

**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
May 12, 2009**

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

**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**

Chris Chiquoine, resident, asked about the current status of the latest version of the noise agreement with CVE. Larry Yandow stated there are still some outstanding issues so the document is not ready for signature as yet. Dave Crawford explained the Trustees authorized the document for signing if it is in accordance with what was discussed. The document is under legal review presently. If there are any significant changes from what has been presented the Trustees will be notified. Chris Chiquoine asked about the document being signed in open session as a warned agenda item. Mr. Crawford said if there is a need (i.e. concurrence that significant changes were made) then the Board may make authorization for signing at another meeting if necessary. It was noted the noise and financial agreements are separate agreements. Mr. Chiquoine referred to the minutes about dialogue taking place over the course of a year and ample opportunity for public input and contended discussion has been in secret and there have been only four occasions for public input. Also, the discussion seemed to be one way only, not a dialogue, said Mr. Chiquoine.

Chris Chiquoine reviewed his questions/issues with the noise agreement, including the lack of time of day limits for grandstand events. Larry Yandow noted a prior lawsuit in the 1970s mandated that the fair close at midnight and noise stop at 11 p.m. The fair can open at 8 a.m. There is no designation of school/work nights versus weekends. Court records or past minutes (from the 1970s) should provide information about the matter.

Mr. Chiquoine asked when monitoring of events is really done and what events are monitored since the noise agreement says it is up to the decision of CVE and staff. It appears that only Class B events and waivers are not monitored. Mr. Chiquoine said he will be upset to ask about the noise level for an event only to find that the event was not monitored. Furthermore, the noise agreement does not address monitoring the fair itself, only events. Monitoring (8 a.m. through the day/night) needs to be done to see if the requirements of the noise ordinance and waivers are met, stated Mr. Chiquoine, adding a

process is needed on how to handle a complaint of too much noise from an event that is not monitored. The police say the Trustees are in charge of noise at the fair and the complaint is never resolved or if CVE is called they say everything is fine. Larry Yandow said the police are on the fairgrounds for the duration of the fair to monitor disturbances. The police do not want to monitor noise because it is an issue of judgment. The noise monitor will pick up any decibel problem. Mr. Chiquoine countered there are many events not monitored and there are incidents of noise, for example at the hot rod rally when someone revs their engine. Dave Crawford agreed there could be unusual unanticipated noise. Events that are suspected or anticipated to be a problem will be monitored. John Lajza acknowledged Mr. Chiquoine's requests for a process to handle complaints (who to contact, where the complaint is logged, and the action taken) and more monitoring than what has been agreed to in the agreement.

Mr. Chiquoine asked about the criteria used to decide which events will be monitored. Dave Crawford said data from the past year of monitoring will be used and a judgment made on whether the event is likely to be a noise problem. Chris Chiquoine contended no events will be monitored using the system described because all events are below the inflated noise levels. Mr. Chiquoine asked how it will be determined that an event is complying with the Class A waiver. Dave Crawford acknowledged the point being made by Mr. Chiquoine. George Tyler stated it is not possible to monitor 24 hours a day. Mr. Chiquoine questioned having a Class A waiver if essentially CVE can make as much noise as wanted. Larry Yandow pointed out the noise ordinance applies to the entire village. Football games at the high school exceed the noise levels. Even a lawnmower exceeds 70 dB. Mr. Chiquoine stated the noise from these items are not eight hours a day and are a certain distance away. Mr. Chiquoine questioned how the tractor pull and monster truck jamboree at the fairgrounds are compatible to the village environment.

Mr. Chiquoine asked about the indemnification clause in the agreement. George Tyler explained the clause relates to legal liability held by CVE. The statement was in the prior agreement.

Chris Chiquoine questioned the change from instantaneous to a five minute average noise level especially when intermittency does not appear in the noise agreement. Dave Crawford stated the change was based on evidence and history. It is considered a responsible standard to set. Mr. Chiquoine asked to see the sources of the information, adding to compare the Red Sox stadium to an agricultural exposition is silly.

There was mention of the agreement process. Mr. Chiquoine stated the process that was followed to arrive at the agreements would drive him to be apathetic, adding in his opinion the Board has not acted in a straight forward manner in many cases. George Tyler emphasized two members of the Board volunteered to meet every other week with CVE for over a year to work out an agreement. A good effort was given. There has been a small number of negative complaints (about noise) and a significant number of people saying they did not care as well as those in the middle who had nothing to say. The committee tried to find a middle ground, knowing everyone cannot be satisfied. The agreements can be revisited in the future, but should be given a chance to work. Chris

Chiquoine contended opportunity to participate in the talks was not there for the public in general. In addition, there is not a target to ramp down the noise which would be the compromise. The agreement is locked in for five years. Mr. Chiquoine said he does not have faith in the review process. There was no compromise. CVE can make any amount of noise. Dave Crawford noted CVE is not happy with the amount of monitoring that will be done and are subject to fines for violations. Calls to the police are logged and a report is sent to the village. The information is part of the consideration to determine if more monitoring of Class B events is necessary. The matter is also brought to the attention of CVE. There was brief discussion of the change in the fair and the noise level over the past 60 years (less noise than existed with the individual side shows and sound systems). Chris Chiquoine stated the fair is now longer (duration) with more events. If the fair is 'grandfathered' then the old rules apply and expansion would not be allowed. John Lajza pointed out the events at the fairgrounds add lots of value to Chittenden County. The village does take a lot of stress and needs to manage that, but growth is positive.

Alden Bartlett, resident, stated the noise at the fair has not been too bad (Metallica concert was bad though). Mr. Bartlett said he contacts the CVE office if there is a problem. The drag races are a burst of noise, but the public address system on the grounds is more of an issue. The volume needs to be turned down.

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

##### **1. Update on Recovery Act Applications**

Dave Crawford gave a summary of the stimulus projects and estimated costs. There are three projects that will not be pursued (bridge over Indian Brook, sidewalk and lighting improvements at Mac's Market and Willey's Court, and sidewalk and lighting improvements from South Street to Clems Drive). The paving overlay project from Mac's Market to the fire station, and TD Banknorth to the bridge over Indian Brook, are combined. Total cost of the projects is \$11,500,000. The projects are 'shovel ready'. The Village must contribute 20% of the total (\$2 million) plus engineering (\$1.1 million). A 20-year bond for \$3.2 million equates to \$96,000 in interest and \$160,000 in principle (total of \$250,000) or 2.5 cents per year. Authorization is needed for submission of the projects and that the capital plan can be modified to include the proposed stimulus projects. Sewer plant items (blower and sewer manhole work) are included in the list though the match money has already been accrued. Mr. Crawford reviewed the warning to authorize the Village to borrow money so it will be available if the stimulus projects are approved and federal stimulus funding is received. John Lajza commended the Village Manager, staff, and Hamlin Engineering for the huge workload that has been handled and the accomplishments made. Dave Crawford further commented the cooperation between staff and the engineers for the village and the treatment plant (Hamlin and FFH & HTA). Trustee Lajza stressed the need to explain to the public exactly what will happen if the vote is passed. There will be 20 years of redevelopment done in a span of two years, all for only \$.25 on the dollar. George Tyler added virtually every property in the village will increase in value as a result.

Dave Crawford reported the Transportation Bill passed and transfer of a portion of Pearl Street (Route 15) to the village was authorized.

**MOTION by John Lajza, SECOND by Peter Gustafson, to amend the General Fund Capital Improvements Projects for highways, curbs, and sidewalks as highlighted in the Summary of Stimulus Projects Estimates received from the Village Manager on 5/12/09 for a total of \$11,531,000. VOTING: 4 ayes; motion carried.**

**MOTION by George Tyler, SECOND by Larry Yandow, to authorize staff to submit applications for stimulus projects as presented for the VTrans portion of the projects. VOTING: 4 ayes; motion carried.**

**MOTION by John Lajza, SECOND by Peter Gustafson, to amend the Sanitation and WWTF capital plans in the amount of \$135,000 (WWTF) and \$440,000 (Sanitation) for a total of \$575,000. VOTING: 4 ayes; motion carried.**

**MOTION by Peter Gustafson, SECOND by John Lajza, to authorize the applications for WWTF and Sanitation for stimulus money requested from the Agency of Natural Resources. VOTING: 4 ayes; motion carried.**

**MOTION by John Lajza, SECOND by George Tyler, to authorize the Village Manager to sign any documents necessary under the ARRA grants (stimulus package) including engineering and to review construction bids and award bids with the understanding the Board of Trustees shall be kept informed. VOTING: 4 ayes; motion carried.**

**MOTION by Peter Gustafson, SECOND by Larry Yandow, to adopt the warning for a special meeting on June 15, 2009 (regarding borrowing) as presented. VOTING: 4 ayes; motion carried.**

**WARNING  
VILLAGE OF ESSEX JUNCTION, VERMONT  
SPECIAL VILLAGE MEETING  
JUNE 15, 2009**

**The legal voters of the Village of Essex Junction are hereby notified and warned to meet at the Essex High School, 2 Educational Drive, in the auditorium of said school, in the Village of Essex Junction on Monday, June 15, 2009, at 7:00 p.m. to act upon any of the following articles.**

**ARTICLE 1.** Shall the Village of Essex Junction borrow a sum not to exceed \$300,000, contingent upon and subject to reduction from available state and federal grants-in-aid and other financial assistance, be issued for the purpose of making public improvements to the Village Waste Water Treatment Facility and sewer mains, the total estimated cost of such improvements being \$575,000?

**ARTICLE 2.** Shall the Village of Essex Junction borrow a sum not to exceed \$3,200,000, contingent upon and subject to reduction from available state and federal grants-in-aid and other financial assistance, be issued for the purpose of making public improvements to the Village Highways and sidewalks, the total estimated cost of such improvements being \$11,531,000?

The warning was signed by the Board of Trustees.

2. Update on Pearl Street Streetscape Project

Dave Crawford reported the Village is to receive \$1.8 million as a second earmark for a total of \$2.2 million for the Pearl Street streetscape project. A 20% match is required (\$440,000). The total project cost is \$2,640,000. The installation of pipe sleeves in the Pearl Street sewer lines was briefly reviewed as were agreements for temporary and permanent easements in front of the fairgrounds. The temporary construction easement is 100' back from the street and the permanent easement goes behind the fence. There will be another easement beyond the fence, sign and ticket booth that will be maintained by CVE, but owned by the village.

**MOTION by Peter Gustafson, SECOND by John Lajza, to authorize the Village Manager to sign the Memorandum of Understanding and appropriate documents for temporary and permanent easements at CVE. VOTING: 4 ayes; motion carried.**

**MOTION by George Tyler, SECOND by John Lajza, to amend the capital budget to reflect the appropriate amount of money for the Pearl Street Streetscape Project to be in the Five Year Capital Plan. VOTING: 4 ayes; motion carried.**

3. Update on FY10 Budget Reductions

The list of potential adjustments in the FY10 General Fund Budget was reviewed. The list will be posted on the village website for public comment. Total reductions equal \$117,600. The Village received an energy grant. A thermal evaluation of Lincoln Hall was done and many items were identified to improve energy efficiency. A list of how the grant could be applied will be provided to the Board at the next meeting.

Larry Yandow commented the decision on the budget at next year's annual meeting may be different after the public sees where reductions are targeted (less salt, reduced sidewalk plowing, and such). Dave Crawford pointed out wage and benefit reductions equal approximately \$50,000 and there is nearly \$40,000 in transfers not being made this year. It would not be prudent to continue to defer these items.

**V. NEW BUSINESS**

1. Taft Street Land Transfer to Property Owners (formerly part of the cul-de-sac)

Dave Crawford explained the cul-de-sac turnaround is being eliminated with the extension of Taft Street and it is proposed to deed land beyond the public right-of-way to the contiguous neighbors. The deed will be prepared by the developer and reviewed by the Village Attorney.

**MOTION by Peter Gustafson, SECOND by George Tyler, to authorize the Village Manager to sign the required documents when prepared by the developer. VOTING: 4 ayes; motion carried.**

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2. Environmental Court Appeal – 39 Lincoln Street

**MOTION by George Tyler, SECOND by Peter Gustafson, to authorize the Village Manager to sign the order and all related documents to the Environmental Court appeal and 39 Lincoln Street. VOTING: 4 ayes; motion carried.**

**MOTION by John Lajza, SECOND by George Tyler, to authorize use of the village (public) right-of-way at 39 Lincoln Street. VOTING: 4 ayes; motion carried.**

3. Lincoln Hall FY10 Leases

Dave Crawford noted there are two versions of the letter regarding the lease of space at Lincoln Hall. The Essex Community Justice Center will assist in the lease negotiations and decide which letter is the best to use. Issues include sharing space and liability insurance. Larry Yandow signed both versions of the letter.

Alden Bartlett, resident, explained his issue is the building is public space and should be accessible. Mr. Bartlett did not understand the need for a lease, but if there is a lease it should only apply when the space is in use by the lessee (i.e. the space should be available to be used by others when the lessee is not using the space). Dave Crawford noted negotiations of the lease are still up in the air. It is preferred not to have several leases for the same space. Mr. Bartlett pointed out under the terms of the current lease there are no requirements for residency which is a concern. George Tyler stated the lease should not exclude people who have a legitimate use for the space. There was further discussion of the use of the space at Lincoln Hall by residents and non-residents.

Regarding the space currently leased by Vermont Associates, Dave Crawford reported CHIPS would like the space which is hardly if ever occupied by Vermont Associates. It may be possible when Vermont Associates need some space to use the Senior Center or where CHIPS is located.

**MOTION by George Tyler, SECOND by Peter Gustafson, to authorize the Village Manager to put Vermont Associates on notice of the termination of their lease and use of the space by CHIPS.**

**DISCUSSION: It was noted a master plan for the space at Lincoln Hall is needed at some point.**

**VOTING: 4 ayes; motion carried.**

4. Essex Rescue Community Advisory Board Delegate

**MOTION by John Lajza, SECOND by Peter Gustafson, to appoint Susan McNamara-Hill as the village delegate to the Essex Rescue Community Advisory Board. VOTING: 4 ayes; motion carried.**

**VI. VILLAGE MANAGER'S REPORT**

1. Meeting Schedule

May 26 at 6:30 PM – Regular Trustees Meeting

June 9 at 6:30 PM – Regular Trustees Meeting

June 15 at 7 PM – Special Meeting (information to be prepared on the bond vote and budget reductions)

Week of June 22 – Manager on vacation

June 30 at 6:30 PM – Regular Trustees Meeting

July 14 at 6:30 PM – Regular Trustees Meeting

Week of July 19 – Manager on vacation

July 28 at 6:30 PM – Regular Trustees Meeting

August 11 at 6:30 PM – Regular Trustees Meeting

August 25 at 6:30 PM – Regular Trustees Meeting

September 8 at 6:30 PM – Regular Trustees Meeting

September 22 at 6:30 PM – Regular Trustees Meeting

2. Letter from Rep. Tim Jerman

According to the letter from Rep. Jerman the paving on Pearl Street (lane reconfiguration) and the charter change were passed by the legislature. The Chairman of the House Transportation Committee is willing to meeting with the Trustees to discuss the Transportation Bill, gas tax, and other transportation issues. Dave Crawford will schedule a meeting.

3. Grant for Vacuum Truck

Jim Jutras successfully secured a grant for the vacuum truck. The bid can now be awarded.

4. Part Time Accounting Assistant

Cindy Delibac has been hired to assist the Village Finance Director on a part time basis.

**VII. TRUSTEES COMMENTS/CONCERNS**

1. Board Member Comments/Concerns

George Tyler announced the meeting with the Essex Community Justice Center and the Central Street group has been rescheduled. Dave Crawford noted if three or more Trustees are in attendance the meeting must be warned as an official Board of Trustees meeting. Essex Community Justice Center will handle the meeting announcement. Essex Community Justice Center is working with the Central Street group and making good progress.

**VIII. CONSENT AGENDA & READING FILE**

**MOTION by John Lajza, SECOND by George Tyler, to approve the consent agenda as follows:**

1. **Approval of Minutes (4/28/09)**
2. **Approval of Warrants**
3. **Noise Waiver for July 4<sup>th</sup> Fireworks**
4. **Reading list acceptance (letters/communications)**
  - **Planning Commission Minutes (4/16/09)**
  - **Zoning Board Minutes (4/21/09)**
  - **Update from Rep. Tim Jerman on Charter Changes 5/7/09**

- Update from VLCT on State Budget, Residential Property Tax Rate, etc. 5/7/09
- CCMPO Notice of Public Hearing to Review FY10 Unified Planning Work Program
- Act 250 Notice of Minor Application for CVE Construction of Five New Light Poles
- Office of Emergency Management (Town of Essex) Minutes 4/29/09
- EBPA Spring Newsletter

**VOTING: 4 ayes; motion carried.**

**IX. EXECUTIVE SESSION**

**MOTION** by Peter Gustafson, **SECOND** by George Tyler, 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: 4 ayes; motion carried.**

The Board entered Executive Session at 9 p.m.

**MOTION** by John Lajza, **SECOND** by George Tyler, to adjourn Executive Session.

**VOTING: 4 ayes; motion carried.**

Executive Session was adjourned at 9:49 p.m.

**X. ADJOURNMENT**

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

**VOTING: 4 ayes; motion carried.**

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

*RScty: M.E.Riordan*