

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
October 27, 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 regular meeting to order at 6:30 p.m. and led the assemblage in the Pledge of Allegiance.

II. AGENDA ADDITIONS/CHANGES

Addition(s) to Consent Agenda:

- Bid for Doors in Lincoln Hall
- VLCT State of Municipalities Survey

MOTION by John Lajza, SECOND by George Tyler, to consider agenda items involving staff or invitees while staff and/or invitees are present. VOTING: 5 ayes; motion carried.

The order of items heard at the Trustees meeting may differ from the posted agenda. The minutes reflect the order of the posted agenda.

III. GUESTS AND 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, re: 2011 Chittenden County Regional Plan
In attendance were Charlie Baker, Garrett Mott (chairman of regional plan rewrite committee), and Ron Gauthier (village representative to CCRPC). Charlie Baker urged comments/issues related to the Chittenden County Regional Plan be submitted by the end of the calendar year. The plan is available on the website [ccrpcvt.org] or on DVD. The webpage will have information on the update of the plan as it proceeds and a place to make comments.

Larry Yandow asked if any comments have been received from people looking for something drastically different in the region. Charlie Baker said such comments have not been received as yet. Garrett Mott stated the hope is to do an update of the plan which was rewritten in 2006 as a policy plan. CCRPC can only advise and guide communities, not dictate what or how to develop.

Dave Crawford mentioned comments from the Village on the following matters:

- CCRPC assistance with a basic operational plan for emergency management
- CCRPC advice/assistance with the Village's zoning rewrite

- Statement of concern from CCRPC on the impact from the state downloading services or cutting costs at the expense of municipalities
- Statement of concern from CCRPC regarding the lack of communication from the state to municipalities about plans for state owned land within the community
- Help from CCRPC regarding funding and county organizations (e.g. court system) putting burdens on communities without input from the public

It was noted CCRPC has started discussion of county government or a transportation authority or storm water authority and if there should be an over-arching design for countywide organizations. The region as a whole needs to decide. CCRPC can be a central point for discussion. Dave Crawford said it would be helpful to develop a list or fact sheet on agencies and organization, and how the funding for each occurs. Larry Yandow mentioned the public in general is not aware of what is going on regionally. Garrett Mott said he continues to be surprised at the lack of interest by the local media in the regional plan. It is helpful to have local governing boards make mention of the plan. Dave Crawford observed the internet and websites have dramatically changed how information is communicated and how plans are developed.

George Tyler suggested the Trustees develop comments on the regional plan during their upcoming retreat.

IV. OLD BUSINESS

1. Update on Pearl Street Streetscape Project

Dave Crawford reported two committees are meeting each week. The general project committee is Dave Crawford, Rick Hamlin (engineer and project manager), and Lamoureux & Dickinson (design engineer). The CVE design committee includes Lamoureux & Dickinson and is looking at the CVE side of expenditures and decisions. A picture of the current sign at CVE and the conceptual proposal was shown. The proposed sign is smaller than the existing sign and will be considered a continued pre-existing use. Next item to be discussed is the ticket building. The project is on schedule, but the CVE budget is \$160,000 over allocation so hard choices have to be made. The survey is virtually done. The state is also doing a survey which should be complete by mid-November even though the same data that are in the private survey are considered. The private survey took a week and a half to complete. The schedule with the state with regard to the state highway being taken over by the Village is going slow. The takeover must occur or the Right-of-Way Division of VTrans will be involved with the project. Repeated calls to the state have gone unanswered. If nothing is heard within the next few days a letter of concern will be submitted.

2. Update on Recovery Act Projects

Dave Crawford reported paperwork from ANR for the Waste Water Treatment Facility pipe project has still not been received.

Sawyer Joecks reported on the energy grant. The grant funds (\$50,000) have been deposited. Most of the money (\$35,000) will pay for windows in Lincoln Hall. The remainder (\$15,000) will be used to replace exterior doors on the building (there will be

pass codes on the primary outside doors so keys are not needed). Grant funds were used to pay for the heat loss analysis, new thermostats, administrative costs, and mailing costs for the energy pamphlet.

Larry Yandow suggested future renovations should include heated walks by the doors to the building to reduce the potential for slips and falls. Dave Crawford commented heated walks are very expensive.

3. Update on Railroad Upgrade Project

Dave Crawford reported continued discussion of the project and gaining legislative support was the focus of the meeting with New England Central Railroad (NECR). Improvements to the train station and use of the railroad right-of-way for the multi-use path were also discussed. Sawyer Joecks added the meeting with the railroad (Charlie Hunter and Tom Murphy) and the volunteer group discussed the budget to improve the rail station with repainting, planters, bulletin boards, and such. John Alden volunteered to do color schemes. The railroad must agree to the colors chosen. The railroad suggested redoing the platform by adding concrete along the curb so people do not stumble upon debarks. Dave Crawford commented the railroad is impressed with the community embracing a railroad theme and wants to cooperate with the station improvements. There is a small area in the station leased to Amtrak and an area used by NECR. The end of the building with the glass is the Sprint switching station. Sprint is agreeable to displaying railroad memorabilia in the glassed area. The railroad wanted to know if the Village is interested in plowing around the station and doing the concrete work by the platform. Dave Crawford said he told NECR the matter will be taken under consideration. The railroad agreed to allow some green space. Regarding the multi-use path north of the railroad, Sawyer Joecks is working on an application for an earmark from Sen. Sanders for the project. Of the 45 railroads owned by Rail America, Essex Junction is the first community to ask for a multi-use path on the railroad right-of-way so the request must go through corporate headquarters for Rail America. The railroad is very concerned about safety. There are many people walking along the railroad tracks now without a safe path (especially high school students walking along the east side of the tracks by the high school). Insurance is a significant issue. The \$400,000 project cost is for the path, lighting, and fencing.

4. Update on Local Option Tax Committee

Deb Billado reported at the meeting on 10/15/09 the group worked on a study proposal for local economist, Dick Heaps. The Trustees will see the proposal for approval. The committee has a couple of meetings scheduled in November with the final meeting on December 17, 2009. There will be two public presentations plus the annual meeting.

5. Update on Railroad Ave. Revitalization Project

George Tyler reported the meeting with Sue McCormack covered the planned Vermont Council on Rural Development forum in February, 2010. Ideas and long range plans will be presented as well as looking at projects taking place in the village. There is \$11,000 available for wayfinding signs in communities from CCRPC. One or two signs could be posted on Railroad Ave. Sue McCormack will discuss the signs with the Village

Development Director. The revitalization committee could contribute to the design of the signs. Regarding promoting the railroad theme in vacant window space, the focus has expanded to include occupied businesses. Another idea is to have train ticket holders receive a coupon or stamp from area businesses. Some business property owners are willing to participate, others want to think about it, and still others are not interested.

Deb Billado asked how doable projects tie into the 2011 budget. George Tyler noted there are many volunteer efforts or initiatives such as farmers markets. Trustee Billado suggested potential earmarks for projects should be included in the next budget cycle.

V. NEW BUSINESS

1. Approve Health Insurance Plan Change

MOTION by John Lajza, SECOND by George Tyler, to go into Executive Session to consider the Village's health insurance plan for employees and personnel information, and to invite the Village Manager, Village Accountant, Village Clerk/Treasurer, and the intern assistant to the Village Manager to attend. VOTING: 5 ayes; motion carried.

Executive Session was convened at 7:20 p.m.

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

Executive Session was adjourned and the regular meeting reconvened at 7:30 p.m.

MOTION by George Tyler, SECOND by Peter Gustafson, to authorize staff to proceed with the implementation of the alternate high deductible health insurance package for all eligible employees. VOTING: 5 ayes; motion carried.

2. Consider Planning Commission Issue

Larry Yandow read the letter of resignation from Mark Thibeault, Chairman of the Essex Junction Planning Commission. The resignation is effective immediately.

MOTION by Peter Gustafson, SECOND by John Lajza, to accept the resignation of Mark Thibeault from the Essex Junction Planning Commission and to authorize the Village President to send a certificate of appreciation from the Village of Essex Junction acknowledging Mr. Thibeault's service and dedication on the Essex Junction Planning Commission for the past eight years.

DISCUSSION: Peter Gustafson mentioned the many meetings and hard work by Mr. Thibeault to the benefit of the village. There were no further comments.

VOTING: 5 ayes; motion carried.

MOTION by John Lajza, SECOND by Larry Yandow, to authorize advertisement of the vacancy on the Planning Commission. VOTING: 5 ayes; motion carried.

3. Discussion of CVE Noise Reports

Dave Crawford reported according to the noise reports CVE was able to match the noise levels that were put in place. There were no huge errors in judgment. CVE was proactive in running sound tests prior to events and establishing a rapport with the sound engineers. There were some spikes at some events and these were reviewed. It was found there are other influences on the monitoring devices, such as traffic, wind, rain, or other atmospheric conditions. The spike that occurred during the Relay for Life cancer walk is still being investigated to determine if this was an anomaly or other influence, such as an airplane passing overhead or someone making a loud noise very close to the microphone.

Chris Chiquoine, village resident, asked if the spike during the Relay for Life event was correlated with the phone calls (complaints) to the police. Mr. Chiquoine stated at 5 a.m. the song “YMCA” being played at the fairgrounds could be heard inside his house. Mr. Chiquoine contended the noise is simply getting louder and cannot be blamed on a random event or an anomaly. Mr. Chiquoine expressed disappointment about the lack of mention of plans to decrease noise levels especially since three out of 12 concert events last year broke the 83 decibel level and 10 out of 12 events this year broke the 83 decibel level. Mr. Chiquoine stated when the threshold is breached it is like a sonic boom in that the level does not last, but the impact is significant. Mr. Chiquoine asked for noise data from the tractor pull and fireworks that received a last minute waiver. Dave Crawford noted the tractor pull event is grandfathered and fireworks with waivers were not monitored.

John Lajza expressed satisfaction with the result to date, acknowledging the noise issue is a work in progress between the Village of Essex Junction and CVE. Larry Yandow added both parties are looking toward resolution of the noise issue and continue to work on the matter. Much progress has been made. CVE is working on putting up barriers to mitigate noise as one action.

Dave Crawford provided Mr. Chiquoine with a copy of the memo from him to the Board of Trustees, dated 10/23/09, regarding the noise reports. Mr. Crawford stated to interpolate his statements as ‘nothing is being done’ is false. There are meetings with CVE after events or when concerns have been noted. Reports have been reviewed and potential changes discussed. The process is ongoing. The spikes are within the allowable parameters. CVE has a plan of action to monitor and work with sound engineers before events. Trailers are used as sound barriers. Regarding the waiver notice it is acknowledged and agreed improvement of the waiver system is needed. John Lajza added mitigating noise continues to be discussed with CVE. Larry Yandow added CVE meets with groups before booking an event to determine the level of noise anticipated. Sometimes the concert group disregards the noise agreement that was signed with CVE. There would probably be a better class of concerts without the noise ordinance (e.g. Boston Pops and such), said Mr. Yandow. Chris Chiquoine noted he has no choice but to hear the concerts at the fairgrounds, and one group made five times the amount of noise allowed in the village limits without repercussion. Peter Gustafson mentioned the loudness of the train whistle. Chris Chiquoine rebutted the train whistle is for safety purposes, concerts are not.

John Lajza said he is pleased some concerns were lower in noise than anticipated. There were some noise spikes and these are being considered. The comments from Mr. Chiquoine are acknowledged.

MOTION by John Lajza, SECOND by George Tyler, to cease debate on the matter of noise at the fairgrounds at this time. VOTING: 5 ayes; motion carried.

4. Consider the State Owned West Street Property Long Term Management Plan
Dave Crawford explained the letter to Jonathan Wood (ANR) and Jason Gibbs (Forests, Parks & Recreation) regarding the lack of involvement by the Village of Essex Junction in future plans for the property on West Street despite repeated attempts by the Village to be involved. The Trustees do not concur with the adopted plan for the property and is willing to work with ANR to modify the plan.

MOTION by John Lajza, SECOND by George Tyler, that the Essex Junction Board of Trustees go on record as not concurring with the adopted West Street Parcel (Essex Junction) Long Range Management Plan and to so notify ANR and Forests, Parks & Recreation. VOTING: 4 ayes [Larry Yandow not present for vote]; motion carried.

VI. VILLAGE MANAGER'S REPORT

1. Meeting Schedule

- Nov. 10 @ 6:30 – Regular Trustees Meeting
- Nov. 17 @ 6:30 – Possible Alternate Meeting Date to Nov. 24th (Thanksgiving week)
- Dec. 8 @ 6:30 – Regular Trustees Meeting
- Dec. 15 @ 6:30 – Public Hearing: Pearl Street Project

Special Meetings:

- Nov. 4 – VLCT Training Session on Preparing for a Successful Town Meeting
- Nov. 9 @ 7 – Memorial Day Parade Meeting
- Nov. 9 @ 7:30 – Essex Town Meeting re: Funding Stormwater Retention Facilities
- Nov. 16 @ 4 – Essex Town Economic Development Study Meeting
- Nov. 17 @ 4 – Pearl Street Multi-Modal Study Public Work Session
- Dec. 2 @ 6 – Lighting the Village Celebration
- Dec. 17 @ 6:30 Essex Planning Commission Public Hearing re: Town Plan

2. Trustees Retreat

Retreat scheduled on October 29, 2009.

3. Essex Town Economic Development Study

The village is considered a growth center or economic activity node in the town.

4. Joint Meetings

A joint meeting with the Prudential Committee and the Trustees still needs to be scheduled. January appears to be the first available timeframe to schedule a joint meeting with the Essex Selectboard. It is suggested a list of items for review by both boards be drafted by the chairpersons and managers prior to the joint meetings.

Deb Billado expressed concern about the overlap of meetings per the schedule. John Lajza asked staff to send a list of upcoming meetings to the Trustees.

5. VLCT Legal Brief

The Village is included in the legal brief by VLCT to the Vermont Supreme Court regarding treatment plant re-licensing and re-permitting.

6. VLCT Town Fair

Interesting information was received at the VLCT town fair.

7. Chamber of Commerce Meeting

Contacts were made at the Chamber meeting relative to the Lincoln Inn.

8. Fire Dept. ISO

Work continues on the insurance rating.

9. Village Annual Report

Ideas for the cover and inside flap were shown.

VII. TRUSTEES COMMENTS/CONCERNS

There were no comments.

VIII. CONSENT AGENDA & READING FILE

MOTION by John Lajza, SECOND by George Tyler, to accept the consent agenda with the addition of the VLCT survey, the drug and alcohol update, acceptance of the bid for the Lincoln Hall doors and items noted below:

- 1. Approval of Minutes of 10/13/09 Meeting**
- 2. Approval of Warrants**
- 3. Lincoln Hall Doors Bid Award**
- 4. Drug & Alcohol Policy for CDL Drivers**
- 5. VLCT State of the Municipalities Survey**
- 6. Reading List Acceptance (Letters & Communications)**
 - **Memo to Department Heads re: FY11 Budget Goals**
 - **Memo from Susan McNamara-Hill re: Tax Collection**
 - **Pearl Street Improvement Project Proposed Schedule**
 - **Letter to VTrans re: Amendment #1 to Cooperative Agreement**
 - **2010 Legislative Breakfast Series**
 - **Memo re: Acting Village Manager November 3-9**

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 8:55 p.m.

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

Executive Session was adjourned at 9:29 p.m.

X. ADJOURNMENT

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

The meeting was adjourned at 10:00 p.m.

RScty: M.E.Riordan