

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
December 7, 2010**

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

I. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Village President, Deb Billado, called the meeting to order at 6 PM and led the assemblage in the Pledge of Allegiance.

II. AGENDA ADDITIONS/CHANGES

Add under 'Manager's Report':

- Resignation of Nicole Yandow from Brownell Library Board of Trustees.

Add under 'Executive Session':

- Discussion of personnel issue.

Reorder items under 'Old Business'.

III. GUESTS AND PRESENTATION

1. Comments from Public on Items Not on Agenda

There were no comments from the public at this time.

IV. OLD BUSINESS

1. Review/Action on Appointment of Consultant to Provide Recreation Department Information

PUBLIC COMMENTS

Sue McCormack, village resident, read and submitted a letter to the Trustees regarding the school district's effective management of the Recreation Department and concern about the transfer of governance relative to capacity and culture. Ms. McCormack acknowledged with appreciation all the assistance provided by village staff to the Railroad Avenue Revitalization Group, but noted there has been small progress by the village government versus progress by the volunteer group. Village staff is stretched by current responsibilities, continued Ms. McCormack, and there is question whether there is capacity to govern the Recreation Department and continue to offer the current level of service. Regarding culture, village government follows a 20th Century model of caution and attention to bureaucratic requirements while the recreation program is more responsive and innovative to the needs of the community. The Recreation Department readily employs technology's latest tools to interface with the community; the village government may not be at the same level. Ms. McCormack urged the Trustees to use caution and thoroughness before taking a stance on governance of Essex Junction Recreation and Parks.

Jeff Harton, village resident, suggested keeping the issue simple by doing what is best for the taxpayers. The community should not be divided or taking sides on the matter. If after

review of the information to be brought before the Trustees it is determined a change should be made, fine, otherwise do not make a change. The important point is to keep the integrity of the programs intact, said Mr. Harton, adding it may make sense to have an independent review if it is not too costly. A consultant, if hired, should provide more than just a general statement or recommendation.

Peter Gustafson, Village Trustee, stated he is a 31 year employee of the school district as a Social Studies teacher at ADL, and a part-time employee over the years with the Rec. Dept. Mr. Gustafson who has recused himself from the discussion and decision on the governance issue said he has been verbally accosted while out in the community for not taking a stand on the matter during the Trustees meetings. Mr. Gustafson acknowledged it has been difficult not to engage in discussion and state his opinion on the matter.

Charlee Day, Prudential Committee, recalled the Prudential Committee has been accused of not having time to discuss the Rec. Dept. with the Trustees, but in March, 2010, there was a meeting and agreement to extend the recreation contract for a year. The extended contract was signed in May, 2010, and then four months later the Trustees said the matter needs to be revisited because a petition was received.

There were no further comments.

MOTION by John Lajza, SECOND by Steve Atwood, to authorize the Village Manager to approve the proposal, dated 12/1/10, by Denise Clavette, principal with Clavette Consulting, to do a study of recreation departments in outlying towns and hopefully CCSU.

DISCUSSION: George Tyler mentioned Denise Clavette is a friend and former school district employee. Mr. Tyler noted the Trustees have initiated a unilateral action which is seen as confrontational and now is asking a former school employee to do a study involving the school district. Trustee Tyler asked about the competitive bidding process before spending \$3,000 on one bid. Mr. Tyler also pointed out Ms. Clavette says in her letter that Essex Junction has one of the best recreation departments in Vermont so there is question as to why the Trustees are spending taxpayer money to look at departments in other towns. Trustee Tyler urged working with the school board, CCSU, and the Rec. Dept. to get the requested information rather than spending \$3,000 for a statement saying what the board wants to hear. John Lajza interjected the Trustees have tried to approach the school board and work together, but the school board acted unilaterally as well by producing the set of questions and answers without input from the Board of Trustees. Trustee Lajza questioned how the situation can be resolved when there has not been cooperation so far. An outside consultant removes the emotion from the matter. There is only one bidder because that is all who replied. The issue is not new, continued Mr. Lajza, in that CCSU and the Prudential Committee were not sure of focusing on the Rec. Dept. matter due to a volume of other items to address. The Trustees thought the information could be furnished by CCSU within the year, but then a petition with 345

signatures was received by the Trustees which required attention. The Trustees have been responsive to smaller groups than 345 people in the past. The recommended consultant has a stellar resume and can move the matter forward, said Mr. Lajza. George Tyler stated the village did not advertise for the consultant, but simply contacted people. Also, a petition is not an assessment of the community's feelings on the Rec. Dept. The petition was signed by people upset about relocating the baseball field. The petition did not indicate a problem with the recreation program. There is no need for the study, stressed Mr. Tyler. Twenty pages of information from the school district have been received and not yet analyzed. The school district has invited the Trustees to a meeting in a month to discuss the matter so there is cooperation. Trustee Tyler said he wants to hear the opinion of the people of Essex Junction and whether this is how they want to spend their valuable tax dollars. Steve Atwood reiterated the consultant will take the emotion out of the issue, and there were two bidders but one withdrew from consideration. Dave Crawford noted he did inquire to other town managers about who might do this type of study, and after further conversation with the two bidders, one consultant chose to withdraw their proposal for professional reasons. There were no further comments.

VOTING: 3 ayes, one nay (George Tyler), one abstention (Peter Gustafson); motion carried.

2. Appointment of Recreation Agreement Ad Hoc Committee and Definition of Role
MOTION by John Lajza, SECOND by Steve Atwood, to table appointment of the ad hoc committee until the Trustees meeting on 12/14/10 to continue to define the role of the committee and appointment of members. VOTING: 3 ayes, one nay (George Tyler), one abstention (Peter Gustafson); motion carried.

3. Review Draft Recreation Agreement Extension

Dave Crawford reported the renewal proposal reflects a timeline of items, creates an oversight committee (members from each board and an ex officio from each board) to work with the budget, authorize new programs, and hire employees, provides termination rights of both parties to terminate the agreement (requires six month notice), and provides an end agreement clause if both boards cannot reach a conclusion to extend the agreement for another year (both boards by signature can terminate the agreement at the end of one year after which the village will assume operation of the recreation department). George Tyler observed the role of the signers of the contract is fundamentally altered by the draft proposal in that the school takes on the role of a private contractor. Also, none of the significant changes to the agreement were highlighted in the draft. Dave Crawford explained the options include extending the present contract without change for a time period to be determined or to have a contract with whatever changes are desired. Both sides agree changes are needed. Deb Billado noted legal comments from the Village Attorney were submitted to the Prudential Committee and CCSU and a response has as yet not been received. The opinion of the Village Attorney is that the Village of Essex Junction owns the parks and the Prudential Committee is the organization that manages EJRP on behalf of the taxpayers. A rebuttal

from CCSU or the Prudential Committee has not been received so it is assumed the opinion is correct. Trustee Tyler disagreed, stressing that lack of a response does not necessarily mean agreement. There are two different documents that are being fused together: one expresses a legal opinion on the attorney's theory of ownership, and the other (revised contract) has not even been seen by the school district. Deb Billado stated the legal opinion of the village was submitted months ago and is without response to date. In the absence of a response, either in concurrence or not, an extension of the agreement of some sort must be developed. George Tyler stated the purpose of an extension was a 'pressure valve'. The document should be neutral, giving all sides maximum "breathing space". The draft extension forces the school district to agree in a subtle way to a controversial document. Trustee Tyler urged removal of the controversial portions and giving the school district as much time as possible. Trustee Billado pointed out April 1st is the pressure date because 90 day written notice is the required timeframe by either party to terminate the agreement. Another option is to extend the existing agreement as is. George Tyler suggested the phrase "for the village" be removed from the draft document because that will remove the controversy. Another option is to wait until the annual meetings of both boards to hear from the public on the matter. John Lajza mentioned past attempts to move the issue forward without success. The document serves to do this. Trustee Lajza stated an important element in his opinion that must remain in the document is the ad hoc committee. It was noted the extension begins July 1, 2011 and ends July 1, 2012. John Lajza suggested the final agreement be signed by November 30, 2011 rather than December 31, 2011 to allow adequate time to transition if necessary. Also, there may be public opinion in support of merger of the school district as of late. Deb Billado clarified the proposed extension does not preclude either party from making a different decision between now and then with a 90 day notice or any time by mutual agreement.

MOTION by John Lajza, SECOND by Steve Atwood, to approve the document as altered (remove all incidences of "for the village" and change the date to November 30, 2011) and forward the document to CCSU and the Prudential Committee for review and discussion. VOTING: 4 ayes, one abstention (Peter Gustafson); motion carried.

There was discussion of the cover letter to Prudential Committee Chairwoman, Linda Waite-Simpson. Ms. Waite-Simpson stated a response to the legal opinion of the Village Attorney was sent (letter dated 11/29/10). There was only one point of disagreement. The opinion of the school district's attorney is there are people who work in the Rec. Dept. who are under contract with the Essex Junction School District, not the Village of Essex Junction. There was further discussion of the letter from Linda Waite-Simpson, dated 11/29/10, and the invitation to attend the public forum on 1/12/11 with the Rec Advisory Council. Linda Waite-Simpson disputed the impression given by the Trustees that the Prudential Committee has not been responsive. The Prudential Committee has put forth every effort to meet the requests of the Trustees and is being accused of not cooperating because the committee did not jump at the timeline laid out by the Trustees. Information has been provided and invitations have been extended to the Trustees. Ms. Waite-

Simpson expressed concern about any potential increase in taxes and impact on programming if there is a transition. Costs and impacts need to be known.

Following further discussion the consensus is to attend the forum on January 12, 2011. Deb Billado noted the Trustees have not been a party to information developed for the forum and was not asked to provide input. The forum is part of the information gathering process though. George Tyler commented the thrust of the cover letter to Linda Waite-Simpson is to arrange a meeting to approve the contract extension after the Prudential Committee has reviewed the document. Mr. Tyler suggested the letter be edited to say a meeting will be scheduled on a date of mutual consent, but after January 18, 2011.

MOTION by John Lajza, SECOND by George Tyler, to send the cover letter to the Prudential Committee Chairwoman, Linda Waite-Simpson, as amended (state that a meeting will be scheduled on a date of mutual consent, but after 1/18/11) and to also send a copy of the draft agreement extension. VOTING: 4 ayes, one abstention (Peter Gustafson); motion carried.

4. Review Prudential Committee EJRP Governance Questions

5. Review Letter from Recreation Advisory Council 11/12/10

George Tyler challenged the Trustees to do a community survey using Front Porch Forum and the village website to get public opinion on the Rec. Dept. A customer satisfaction survey of the users of the Rec. Dept. could be done, and if the results show the users are satisfied then there is no need to change. If the results indicate dissatisfaction then that is where changes should be made. The timeline that has been crafted seems designed to cut the public out of the process. Trustee Tyler suggested deferring any decision until after the school and village annual meetings to find out the public's thoughts on the matter. Dave Crawford clarified the extension will provide a year and within that timeframe discussion of the issue can occur. George Tyler reiterated the extension agreement needs to contain language that is not controversial to allow discussion with the school district and CCSU. A consultant is not needed to research area recreation departments. EJRP is the only department of interest. Deb Billado stated everyone concurs the Rec. Dept. is fabulous and stellar, but over 300 people had a problem and spoke up. These people cannot be marginalized or dismissed. The issue came up before and will continue to surface. Due diligence must be done for the taxpayers as to where the Rec. Dept. is best governed and why, and the Trustees are in the process of gathering information to answer those questions, said Trustee Billado. George Tyler rebutted step one in doing due diligence is not spending taxpayer money unnecessarily.

Dave Crawford urged the Trustees to review and answer the questions from the Rec Advisory Council prior to the forum in January. The Trustees tabled answering the question as well as any questions from the power point presentation by the CCSU Chief Financial Officer until the 12/14/10 Trustees meeting.

6. WWTF Project Report and Update on Tri-Town Meeting of 11/17/10

Dave Crawford reported the Tri-Town Committee discussed presenting the information on the treatment plant upgrade project to the voters and possible bond vote dates (April 2011, in the fall of 2011, or April 2012). There was agreement the preliminary information should be gathered in January and February. The engineers are working hard to compile the information. If the upgrades are not done, the village will likely get fined. Costs will likely go up as well. Essex and Williston both support the proposed upgrades. The bond will be carried by all three towns, but the bond must be voted by the village taxpayers. The recommended date for the bond vote is April 2011. There was continued discussion of the time needed to inform the public prior to the vote. Peter Gustafson pointed out there are three major projects facing the community (police station, fire truck, and treatment plant upgrades) and all three cannot be done at once. Essex Town should be asked when they plan to move forward on the projects. Dave Crawford mentioned the Essex Selectboard committed to paying the Village \$50,000 per year for four years toward the EJFD fire truck. The consensus is to continue moving forward with the treatment plant project.

V. NEW BUSINESS

None.

VI. VILLAGE MANAGER'S REPORT

The Trustees received a written report on items from the Village Manager.

1. Meeting Schedule

- December 14 @ 6:30 – Budget Day and Regular Trustees Meeting
- January 4 @ 6:30 – Special Trustees Meeting
- January 11 @ 6:30 – Regular Trustees Meeting
- January 18 @ 6:30 – Special Trustees Meeting
- January 25 @ 6:30 – Regular Trustees Meeting
- February 8 @ 6:30 – Regular Trustees Meeting
- February 22 @ 6:30 – Regular Trustees Meeting
- March 8 @ 6:30 – Regular Trustees Meeting
- March 22 @ 6:30 – Regular Trustees Meeting
- April 6 @ 7:00 – Village Annual Meeting
- April 12 @ 6:30 – Regular Trustees Meeting
- April 26 @ 6:30 – Regular Trustees Meeting

Special Meetings/Events:

- December 14 @ 1 PM – FY12 Budget Day with Department Heads
- April 12 – Australian Ballot Voting for Annual Meeting

2. New Sign at IBM

The new sign will indicate the tenants on the IBM technology industrial campus.

3. School Pedestrian Committee

Robin Pierce will serve on the committee on behalf of the village administration.

4. Sludge Disposal

The agreement for sludge disposal will be signed with Whitcomb Farm.

5. Planning Loan for WWTF

A planning loan was received from ANR for engineering services at the WWTF and the pump stations.

6. Grants and Interns

Staff continues to seek grants and investigate hiring interns to assist with administrative tasks.

7. Pearl Street Lights

Comments received on the streetlights along Pearl Street are positive. The lighting makes people feel safe. There is a concern about cost. Staff is trying to find a balance between cost and necessary lighting. Residents have also commented on the lack of street lighting in neighborhoods.

8. CHIPS Grant Money

CHIPS is developing ideas on how to use the grant money the organization recently received.

9. Amtrak Station

Discussion continues on the installation of cameras at the Amtrak train station.

10. Wind Storm Damage

The Road Superintendent submitted a report on storm damage in the village (minor).

11. Farmers Market Agreement

The agreement is being revised for next year's operation of the farmers market.

12. Library Trustee Resignation

The resignation of Nicole Yandow from the Brownell Library Board of Trustees was accepted. The vacancy will be advertised.

VII. TRUSTEES COMMENTS/CONCERNS

Peter Gustafson mentioned the near tragic situation of a family renting a house on South Street which had a carbon monoxide release from the heater. The family with a newborn baby was hospitalized and now is living in a hotel until the house is clear. The owner of the house is an absentee landlord who has neglected the property. Dave Crawford noted the State Fire Marshall handles fire code issues and the Town Health Officer handles health hazards.

Deb Billado asked if wreaths are missing from lamp posts at Five Corners. Dave Crawford explained a wreath is hung on every other lamp post as has been customary each year.

VIII. CONSENT AGENDA & READING FILE

MOTION by John Lajza, **SECOND** by Peter Gustafson, to approve the consent agenda as follows:

1. Approve minutes of previous meetings (11/9/10 & 11/16/10)
2. Approve bill lists
3. Approve website upgrade proposal from Catamount Web Solutions, LLC
4. Approve waiver of ordinance for bonfire at Maple Street Park 12/10/10
5. Approve sign application by IBM in village right-of-way
6. Reading List Acceptance (Letters & Communications)
 - Brownell Library Staff and Director's Report Oct. 2010
 - Planning Commission minutes 11/4/10
 - Email from resident re: Pearl Street Streetscape Improvements
 - VLCT memo re: FY12 member dues
 - Railroad Avenue Revitalization update meeting minutes 11/16/10
 - Appointment of Robin Pierce to Advisory Committee for Student Pedestrian Safety

DISCUSSION: George Tyler expressed concern about the expenditure for the webpage and asking taxpayers at the annual meeting to support all the capital items that will be presented. If the webpage was done back in July there would be a valuable tool in place to communicate to the public about the capital projects and associated costs to be presented at the annual meeting. Following further discussion there was agreement to move forward with the expenditure for the website and to communicate to the contractor the need to have the website complete as soon as possible.

VOTING: unanimous (5-0); motion carried.

IX. EXECUTIVE SESSION and/or ADJOURNMENT

MOTION by Peter Gustafson, **SECOND** by Steve Atwood, that the Board of Trustees go into Executive Session to consider legal matters, contracts, personnel matters, and/or real estate negotiations where premature general public knowledge would clearly place the village at a substantial disadvantage, and to invite the Village Manager, Dave Crawford, to attend. **VOTING:** unanimous (5-0); motion carried.

Executive Session was convened at 9 PM and adjourned at 9:49 PM. The regular meeting was adjourned at 9:50 PM.

RScty: M.E.Riordan