

**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
March 24, 2009**

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

There were no changes to the agenda.

**III. GUESTS/PRESENTATIONS**

1. Comments from Public on Items not on Agenda

There were no comments from the public at this time.

2. Charlie Baker, CCRPC Executive Director

Charlie Baker briefed the Board on CCRPC activities including emergency management and hazard mitigation planning with the State Department of Emergency Management to update the Emergency Management Plan. CCRPC has also been updating Chittenden County floodplain maps (towns will update their floodplain bylaws) and supporting energy committees in municipalities.

Larry Yandow asked if the new regulations will expand wetlands and floodplain areas. Mr. Baker said this is likely and people not currently in a floodplain may find themselves in one.

Mr. Baker said Dave Crawford and Robin Pierce requested assistance in updating the Village's bylaws.

Mr. Baker reported the CCRPC approved budget of \$1 million was reduced by \$50,000 (5%) this fiscal year due to the loss of state funds. Staff has cut expenses and found other revenue sources to cover the loss. Funding sources include DHCA grant to support regional planning for municipalities, member fees, Emergency Management grant, and CCMPO grant. Dave Crawford asked about consulting work by CCRPC. Mr. Baker stated consulting is a small portion of overall work (\$25,000 out of the \$1 million budget). CCRPC is willing to do more consulting work.

Deb Billado asked if emergency management is linked to a comprehensive disaster plan. Mr. Baker explained there is a response plan (how fire, police, rescue respond to an event) and a hazard mitigation plan (how to handle problems such as flooded roads and bridges, chemical plants, and such). The plans need to be updated. There is a local

emergency planning council (LEPC) that coordinates the response by various emergency response teams in towns. Larry Yandow urged ensuring town trustees and selectboards are informed of a disaster and action plan.

### 3. Chris Chiquoine, Prospect Street

Chris Chiquoine discussed the CVE noise and financial agreements with the Board, suggesting the two agreements be separate and the financial agreement be settled first followed by the noise issue. Covering both matters at the negotiation sessions gives the impression CVE is “buying” the noise waiver, opined Mr. Chiquoine.

Dave Crawford mentioned it is hoped to have both documents ready for public comment at the next regular Trustees meeting (April 14<sup>th</sup>). The issues are separate, but the timeline is the same for both documents. Chris Chiquoine interjected the process seems “fuzzy” and the way the issues were handled seems tightly linked. Larry Yandow explained the issues have always been separate (financial and noise) and discussed separately by the committee; the committee is talking to the same corporation about two different issues. Chris Chiquoine stressed to be clearly separate the approach should be to sign the financial document and then deal with the noise issue. Deb Billado said the committee’s preference/desire was to bring both issues to a consensus and then to the taxpayers at the Annual Meeting, but the documents will not be ready by that date (they will be ready by the first meeting of the Trustees on April 14, 2009). Mr. Chiquoine asked that the documents be released a couple of weeks prior to the Trustees meeting so the public has time to review and can provide comment at the meeting. Dave Crawford noted the information in the report from Chris Chiquoine has been used as a reference point at the committee meetings.

There was further discussion of the timeline. Mr. Chiquoine recalled in September, 2007, after citizen complaints about a rock concert the Trustees did some independent sound monitoring and discovered CVE had been violating the village’s noise standards. To be fair and tolerable, the standard was set to the loudest concert held at the fairgrounds. Mr. Chiquoine said it is doubtful the Trustees would set the speed limit on village streets for the fastest traveling car. Dave Crawford noted the information presented at the last public hearing was the foundation of the agreement plus input received. Mr. Chiquoine contended he is not getting justice. Residents on the east side of the fairgrounds are getting hit with noise all the time from events. The residents cannot be ignored just because other people are not bothered by the noise. The current recommendation is to set the standard so CVE does not violate the code. There is no incentive to decrease noise. Something should be in the agreement that actually reduces noise and protects residents on the east side of the fairgrounds, stressed Mr. Chiquoine, adding perhaps only concerts that meet the guidelines should be allowed.

The Board expressed appreciation for Mr. Chiquoine’s comments and information.

Dave Willey, village resident, speaking on behalf of himself and his wife, mentioned commonalities they share with Chris Chiquoine including being a neighbor to the fairgrounds (CVE), living an equal distance from the fairgrounds, and listening to the

same events at the fairgrounds. Mr. Willey said their attitude is positive and to look for the good even if there is some negative along the way. If you approach life in a negative fashion, then you will have negative experiences, advised Mr. Willey. Mr. Chiquoine has been heard on the issues. Mr. Willey said he feels Mr. Chiquoine is looking at life from a negative standpoint and this is causing problems for him that he is having a hard time getting over. The voters elected the Trustees to carry on the daily operations of the village and make decisions. The Board looks for input, but ultimately makes the decision and does the best job possible. If some people are annoyed by a decision the Trustees are susceptible to being kicked off the board, observed Mr. Willey, adding the Trustees are urged to make decisions based on the facts, not input from the public, and to let come what may.

#### 4. Brad Luck, Director Essex Junction Recreation & Parks

Dave Crawford explained there is application for several signs in the community parks which needs approval. In addition there is a request to waive the zoning fees to be paid by the applicant (EJ Recreation & Parks). Fees are not typically waived for the School Department or other organizations. There is an administrative cost to record the permits. George Tyler observed the taxpayers are paying either way. Peter Gustafson questioned why some fees have been waived at the park and others not. Mr. Crawford noted the skateboard park fees were waived because there was a fund raiser and the town contributed some funds. The Trustees have not been consistent with requiring payment or waiving the fees, said Mr. Crawford. The application fee per sign is \$35 (total of \$105 for three signs). The application fee includes the filing fee. Brad Luck suggested amending the request to require payment of just the filing fee.

**MOTION by Deb Billado, SECOND by Peter Gustafson, to waive the \$105 sign fee for three signs at the community parks, but to require the Essex Junction Recreation and Parks Department to reimburse the Village for the amount of the filing fee. VOTING: 5 ayes; motion carried.**

**MOTION by George Tyler, SECOND by Peter Gustafson, to allow the Essex Junction Recreation and Parks Department to install the new signs on village property as proposed. VOTING: 5 ayes; motion carried.**

#### 5. Public Hearing: Proposed Charter Changes

The public hearing was opened at 7:22 p.m. There were no comments. The hearing was closed at 7:23 p.m. It was noted the voters will decide the charter change matter at the Annual Meeting.

### **IV. OLD BUSINESS**

#### 1. Village Annual Meeting Preparation

The Board reviewed various presentations by the Trustees. Larry Yandow will discuss the “village way” and the meaning of the annual meeting as well as budget basics. John Lajza will review last year’s annual meeting and the status this year (the budget increase is two cents not 9% across the board). George Tyler will cover the current year budget. Peter Gustafson will review budget goals. Deb Billado will cover significant changes in

the FY10 budget and the cost to the average village residential property. Charts and graphs will be available as supporting documentation. Dave Crawford will have a chart showing the budget increase (percentage) in dollar amount (impact on a \$266,000 home is approximately \$22 per year or \$2 per month). Mr. Crawford will also have slides showing a list of potential cuts if there is question about reducing the budget as proposed.

It was noted Essex Junction is larger than Montpelier, St. Albans, and Vergennes. A community of 9,000 residents needs municipal services. Essex Junction does not have a police department and has a volunteer fire department which is a wonderful benefit to the village and town. A full time paid fire department would cost approximately \$1 million per year. There is not line item veto so if the taxpayers want to cut funds out of a budget item, the Trustees will reduce the budget and decide where the reduction should occur. The village budget has always been passed by the voters.

Peter Gustafson urged explaining capital transfers because the general population does not understand. Capital transfers encompass 16% of budget expenditures. For clarification the heading on the pie chart titled “FY2010 Proposed General Fund Expenditures” will be changed to read: “FY2010 Proposed General Fund Expenditures by Department”.

Dave Crawford suggested the Trustees hear public comment on the proposed charter changes under ‘Other Business’ at the Annual Meeting and discuss the local stimulus projects and initiatives on development as well as the local options tax to get a sense of public support for looking further into the matter for the village only.

## **V. NEW BUSINESS**

1. Authorize Village Manager to Award Bid for Jetter/Vacuum Pipeline Cleaner Truck  
**MOTION by John Lajza, SECOND by Peter Gustafson, to authorize the Village Manager to award the bid for the Jetter/Vacuum Pipeline Cleaner Truck following review of the bids versus the specifications.**

**DISCUSSION: Dave Crawford explained the bids are being compared to the specifications. The truck is unique. Deb Billado asked if Essex Town has the same equipment or if the equipment could be shared. Dave Crawford confirmed the town has been approached about leasing the vehicle. The Village will lease to other communities or trade use of the equipment when not being used in the village. Half of the cost of the truck is covered by a grant. There were no further comments.**

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

## **VI. VILLAGE MANAGER’S REPORT**

1. Meeting Schedule

April 1 at 7:00 PM – Annual Village Meeting

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

April 14 at 6:30 PM – Regular Trustees Meeting

April 28 at 6:30 PM – Regular Trustees Meeting

Week of May 4 - Manager on vacation

May 12 at 6:30 PM – Regular Trustees Meeting  
May 26 at 6:30 PM – Regular Trustees Meeting  
June 9 at 6:30 PM – Regular Trustees Meeting  
June 23 at 6:30 PM – Regular Trustees Meeting

## 2. Central Street Forum

There will be a meeting with residents of Central Street and other stakeholders in April to discuss various issues including upkeep of the railroad station, the road, and other items.

## 3. Pearl Street Streetscape

Project alternatives are being developed based on funding (federal earmark, CVE, Village share). VTrans is committed to the change order to include work on Pearl Street at West Street Extension. Most of the work at the CVE entrance is not in the public right-of-way. It is recommended Hamlin Engineering do 40% of the engineering up to the award of the bid and then an independent engineer will do the inspection. A survey will be done to determine where a permanent easement can be located. This will avoid going through the VTrans Right-of-Way Division and save much time. Once the permanent easement is in place work can begin. When the project is complete, the easement without buildings will be returned to CVE. The estimated cost for engineering is \$50,000 (is not reimbursed with federal funding). This cost will be equally shared by CVE and the Village. Sen. Leahy's Office has not yet confirmed the amount of the earmark (\$1.8 million or slightly over \$2 million). A presentation of the project has been submitted for review.

Deb Billado observed there is funding for the project on Pearl Street that requires engineering so the Village is already committed to doing the engineering. Dave Crawford clarified the \$50,000 for engineering will not be reimbursed. Amounts following will be reimbursed at twenty cents on the dollar. Matt Stevens, CVE, assured CVE has to do the project and it is anticipated the CVE Board will vote in support of the engineering expenditure.

**MOTION by John Lajza, SECOND by Deb Billado, to authorize going forward with fast-tracking the Pearl Street project and authorizing the Village Manager to enter into an agreement with Hamlin Engineering for \$50,000 with the expectation that \$25,000 will be paid by CVE. VOTING: 5 ayes; motion carried.**

## 4. Stimulus Projects

There is approximately \$10 million in stimulus projects. The local match is \$2 million. If match money is not available the federal money must be returned. The Village has a third of the projects in the final round of projects. Projects must be "shovel ready" by July, 2010. If the Village is awarded the funds, then a special meeting can be held to ask the voters on the best approach to secure matching funds (likely having to bond for the money).

## 5. Stimulus Money for Sanitation, WWTP, and Stormwater

The project for the WWTF aeration blower and sewer line repairs will likely be funded. The Village has the matching funds because a reserve has been accrued in anticipation of doing this work. Sawyer Joecks, administrative intern, has been working on the project.

#### 6. Railroad Initiative

A presentation will be made at the next Vermont Rail Council meeting jointly with the Village and New England Central Railroad (parent company is Rail America). The multi-purpose path (\$2 million) is the village's portion of the project. VTrans has \$22 million for rail projects. The Rail Council will discuss use of the funds. VTrans is seeking stimulus money to rebuild the rail line from Burlington to Swanton (\$5.2 million). The cost for the Burlington branch is \$2.2 million to increase track speed to 30 mph and the weight standard to 286,000 pounds. The railroad wants everything upgraded. The request will be for \$2.8 million from the \$22 million held by VTrans. The \$600,000 cost for the proposed five foot wide gravel recreation path includes fencing and a retaining wall. The railroad company will work with CNN for an easement for the path. Rail America directed the NECR general manager to cut capital spending due to economic times. The offer was made that the Village borrow money for the railroad match and loan the money to the railroad with the guarantee of payback next year. There would be no taxpayer money involved. Benefits to the village include the easement for the recreation path and an upgrade of the rail line. It is likely the railroad will borrow the money themselves, but the offer was made as a demonstration of the seriousness on the part of the Village to pursue the project jointly.

The consensus of the Board is to make the presentation to the Rail Council as proposed and before any financing moves forward more information will be provided to the Trustees.

#### 7. Sweeping

Sidewalks and main streets have been cleaned. Side streets are currently being done.

### **VII. TRUSTEES COMMENTS/CONCERNS**

#### 1. Board Member Comments/Concerns

Peter Gustafson mentioned re-routing trucks from Five Corners on May 6<sup>th</sup> for the All State Music Festival Parade beginning at 6 p.m.

**MOTION by John Lajza, SECOND by George Tyler, to add to the consent agenda approval of the All State Music Festival Parade on May 6, 2009 beginning at 6 p.m. and to authorize the Village Manager to handle associated details. VOTING: 4 ayes, one abstention (Gustafson); motion carried.**

### **VIII. CONSENT AGENDA & READING FILE**

**MOTION by John Lajza, SECOND by Peter Gustafson, to approve the consent agenda as follows and with the addition of the All State Music Festival Parade on May 6, 2009:**

- 1. Approval of Minutes (3/10/09)**
- 2. Approval of Warrants**

3. **Approval of Participation on Vermont Water and Wastewater Agency Response Network**
4. **Street Banner Applications for CVE Events**
5. **Memorial Day Events, Signs, and Street Closing on 5/22/09 & 5/23/09**
6. **Reading list acceptance (letters/communications)**
  - **VLCT Action Alert re: Town Highway Aid Cuts & Response to Lawmakers**
  - **Thank You Notes from Charles Safford, Deb Billado, and the Martin Luther King Jr. Day Committee**
  - **Thank You Note to Alan Nye**
  - **Thank You Note from Jean Archibald to Penny Pillsbury**
  - **Summit on Future of Vermont from VCRD**
  - **Library Trustees Agenda 3/17/09**

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

#### **IX. EXECUTIVE SESSION**

**MOTION** by Peter Gustafson, **SECOND** by John Lajza, that the Board of Trustees go into Executive Session to consider legal matters, contract negotiations and personnel matters, and potential budget changes related to personnel issues 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 9:45 p.m.

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

Executive Session was adjourned at 10:29 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 10:30 p.m.

*RScty: M.E.Riordan*