations and how money is designated for a specific purpose. Mr. Dunbar postulated the money will simply be added to the General Fund. Trustee Lajza acknowledged the question put forth by Mr. Dunbar is good, and added the time spent by the negotiating team helped both sides gain respect for each other. Dave Crawford explained the money was given in good faith by CVE with the understanding it would assist the Village in a robust effort toward economic development.

The negotiating team and support staff were commended for their efforts on the CVE financial agreement. Dave Crawford said the financial agreement as presented is a draft. Further discussion is needed. Contractual issues are involved which will be discussed in Executive Session.

#### *Noise Agreement*

George Dunbar, III, asked if the noise agreement will be reviewed and accepted. Mr. Crawford clarified the noise agreement is a work in progress. Action will not be taken on the document at this time. Mr. Dunbar read a document he drafted on how the village should regulate and monitor noise from the fairgrounds. A copy of the document was submitted to Dave Crawford.

Chris Chiquoine, village resident, felt the sound agreement will be a win-win-lose proposition for him because his peace and serenity would probably still be violated by noise from the fairgrounds. Mr. Chiquoine said he requested a copy of the noise agreement, but was directed by village staff to the village website and told a copy will be emailed to him. Mr. Chiquoine said he did not receive an email and could not find the document on the village website. Dave Crawford explained he receives many (dozens) emails each day, and apologized to Mr. Chiquoine for not responding earlier. The noise document is posted on the village website, assured Mr. Crawford. Mr. Chiquoine expressed frustration about the lack of response to his complaints for many years of noise from the fairgrounds. John Lajza acknowledged Mr. Chiquoine's situation, but noted the fairgrounds has been in the village for many years and all sides must learn to cooperate and get along. Mr. Chiquoine compared CVE to IBM, noting that IBM was forced to stop polluting and comply with stricter laws. CVE should be treated in the same way. Mr. Chiquoine again expressed frustration about the unresolved nature of the noise issue. Trustee Tyler acknowledged Mr. Chiquoine's frustration, but pointed out there are thousands of village residents living near the fairgrounds yet there have been few complaints. The silence of the majority does not mean Mr. Chiquoine's complaint is not valid, assured Mr. Tyler, but the Trustees need to balance the concerns of all community members. Mr. Chiquoine suggested residents who border the fairgrounds should be contacted for input.

Dave Grimm, CVE General Manager, stated CVE will continue to work with the village to control noise and to work within the guidelines. Trustee Billado noted it may take a few more months to complete the noise agreement. Mr. Chiquoine and other village residents will be notified in advance of any agreements.

Mike Penchina, 58 Dunbar Drive, said he read the agreement and felt it was good. Mr. Penchina suggested moving forward and addressing the impact of the recent job losses at IBM. Mr. Penchina said from his house he can hear planes from the airport, snowplows, garbage trucks, trains, and other noises, but does not complain. Trustee Tyler acknowledged some residents must deal with noise that intrudes upon them.

John Lajza stated the intent of the Trustees was to draft a financial agreement that would not end up in court. Mr. Chiquoine asked if the Trustees will draft a noise agreement that is not going to end up in court, expressing pessimism about the outcome when there is mention of 20 blanket waivers a year.

#### **IV. OLD BUSINESS**

##### **1. WWTF FY10 Budget Discussion**

The Board received a memo from Jim Jutras, dated 1/16/09, regarding the revised wastewater budget. Dave Crawford explained the WWTF budget was amended to address the deficit and the zero fund balance. Changes in the Sanitation Fund budget reflect administrative service charges. There were inequities in how administrative charges were done.

**MOTION by George Tyler, SECOND by John Lajza, to accept and move forward with the Tri-Town Sewer Committee recommendation for the Wastewater and Sanitation budgets as presented by the Village Manager. VOTING: 5 ayes; motion carried.**

##### **2. Final Review of FY10 Budget and Capital Program**

George Tyler expressed concern about the increase in the General Fund budget from \$2.76 million to over \$3 million, especially the library budget increasing from \$585,000 to \$640,000. Mr. Tyler acknowledged some of the increase is due to health insurance benefits for a library employee. Deb Billado echoed Trustee Tyler's concern and asked about the capital outlay. Dave Crawford explained capital projects cost over \$10,000 and capital outlay is for work costing less than \$10,000. Mr. Crawford noted painting is a significant capital outlay at the library. It is recognized economic times are tough, but some capital projects need to be done. George Tyler pointed out the library budget includes \$100,000 in new items (books, supplies, computer, database). There is \$6,700 for computer replacement when there was \$5,000 in last year's budget for computer replacement. Mr. Tyler suggested using computers for an extra year or so before replacement. Also, all the library employees have their job and benefits, and even received a pay increase when residents in the village are losing their jobs. It is good to provide benefits to employees, stated Mr. Tyler, as it shows the employer values their employees, but there appears to be no sacrifice on the part of the library. Deb Billado stated at the Annual Meeting if the voters are saying decrease the budget, the library budget will be the first area reviewed. The library budget is a significant portion (20%) of the entire village budget. Ms. Billado questioned spending \$75,000 each year on new books, especially in these economic times. Dave Crawford noted the library budget is level funded. A discussion of the library budget with the Brownell Library Trustees is recommended. The Board concurred. Mr. Crawford felt the first item the Library trustees

will cut from the budget will be the painting work. Larry Yandow recalled when the village trustees tried to reduce the library budget at a past annual meeting the taxpayers did not support the action. John Lajza suggested the budget item for books could be reduced from \$75,000 to \$35,000 this year, but the paint and maintenance work must be done to preserve the building and avoid more expensive repair in the long run.

Peter Gustafson said in fairness all other department budgets should be revisited to see if further reductions can be made. There are anticipated increases in the water and sewer rates even with close scrutiny of the budget. As well the school budget is trying to hold the line, but there will be increases. John Lajza felt there is room for cuts in the budget. Dave Crawford commented there is no good time for a tax, but the local options tax is the only prudent action to take to get relief. It may be necessary to look at deferring capital outlay items which will impact jobs in the area. Deb Billado stated in light of the economy it is not certain the Board has done enough to carve out expenses. Purchase of new periodicals at the library would be the first target rather than cutting staff. Dave Crawford observed the village way of providing services means the roads are salted and plowed bare, schools are kept open regardless of the weather, sidewalks are cleared and plowed to support a walking community. Action has been taken to reduce the budget, such as postponing the purchase of rolling stock out a year. Trustee Billado stressed in the current economic times there is need for a cultural shift in parts of the budget. It is not mandatory to spend \$75,000 on periodicals for the library every year just because of past practice. Mr. Crawford pointed out the voters have asked for, supported, and defended having a top quality library.

The Board will meet with the Brownell Library Trustees to discuss the library budget. Dave Crawford will communicate the Village Trustees position on the budget with department heads.

**MOTION by Peter Gustafson, SECOND by George Tyler, to adopt the FY10 Budget and Capital Program as presented for the February 10<sup>th</sup> public hearing on the proposed budget. VOTING: unanimous (5-0); motion carried.**

### 3. Review & Revise Local Options Tax Information Sheet

Suggested revisions are forthcoming for review and acceptance by the Trustees and Essex Selectboard. Dave Crawford noted revenue from the local options tax will be used to fund capital improvements and economic development activities in the future. George Tyler stated the townspeople want to know why the village is receiving money from the tax when the village is part of the town (i.e. all the revenue should go into the town coffers). Dave Crawford said he told the Essex Town Manager the Village would not support the tax without a 50/50 split of the revenues. George Tyler explained the reason the Village of Essex Junction receives money from the tax is the Village has to pay for its own municipal services. The community is one when the Village pays for town services, but the communities are separate when it comes to paying for village services. The Essex Selectboard needs to make a clear statement acknowledging this situation.

Trustee Tyler will review and amend the draft information document from the Town of Essex based on input/comments from the citizenry. John Lajza expressed appreciation for the recognition by the Essex Selectboard to include the Village so there are no additional taxes on village residents and to limit the tax to one percent so the community is on the same playing field as surrounding communities.

**V. NEW BUSINESS**

None.

**VI. VILLAGE MANAGER'S REPORT**

**1. Meeting Schedule**

February 9 at 7:30 PM ó Public Information Meeting re: Local Option Taxes

February 10 at 6:30 PM ó Regular Trustees Meeting

February 24 at 6:30 PM ó Regular Trustees Meeting

March 2 at 7:30 PM ó Annual Town Meeting

March 3 from 7 AM to 7 PM ó Voting by Australian Ballot (Town of Essex)

March 10 at 6:30 PM ó Regular Trustees Meeting

March 24 at 6:30 PM ó Regular Trustees Meeting

April 1 at 7:00 PM ó Annual Village Meeting

April 14 from 7 AM to 7 PM ó Voting by Australian Ballot (Essex Junction)

April 14 at 6:30 PM ó Regular Trustees Meeting

April 28 at 6:30 PM ó Regular Trustees Meeting

**2. Pearl Street Paving Project**

Dave Crawford reported CCMPO will do a study of the lane configurations in the Pearl Street improvement project. It is felt a reasonable state match of the project cost is between \$25,000 and \$45,000, especially since the Village will be taking over the road.

**3. Erosion of Payment from the State**

Dave Crawford reported the state will pay 85% of the quarterly payment to towns. There is concern about the payment of the remaining 15%.

**4. Notice from IBM regarding Lay Offs**

The Village Administration was notified by IBM of the impending job losses. The Village needs to support its residents with economic initiatives.

**5. Support of Vermont Yankee**

Dave Crawford reported on his presentation to the legislature in support of Vermont Yankee and providing affordable energy rates to businesses in Vermont. If Vermont Yankee closes many businesses in the state will also close.

**6. Charles Baker ó Regional Planning**

Mr. Baker is willing to attend a Trustees meeting to discuss the budget situation facing Regional Planning.

**7. Railroad Connection to Burlington**

Passenger rail service from Essex Junction to Burlington fits in the \$10 billion stimulus funding for rail. Staff is drafting a proposal.

8. Development Review Process

Staff is revising the review process for applications received by the Planning Dept.

9. Correspondence

Dave Crawford reviewed correspondence received and subsequent responses.

10. Fire Truck

Mr. Crawford confirmed the fire truck has been sold to Londonderry as previously reported.

11. CCMPO Grant for Pearl Street

Staff is meeting to define use of the \$50,000 grant from CCMPO for work on Pearl Street.

12. Mid-Year Review

Department Heads are being asked to address any over expenditures in their budget. The Fire Dept. is responding to more calls with good response by members and this has an impact on the budget which must be addressed.

**VII. TRUSTEES COMMENTS/CONCERNS**

1. Board Member Comments/Concerns

Larry Yandow reported he attended the first budget hearing as part of the U-46 Liaison Committee. The school board is trying to level fund the budget. Mr. Yandow said he was not able to attend the recent Prudential Committee meeting.

John Lajza reported Channel 17 would like to do a public information presentation at the Brownell Library to inform the public on how to better utilize public access television (Ch. 17) and find out what the public wants to see. John Lajza and Dave Crawford will contact Penny Pillsbury regarding the matter.

**VIII. CONSENT AGENDA & READING FILE**

**MOTION by Deb Billado, SECOND by George Tyler, to approve the consent agenda as follows:**

1. Approval of Warrants
2. WWTF Air Line Replacement Bid Waiver
3. Authorize Energy Grant Application
4. Reading list acceptance (letters/communications)
  - Local Government Day in the Legislature 2/18/09
  - VLCT Workshops presented by Municipal Assistance Center
  - Response from VTrans re: Transfer of Rte. 15 to Class 1 Highway
  - Article in *Williston Observer* re: Sale of WWTF Excess Capacity
  - Brownell Library Privacy Policy

**VOTING: 5 ayes; motion carried.**

**IX. EXECUTIVE SESSION**

**MOTION by Deb Billado, SECOND by John Lajza, that the Board of Trustees go into Executive Session to consider contract negotiations and personnel matters where premature general public knowledge would clearly place the Village at a substantial disadvantage, and to permit staff to be present for this session.**

**VOTING: 5 ayes; motion carried.**

The Board entered Executive Session at 9:10 p.m.

**MOTION by Peter Gustafson, SECOND by George Tyler, to adjourn Executive Session. VOTING: 5 ayes; motion carried.**

Executive Session was adjourned at 10:25 p.m.

**X. ADJOURNMENT**

**MOTION by John Lajza, SECOND by George Tyler, to adjourn the meeting.**

**VOTING: 5 ayes; motion carried.**

The meeting was adjourned at 10:26 p.m.

*RScty: M.E.Riordan*