

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
December 8, 2009**

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

ADMINISTRATION: Dave Crawford, Village Manager.

I. CALL TO ORDER and PLEDGE OF ALLEGIANCE

In the absence of Larry Yandow, Trustee Deb Billado called the meeting to order at 6:30 p.m. and led the assemblage in the Pledge of Allegiance. Ms. Billado welcomed Sen. Ginny Lyons and Representatives Tim Jerman and Linda Waite-Simpson as well as Sen. Doug Racine and Sen. Tim Ashe upon their arrival.

II. AGENDA ADDITIONS/CHANGES

Dave Crawford noted the following:

- Add under “Guests and Presentations”: Salt Reduction Equipment Purchase
- Address Item V.2 (Appointment of Fire Chief) when Chris Gaboriault arrives
- There are various additions to the Consent Agenda and Reading List

III. GUESTS AND PRESENTATIONS

1. Comments from Public on Items Not on Agenda

There were no comments from the public at this time.

2. Discussion of 2010 Legislative Priorities

Dave Crawford mentioned the recent public policy discussion with VLCT (talking points were provided to the Trustees) about the funding movement from the state to the local level due to significant funding issues at the state level. Vermont is the second highest tax burdened state in the union, said Mr. Crawford. The list of high priority legislative items identified by the Village was reviewed. The list includes the circumferential highway, the rail upgrade to support the Alburgh-Burlington rail project, state owned property on West Street, state aid (cost shift to the local level which is opposed by municipalities).

There was discussion of the pressure on the property tax and the shift onto the local property tax from the state general fund. It was noted there are structural fixes (unemployment insurance, teacher retirement fund) that could impact the property tax. Sen. Lyons stated \$160 million has been cut in the budget in the last year and a half on recommendation from the Administration, but there has not been planning in place because of the budgetary and revenue crisis. The goal is not to shift onto municipalities. A plan is needed. The state departments of Human Services, Natural Resources, and areas key for social services have all experienced short term cuts without a long term plan. John Lajza stressed the need to know how much is being spent on social services or roads, and that expenditure needs to represent what is being done with the money. There was mention of spending for Special Education. There was agreement education funds need to be expended more efficiently and school districts should share best practices to

save costs and increase efficiencies. Sen. Racine pointed out school districts maintain local control of schools, but the state facilitates spreading cost for Special Education or school bus purchases.

There was continued discussion of the scope of the fiscal issue and agreement the matter needs to be addressed to avoid a dramatic worsening. Sen. Asche stressed there must be fairness to retiring teachers and those entering the profession as well. Another issue is the Catamount insurance program was not run effectively and premium increases were high. Also, there is a morale problem in VTrans. Money that is wasted needs to be retrieved.

Dave Crawford relayed the situation with the transfer of Pearl Street from the state to the Village of Essex Junction and the delays that have been experienced which will impact the Pearl Street improvement project. There are committed ‘worker bees’ at VTrans who have helped move the project forward in a fraction of the normal timeframe despite the bureaucratic grind, stated Mr. Crawford.

Deb Billado mentioned legislation related to phosphorus reduction could create more expenses on the community which is a concern. The problem is run off, not treatment plants. John Lajza suggested adopting regulations in place in other states. There was discussion of regulations for compost and storm water.

Deb Billado mentioned the relationship between Vermont Yankee and IBM. Sen. Lyons briefly explained the situation with Entergy. Peter Gustafson noted in addition to energy, the circumferential highway is another key part to IBM being successful here. Rep. Jerman stated there is a glut of power available right now due to the economy at a cost less than Vermont Yankee. Sen. Racine acknowledged the energy issue is complex. NRC wants a 20 year extension. Others want a phase out. Vermont Yankee says this is not possible. Long term cost is a concern as is waste storage and management. There was continued discussion of the situation with Vermont Yankee and supply/demand alternative energy options.

Sen. Racine mentioned the health care system, opining the system is broken and cost is out of control. Education and health care are very large portions of the state budget. The Village’s contact at VLCT is urged to come to committee for discussion of the matter. Health care costs for small business should be the number one item of discussion. Small businesses forming a single risk pool should be discussed, stated Sen. Racine.

Deb Billado asked about a Public Service Board study of state telecommunications services. Sen. Lyons clarified Vermont Telecom may be doing a study; the Public Service Board would not be doing a study.

Dave Crawford reviewed the draft petition to be signed by legislators in support of the Burlington to East Alburgh rail initiative and the proposal to use the Jeffords earmark for the \$5.2 million project. The earmark has been untouched for the past five years. Rail America is actively considering contributing to cover some of the project cost. The project will be a public/private cooperative initiative. No state tax money will be used.

There is a verbal agreement with the railroad for a one year partnership with the project. Communities in the northeast quadrant of the state are in support of the project. It is vital to the economy to increase rail weight limits and speed for freight and passenger service. Using rail for freight transport will decrease truck traffic. Also, there is the opportunity for a commuter rail service from Essex Junction to Burlington. IBM and CCMPO support the project. The legislators could push through legislation that says do the project and the Village will get it done, assured Mr. Crawford. Sen. Asche said a letter of support from IBM for the project would be beneficial. Dave Crawford explained IBM is cautious to take a broad stance because the rail project does not directly affect them as energy directly impacts them.

MOTION by Peter Gustafson, SECOND by George Tyler, to adopt the Village of Essex Junction Board of Trustees list of 2010 legislative priorities as drafted.

VOTING: 4 ayes; motion carried.

3. Salt Reduction Equipment Purchase

Dave Crawford reported the salt budget is \$68,000, but it is anticipated the budget will be overspent to \$80,000 (same as in past years). To deliver the same quality of service and be more efficient staff is recommending the purchase of electronic spreader controls using \$21,000 from the Rolling Stock Fund. Rick Jones, Public Works Superintendent, explained the automatic salt disbursement machine applies the correct amount of salt needed on the road. Other communities using the equipment have experienced a 40% savings. The equipment supplier is Tenco. The Village has had a positive relationship with Tenco with previous equipment purchases and service.

MOTION by John Lajza, SECOND by George Tyler, to authorize the Village Manager to purchase three electronic spreader controls from Tenco, waiving the bid process, in an amount not to exceed \$21,000. VOTING: 4 ayes; motion carried.

MOTION by John Lajza, SECOND by George Tyler, to amend the Rolling Stock Fund to include the purchase of three electronic spreader controls. VOTING: 4 ayes; motion carried.

IV. OLD BUSINESS

1. Update on Pearl Street Streetscape Project

Dave Crawford reported a request from a resident on West Street was received for signs depicting the island in the road, however, the sign is not in accordance with the Code. Mr. Crawford mentioned upcoming meetings and presentations on the Pearl Street project. Action from the state on the road transfer is anticipated, but not yet received. Essex Junction Planning Commission granted approval of the project's conceptual plan for the work on CVE property. The project is on schedule and within the total budget though CVE has exceeded their portion and is working to reduce the delta. The Village is within budget.

2. Update on Recovery Act Projects

There is a final review meeting on the sewer project and then the request for reimbursement will be submitted. The treatment plant project is progressing. Dave Crawford briefly explained the reimbursement program.

3. Update on Railroad Upgrade Project

Dave Crawford reported the next step is to garner legislative support for the railroad upgrade project. Peter Shumlin indicated support as Senate Pro Tem.

4. Railroad Station

Sawyer Joecks reported contractors were hired by Amtrak to review the infrastructure of the train station for upgrade. The contractors were informed of the revitalization effort by the village. The contractors indicated Amtrak wants work done on the station as soon as possible so funding will be forthcoming. Dave Crawford commented on the lack of communication about the contractors to the Village and to VTrans.

5. Update on Local Option Tax Committee

Deb Billado reported at the last meeting a matrix was developed to show what is impacted by a sales tax. The state wants a drive around the village before releasing sales tax data. The next meeting of the committee is December 10, 2009. In January findings will be presented to the public.

6. Update on Railroad Ave. Revitalization Project

George Tyler reported on the display in the library during the tree lighting ceremony and the bagged candles in place around the village. Also, store fronts have displays. Preparation is ongoing for the community forum in February.

7. Memorial Day Parade

The parade committee is established, but citizens can still get involved. The next meeting is 12/14/09 at the Essex Recreation Office on Maple Street.

V. NEW BUSINESS

1. Pearl Street Speed Study

MOTION by John Lajza, SECOND by George Tyler, to authorize the Village Manager to prepare an ordinance change for a speed reduction on Pearl Street.

VOTING: 4 ayes; motion carried.

2. Discussion of Fire Department's Proposal re: Appointment of Fire Chief

Fire Chief, Chris Gaboriault, proposed changing the way the Fire Chief and Vice Chief positions are filled in the Fire Department from appointed to elected. The current process is outdated and can result in a split of support if two candidates are vying for one position. This causes problems within the department, said Chief Gaboriault. Due to the growth in the department and in the services as well as the budget, the positions should be appointed. A majority of the Fire Dept. members support the change. Chief Gaboriault reviewed reasons for appointment of the positions, including consistency amount department heads, increased accountability to the Village Manager, ability to appoint direct reports, and elimination of a popularity contest for a position. Dave

Crawford noted a charter change will have to be drafted to allow appointment of the positions.

Deb Billado noted the positions could potentially be filled with people who are not village residents. Dave Crawford said this is common in paid departments and less common in volunteer departments. Trustee Billado asked if there are any pitfalls. Chief Gaboriault said any negatives are not apparent. The change will provide a better structured department.

There was continued discussion of the appointment process. Dave Crawford will work with the Village Attorney to draft a charter change for the Board's review.

3. Accept Resignation of CCMPO Representative and Sign Thank You Letter

The Board accepted the resignation of Dale Arango from the CCMPO board and thanked her for her contribution to the community. John Lajza is the alternate to the MPO.

VI. VILLAGE MANAGER'S REPORT

1. Meeting Schedule

- Dec. 15 @ 2:00 – FY11 Budget Review with Department Heads
- Dec. 15 @ 6:30 – Public Hearing: Pearl Street Project
- Jan. 12 @ 6:00 – Board of Civil Authority followed by Regular Trustees Meeting
- Jan. 26 @ 6:30 – Regular Trustees Meeting
- Feb. 9 @ 6:30 – Regular Trustees Meeting
- Feb. 23 @ 6:30 – Regular Trustees Meeting
- March 9 @ 6:30 – Regular Trustees Meeting
- March 23 @ 6:30 – Regular Trustees Meeting
- April 7 @ 7:00 – Village Annual Meeting
- April 13 @ 6:30 – Regular Trustees Meeting

Special Meetings:

- Dec. 17 @ 6:30 - Essex Planning Commission Public Hearing re: Town Plan
- Feb. 10 @ 5:00 – Public Forum on Railroad Ave. Revitalization Project

2. Executive Session Information from VLCT

The Board received information for discussion in Executive Session.

3. Window Displays

The property at 10 Main Street is leased by a restaurateur offering Japanese fare.

4. Safety Path along Railroad Tracks

Application has been submitted to Sen. Sanders for the rail safety path with the highest recommendation. Approval from Rail America of the pilot project is anticipated.

5. Leadership Champlain

Leadership Champlain Board of Directors approved the Railroad Ave. revitalization project for consideration.

6. Planning Grant for Crescent Road

Sawyer Joecks explained the application for a planning grant from Regional Planning for \$250,000 (competitive municipal grant) for energy related activity within a municipality. The Village would use the money to study the crescent connector road which will reduce idling cars at Five Corners (energy efficiency).

7. Animal Health at the Fair

A petition was received for a control ordinance related to animal health at the Fair. Essex Town is considering if it is appropriate for the town to do because the police have the animal control function.

8. Employees Association Choice of Health Plan

Nineteen members have enrolled in the high deductible plan, three are staying on the current plan, and three have opted out of the plan (and will receive the 25% premium payment). Susan Hill actively worked on this matter.

9. United Way Campaign

Last year's donation amount from employees has been exceeded.

10. Vermont Rail Advisory Council Meeting

Passenger and freight rail transportation was discussed at the last meeting of the Rail Council. The project proposed by the Village was not discussed, but VTrans indicated the project is still under consideration. Dave Crawford said he will be meeting with the new Rail Director. Comments are being compiled on Regional Planning's western corridor study. The Village's rail project is not directly stated in the study which is disappointing, said Mr. Crawford.

VII. TRUSTEES COMMENTS/CONCERNS

There were no comments from the Trustees.

VIII. CONSENT AGENDA & READING FILE

MOTION by Peter Gustafson, SECOND by Deb Billado, to accept the consent agenda as follows:

- 1. Approval of Minutes of 11/10/09 and 11/18/09**
- 2. Approval of Warrants**
- 3. Approval of Updated Legal Ads Policy**
- 4. Approval of New Vendor for Section 125 Plan and COBRA Administration**
- 5. Approval of Waiver for Essex Jct. Recreation Dept. Bon Fire**
- 6. Reading List Acceptance (Letters & Communications)**
 - **Letter and Information from CCMPO re: Local Share for FY11**
 - **Champlain Business Journal Article re: Firebird Café**
 - **Planning Commission Meeting Minutes of 11/5/09**
 - **Burlington Free Press Article re: IBM Water Use**
 - **Notice of Public Forum for Essex Town Plan Update 12/17/09**

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- Email Notice re: Draft Western Corridor Transportation Management Plan
 - Letter to Brad Luck re: Memorial Day Parade
 - Circ-Williston Fall 2009 Newsletter

VOTING: 4 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 invite the Village Manager and Village Intern, Sawyer Joecks, to attend. VOTING: 4 ayes; motion carried.

The Board entered Executive Session at 9:25 p.m.

MOTION by Deb Billado, SECOND by George Tyler, to adjourn Executive Session and reconvene the regular meeting. VOTING: 4 ayes; motion carried.

Executive Session was adjourned at 11:19 p.m.

X. ADJOURNMENT

MOTION by George Tyler, SECOND by Peter Gustafson, to adjourn the meeting. VOTING: 4 ayes; motion carried.

The meeting was adjourned at 11:20 p.m.

RScty: M.E.Riordan