

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
July 14, 2009**

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

ADMINISTRATION: Dave Crawford, Village Manager.

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 AND PRESENTATIONS

1. Comments from Public on Items Not on Agenda

Chris Chiquoine expressed concern about noise from events at the fairgrounds and requested the schedule of concerts/events so he can make plans away from the fairgrounds. Mr. Chiquoine pointed out when the noise agreement was previously discussed with CVE there was urgency to hold the meetings prior to the start of the concert season and the fair. Dave Crawford confirmed he has the list of concerts/events, but has not had a chance to send a letter to Mr. Chiquoine regarding monitored events. Mr. Chiquoine asked if the Relay for Life event was given a noise waiver, noting noise from the event appeared to exceed the noise ordinance and unless a waiver was issued the event was in violation. Dave Crawford said he was not aware of a waiver. Relay for Life may have been an event that was viewed as not in need of monitoring. Dave Crawford stated he was not informed the event exceeded the noise ordinance. Mr. Chiquoine interjected he twice contacted the Police Dept. about the noise level – once at midnight and again at 5:30 a.m., expecting the noise level to decrease after the first phone call so there would be no need for a second call. Dave Crawford said he will have a conversation with CVE about the incident, and assured he will send event information to Mr. Chiquoine as soon as possible.

Chris Chiquoine expressed frustration with CVE and the ‘neighborhood meeting’ on events at the fairgrounds. CVE focused about 45 seconds on the noise issue, said Mr. Chiquoine, and indicated noise levels are being monitored and CVE is in compliance. Mr. Chiquoine mentioned the need for a process to be followed to report excessive noise levels from non-monitored events. Larry Yandow asked when the Village Manager is notified of violations. Dave Crawford said it depends on the time between calls and whether the Police Dept. feels they can take care of the problem. Peter Gustafson questioned whether the upcoming Nelson/Dylan/Mellencamp concert will be monitored. Dave Crawford confirmed the event is on the list of concerts to be monitored. Additional requests from CVE for waivers have not been received.

IV. OLD BUSINESS

1. Update from Village Manager on Recovery Act Application

- *Sidewalk/Pedestrian Safety Project*

Project did not qualify for funding with this submittal. VTrans is requiring complete engineering and surveys. Village staff thought a survey would not be needed since the work would take place within the public right-of-way. The most logical portion of the project that may be accepted by VTrans is between the Pearl Street shopping centers and Five Corners. The application will be improved and resubmitted.

- *Paving Project*

Project did not qualify for funding because all VTrans paving criteria were not met. Application for state paving funds will continue to be submitted annually though the state program is out 20 years.

- *WWTF Project*

The Village had 50% of the funds for the project in reserve and approval from the voters to borrow the other half, but the bond bank required 100% of funding in-hand in order to waive 50% of the loan amount.

2. Update by Village Manager on Pearl Street Streetscape and Paving Projects

Meetings are ongoing with CVE on the project. A public information meeting will be held on July 28, 2009.

3. Follow up on Joint Meeting with Essex Selectboard

Dave Crawford requested direction from the Board of Trustees on next steps (additional joint meetings, locations, potential agenda items). The Trustees mentioned potential agenda items include economic development, the Tree Farm, normalizing relations between the boards to ensure motivation on both sides to meet and communicate on issues of joint concern. Larry Yandow suggested having the managers and Chairs meet prior to a scheduled meeting to establish the agenda. The next meeting target date is September. Board members are encouraged to forward ideas for agenda items to staff. Deb Billado suggested the joint meeting focus on one or two items.

Peter Gustafson said the Tree Farm issue should be discussed. John Lajza said he does not see this as a top priority until the property is appraised. Dave Crawford suggested filing a request with the state that both municipalities be informed of any action on the property. Deb Billado reported it appears trees are being harvested by the high school even though Rep. Myers indicated the state did not want the high school using the property due to liability issues. Dave Crawford observed whoever did the clearing did not get permission from the state. George Tyler commented an equitable conclusion is needed on the property; the Village needs to stay informed. There was agreement a written statement is needed as to the status of the property and a timeline of action in order to effectively work with the Essex Selectboard on the matter.

Dave Crawford will communicate the following to Pat Scheidel, Essex Town Manager:

- A list of agenda items is needed for the next joint meeting (September).
- Both board chairpersons should meeting along with the managers to establish the final agenda for the meeting.
- Communication from the state to both municipalities on plans and timeline for the Tree Farm property is requested.

4. Local Option Tax Group

Dave Crawford reported on the lack of volunteers for the Local Options Tax Committee. Mr. Crawford pointed out the alternative to a local options tax is increased property taxes. The committee will be tasked with developing information and defining questions and answers relative to a local options tax. There was discussion of including students/young people on the committee, how to assess impact on local businesses such as IBM and CVE, and how to gather financial information from businesses. Dave Crawford said IBM is not interested in being a member of the committee. IBM will share thoughts on the local options tax, but not financial information. Peter Gustafson asked about information on taxable gross sales being available. Dave Crawford explained state law protects the individual taxpayer (person or large corporation), but the state does maintain a list of businesses and associated tax figures. Deb Billado and Peter Gustafson will seek volunteers to form the five member Local Options Tax Committee.

5. Circumferential Highway Advocacy Group

Dave Crawford reported presently environmental impacts of the highway are being debated by two federal agencies (Corp of Engineers and EPA). The Trustees expressed concern about expending resources, including the Village Manager's time, to meet with the federal groups to advocate for the highway to no avail. John Lajza volunteered to contact Michelle Boomhower, CCMPO, for an update on the project. Trustee Lajza said it was suggested a contingency of representatives from communities affected by the highway meet with the federal agencies in an attempt to get the project back on track. Larry Yandow pointed out communities not in favor of the highway may be having a negative influence on the project.

V. NEW BUSINESS

1. Publishing Regular Meeting Warnings

Dave Crawford reported per state law only the schedule of meetings needs to be published (i.e. Board of Trustees on the second and fourth Tuesday of the month). A special warning is only required if there is deviation from the published schedule. Discussion continued on the added value of advertising. The Board felt the importance of the meeting and/or agenda items should determine the need to advertise. For regular board meetings it is sufficient to publish the agenda on the village webpage and three public postings such as on the bulletin board at the library or village office. Sandwich boards to advertise meetings were also suggested.

MOTION by Peter Gustafson, SECOND by John Lajza, to authorize the Village Manager to determine the need to advertise a Board of Trustees meeting based on the agenda items.

DISCUSSION: George Tyler said supporting local newspapers is essential for the sense of community this brings and suggested whenever possible ads be placed in the local paper. There was mention of working with the *Essex Reporter* to produce more attention getting ads.

VOTING: 4 ayes; 1 nay (John Lajza); motion carried.

Trustee Lajza suggested working with the *Essex Reporter* on eye catching ads for the next six months and determining the impact.

VI. VILLAGE MANAGER'S REPORT**1. Meeting Schedule**

- July 28 @ 6:30 – Regular Trustees Meeting
- August 11 @ 6:30 – Regular Trustees Meeting
- August 25 @ 6:30 – Regular Trustees Meeting
- Sept. 8 @ 6:30 – Regular Trustees Meeting
- Sept. 22 @ 6:30 – Regular Trustees Meeting
- Oct. 13 @ 6:30 – Regular Trustees Meeting
- Oct. 27 @ 6:30 – Regular Trustees Meeting
- Nov. 10 @ 6:30 – Regular Trustees Meeting
- Nov. 24 @ 6:30 – Regular Trustees Meeting (Thanksgiving week)

2. Rail Upgrade Project

A meeting was held with Gov. Douglas to garner support for the rail project. St. Albans is a strong supporter of the project following a presentation and wants to be an activist to get the upgrade done. According to VTrans there are other projects targeted for the \$22 million earmark funds. The rail upgrade spearheaded by the Village needs to get on the list, stated Mr. Crawford, and a presentation to the Joint Transportation Oversight Committee in the fall is being sought. The proposal is good and fundable, but there is great concern that continued delay will jeopardize the million dollar match by New England Central Railroad. The project will allow the possibility of a future commuter rail connection between Essex Junction and Burlington. Dave Crawford shared a recent train ride on the route which revealed some areas of the right-of-way in use by private parties.

3. CCMPO Meeting on TIP (Transportation Improvement Plan)

Dave Crawford explained the process for approval of the TIP begins with the annual upgrade of the list of projects by CCMPO and then submittal to VTrans for approval. VTrans indicated if the rail upgrade project proposed by Essex Junction (requesting use of funds from the Jeffords earmark) is on the TIP, the plan will not be approved. The project can be included without a specified funding source, but rather as an “illustrative” project.

MOTION by George Tyler, SECOND by Peter Gustafson, to authorize the Village Manager to present the memo as drafted and dated 7/14/09 to the CCMPO Board of Directors regarding the Burlington to East Alburg Rail Upgrade Proposal at the CCMPO meeting on 7/15/09.

DISCUSSION: There was recollection of past attempts without success to re-establish passenger rail service from Essex Junction to Burlington. Discussion also noted the benefits of upgrading the rail system to allow larger bulk loads resulting in reduced costs. The rail upgrade proposal will provide jobs as well. There were no further comments.

VOTING: 5 ayes; motion carried.

4. Letter from Bob Boyd of 86 Main Street

Bob Boyd submitted a letter requesting the speed limit on Main Street be reduced and truckers be instructed not to use Jake brakes in the village. Dave Crawford will talk to Police Chief Nadeau about the matter. A study of lowering the speed limit will be done and signs installed regarding

use of Jake brakes on Class 1 highways. Larry Yandow pointed out that lowering the speed limit further means trucks will have to brake harder and longer. The Trustees will make the final decision on changes to the speed limit.

5. Request from Businesses re: Placement of Cigarette Receptacles

It was noted the cost of cigarette cans is \$80 each and \$60 to have them emptied. Deb Billado pointed out the cans eventually are used for more than just cigarette butts and become unsightly. It was suggested that businesses install and maintain the cans themselves.

6. Charter Change for Election of Village President

The charter change to elect the Village President and Vice President became effective May 26, 2009. The current term for Village President expires in 2010. The position of Vice President can be elected at this time.

MOTION by John Lajza, SECOND by Peter Gustafson, to add election of the Village Vice President to the current agenda. VOTING: 5 ayes; motion carried.

MOTION by John Lajza, SECOND by George Tyler, to elect Deb Billado as Village Vice President to chair meetings in the absence of the Village President.

DISCUSSION: Peter Gustafson spoke positively of Trustee Billado's facilitation of the Board of Trustees meetings.

VOTING: 5 ayes; motion carried.

VII. TRUSTEES COMMENTS/CONCERNS

Larry Yandow expressed great appreciation for the cards, flowers, thoughts, and well wishes during his recent hospital stay.

Peter Gustafson said he received an email from a constituent indicating the understanding that the Board of Trustees is setting up the committee to facilitate the Memorial Day Parade. The matter needs to be clarified. The Memorial Day Parade is an EBPA event. There are two individuals interested in helping with the parade at this point. There was discussion of the possibility of not having the parade and the need for this event to be organized by the business community, not the Trustees.

John Lajza commented the rail issue is frustrating, but the hope is to move forward in a way that is not contentious. Upgrading rail is right for Vermont. There is open opportunity for additional earmarks by demonstrating the existing earmark is being used. Dave Crawford's time and effort on the rail upgrade project to date was acknowledged.

VIII. CONSENT AGENDA & READING FILE

Larry Yandow requested approval of the 6/30/09 minutes be voted separately from the consent agenda.

MOTION by Peter Gustafson, SECOND by George Tyler, to approve the minutes of 6/30/09 as written. VOTING: 4 ayes; 1 abstention (Larry Yandow); motion carried.

MOTION by John Lajza, SECOND by George Tyler, to approve the remainder of the consent agenda as presented.

- 1. Approve & Sign FY09 Audit Contract**
- 2. Reading List Acceptance (Letters & Communications)**
 - **Thank You Letter to John O’Kane**
 - **Letter from CVE re: Neighborhood Meeting on 6/23/09**
 - **CCMPO Public Hearing Notice 7/15/09 Meeting on FY 10-13 TIP**
 - **LCRCC Regional News re: Vermont’s Western Corridor**
 - **Champlain Business Journal Article re: Boutique on Park Street**
 - **VLCT 2009 Local Officials Golf Outing 9/30/09**

VOTING: 5 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 (i.e. Village Manager and intern, Sawyer Joecks) to be present for the session.

VOTING: 5 ayes; motion carried.

The Board entered Executive Session at 8:30 p.m.

MOTION by John Lajza, SECOND by Peter Gustafson, to adjourn Executive Session.

VOTING: 5 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 9:06 p.m.

X. ADJOURNMENT

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

The meeting was adjourned at 9:07 p.m.

RScty: M.E.Riordan