

**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
September 27, 2011**

**BOARD OF TRUSTEES:** George Tyler (Village President); Dan Kerin, John Lajza, Mary Morris, Lori Houghton.  
**ADMINISTRATION:** Dave Crawford, Village Manager.  
**OTHERS PRESENT:** Chris Chiquoine, Diane Clemens, Ed and Janet Payne, David West, Boris Von Stritzky.

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**I. CALL TO ORDER and PLEDGE OF ALLEGIANCE**

Village President, George Tyler, called the meeting to order at 6:30 PM and led the assemblage in the Pledge of Allegiance.

**II. AGENDA ADDITIONS/CHANGES**

Additions to the agenda were provided in a memo from the Village Manager to the Board of Trustees.

**III. GUESTS AND PRESENTATION**

1. Comments from Public on Items Not on Agenda  
There were no comments from the public in attendance.

**IV. OLD BUSINESS**

1. Update and Review of Trustees Annual Action Plan  
The Board reviewed/updated the list of items on the 2011-12 Trustees Annual Action Plan as follows:

Maintain on Annual Action List

- Amtrak train and bus renovation – continuing.
- Orton grant – Village is finalist along with the Town of Essex.
- Farmers Market/Event Series Review – committee to plan for next year.
- Review use of village green space – connect with vision and strategic plan.
- Stevens Park – the deed designates the area as a park. Stevens Park should be improved to avoid becoming an attractive nuisance.
- Tax equity with the town – John Lajza will draft an explanation of the tax structure so the public is aware of the percentages paid by the village and the town. The information will be added to the village annual report.

Delete from Annual Action List

- Orton grant alternative – Heart & Soul Committee will continue and report periodically to the Board.
- Advertise village businesses on municipal website – advertising is being done.
- Communication plan and policy – the policy is complete.
- Fire Truck – Essex Town is contributing and the Village has a plan in place for purchase. Education of the public is needed on the tax structuring for purchases by the town and village.

- Village-wide WiFi – further discussion will be held and a decision made in the future.
- Revamp Village Annual Meeting – a committee is trying to increase attendance and will present ideas to the Board.
- River Walk – Dan Kerin is working with Tim Jerman to explore establishing a river walk facility along the river.
- Abandoned/Blighted Building Ordinance – the ordinance is in process.
- Chicken/Fowl Ordinance – the ordinance is in process.
- Village-wide multi-use path – the path is in the long range capital plan.
- Revenue generation – the local options tax issue has twice been rejected by the voters.

## 2. Discussion of Property Maintenance and Building Control

**MOTION by John Lajza, SECOND by Dan Kerin, to forward the draft ordinances (“Vacant Buildings and Structures and Dangerous Property” and “Noxious Weeds and Litter Control”) to the Planning Commission for review with the potential timeline to have review by the Village Attorney by December, 2011 and adoption by January, 2012.**

**DISCUSSION:** George Tyler mentioned the committee that will be formed to hear appeals of violations. The ordinance can continue forward prior to the establishment of the committee. Dave Crawford suggested the motion be amended to include the following timeline: Planning Commission review/comment, staff will incorporate any changes and forward the documents to the Village Attorney for review, Board of Trustees will then receive and review the documents and schedule a public hearing. The target is to have the review and complete the public hearing process so the documents can go to the Village Attorney in December, 2011 with possible adoption in January, 2012.

**AMENDMENT to include the following timeline: (1) Planning Commission review, (2) staff incorporate changes if any, (3) forward documents to Village Attorney for review, (4) Board of Trustees review documents received from Village Attorney, (5) schedule/hold public hearings, (6) final review by Village Attorney, (7) adoption of ordinances.**

**VOTING ON MOTION AS AMENDED: unanimous (5-0); motion carried.**

## **V. NEW BUSINESS**

### 1. Discussion of Amtrak/CCTA Station Painting

Staff reported to date security cameras have been installed and other improvements done to the Amtrak train station, but there was a miscommunication on the painting of the station which resulted in CCTA painting the structure with their corporate theme. CCTA has been contacted and a letter was drafted reiterating the agreement for painting. Dave Crawford will incorporate suggestions outlined in his memo, dated 9/27/11, into the letter for review by the Board. There was mention of the fee from the railroad being shared by CCTA and the Village if the fee is not waived. George Tyler will draft a memo to Amtrak supporting the working relationship between the entities (Amtrak, CCTA, and the Village) and asking for cooperation in addressing the train station. Going forward a

Village Trustee will be present at meetings regarding the renovation/improvement of the train station so Amtrak can see the Village is serious about advancing the station work. There was further discussion of the train station refurbishment. It was suggested a joint meeting with the Planning Commission be scheduled to discuss in general the train station and design review. Dave Crawford noted Amtrak as a federal transportation agency is exempt from local zoning, but has indicated willingness to work with village staff.

2. Discussion of Village-Wide WiFi Committee

George Tyler briefed the Board on recent discussion by the Prudential Committee regarding village-wide WiFi service. A committee is being formed to further the concept and troubleshoot problems.

**MOTION by John Lajza, SECOND by Lori Houghton, to support in principle village-wide WiFi with the understanding there may be issues that may arise which preclude the establishment of such service. VOTING: unanimous (5-0); motion carried.**

**MOTION by Dan Kerin, SECOND by Mary Morris, to support the formation of a joint committee with the Prudential Committee, CCSU, and Village Trustees and staff to further explore issues associated with village-wide WiFi service. VOTING: unanimous (5-0); motion carried.**

3. Projects for Boy Scouts and Cub Scouts

Ideas for community service projects for the Boy Scouts and Cub Scouts were mentioned, including helping senior citizens with yard work, shopping, and other chores, cleaning up Stevens Park and other village parks, working with the Recreation Department on projects, helping with the train hop connected with the tree lighting ceremony. Dave Crawford stated the amount of staff time and any costs need to be known if village staff is involved in any of the projects.

**VI. VILLAGE MANAGER'S REPORT**

The Trustees received a memo on items in the Manager's Report.

1. Meeting Schedule

- October 11 @ 6:30 – Regular Trustees Meeting
- October 25 @ 6:30 – Regular Trustees Meeting
- November 8 @ 6:30 – Regular Trustees Meeting
- November 22 @ 6:30 – Regular Trustees Meeting
- December 13 @ 6:30 - Regular Trustees Meeting
- December 27 @ 6:30 – Regular Trustees Meeting
- January 10 @ 6:30 – Regular Trustees Meeting
- January 24 @ 6:30 – Regular Trustees Meeting
- February 14 @ 6:30 – Regular Trustees Meeting
- February 28 @ 6:30 – Regular Trustees Meeting
- March 13 @ 6:30 – Regular Trustees Meeting

- March 27 @ 6:30 – Regular Trustees Meeting
- April 10 @ 6:30 – Regular Trustees Meeting
- April 24 @ 6:30 – Regular Trustees Meeting

Special Meetings/Events:

- October 6 – VLCT Town Fair, Killington
- December 7 – Light the Village Celebration and Train Hop
- March 7 – Special Meeting with Prudential Committee
- April 4 – Village Annual Meeting
- April 10 – Australian Ballot Voting

2. Health Plan Renewal

The memo from Susan McNamara-Hill, dated 9/26/11, regarding the health plan was reviewed. The Essex Junction Employee Association contract did not anticipate the major change in health insurance coverage. Staff needs to work with the Association at some point, but first must decide the best plan available.

**MOTION by John Lajza, SECOND by Dan Kerin, to adopt the Village Manager’s recommended procedure for implementing the new health plan.**

**DISCUSSION: The group that will look at options available and make a recommendation to the Trustees will include a member of the Employees Association. The restructured VLCT Health Trust and Hickok & Boardman Group Benefits will serve as an insurance broker to advise the Village. The plan is renewed annually.**

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

3. Access to Backyards on Loubier Drive

**MOTION by Lori Houghton, SECOND by John Lajza, to add discussion of access to backyards on Loubier Drive to the agenda. VOTING: unanimous (5-0); motion carried.**

Ed and Janet Payne, Loubier Drive, referred to their letter to the Trustees, date received 9/20/11, regarding street trees for the Village Haven development eliminating access to backyards on Loubier Drive. The developer originally left 10’ wide openings, but the Village Development Director requested the “gaps” be planted. The request from residents is for the Board of Trustees to ask the developer to restore the openings so people on Loubier Drive can once again access their backyards. Mr. Payne said he uses the access to bring in his supply of firewood for winter heating.

David West, Loubier Drive, echoed the comments by Ed and Janet Payne, noting the request is for the space that was allowed initially (prior to the directive from the Village to Dousevicz to fill in the gaps). Removal of only one tree is necessary to restore the opening.

Boris Von Stritzky, Loubier Drive, stated the cedar shrubs were not part of the original development plan, but were added to make the development more sellable. There is a

stockade fence which is deteriorated. Dousevicz checked with the residents on where the opening in the trees should be, but then village staff told him to fill in the gaps. The residents only need seasonal access to their backyards, not a formal curb cut.

Diane Clemens, member of the Planning Commission, urged the Trustees to review the permit for Village Haven and the Planning Commission minutes on the project. Ms. Clemens recalled the developer was required to backfill with trees to meet the number stated in the permit. There was discussion during the review of the project that residents on Loubier Drive could lose access to the back of their property due to the curb and drainage ditch installed for the new development. The Trustees need to determine if the Board has any legal jurisdiction in the matter. Ed Payne said he recalls during the discussion with the Planning Commission the Chair advised taking the matter up with the Board of Trustees.

Staff will seek legal advice and research the Planning Commission record to provide further information to the Trustees.

#### 4. Circ Task Force

Next meeting is October 20, 2011. Funding and VTrans are presently focused on flood repairs. Village staff continues to work with property owners on right-of-way matters. An information segment on the crescent connector will broadcast on Channel 17. Following further discussion the Trustees advised putting the public information campaign on hold temporarily until more information is known about funding from the October 20<sup>th</sup> meeting. The project and information releases should advance together.

#### 5. Phish Concert

Dave Crawford reported the violation of the noise ordinance that occurred at the recent Phish concert fundraiser was too small to be perceptible by the human ear. The concert also exceeded the allowed time by four minutes. CVE was advised. CVE tried very hard to be in compliance. Faster communication to the sound technician is needed for quicker response to avoid noise violations in the future. Fines for the violations were not issued because the spirit and purpose of the concert was to raise money for flood victims in the state.

Chris Chiquoine, neighbor to the fairgrounds, urged enforcing the ordinance that is in place. Mr. Chiquoine pointed out the noise scale is logarithmic so one decibel is a 10% increase in volume and 10 decibels is 20% to 30% louder. To say the violation was not perceptible is suspect, said Mr. Chiquoine, adding residents have been assured noise controls are in place, but this apparently is not the case and placing a recorder at the monitor to determine if someone is having a conversation nearby and spiking the noise level is not a reasonable solution. Mr. Chiquoine stated it appears the Board and staff overrode the Land Development Code with regard to the noise ordinance.

John Lajza commented the noise issue is moving in the right direction. CVE is trying to find the balance to keep topnotch entertainment coming to the village and contain the

noise. Mr. Chiquoine countered the trends over time show the noise level to be loud so the trend is not in the right direction.

George Tyler stated the concert was impromptu for an excellent cause. The Board concurred and supported the Village Manager's decision to waive the fines. Chris Chiquoine will be added to a future agenda to further discuss the noise ordinance.

**6. Maple Street Crossing**

Staff reported a permit was issued to allow the railroad to fix the Maple Street rail crossing which was done with minimal disruption to traffic.

**7. Firefighters Grant**

Application was submitted for a \$328,302 grant for standardizing fire hydrant connections. There is a local match of \$16,415.

**8. Fund Balance Policy**

Staff explained the fund balance policy for the village in accordance with GASB Statement No. 54 (village shall maintain up to 10% in fund balance now defined as "unassigned" fund balance).

**VII. TRUSTEES COMMENTS/CONCERNS**

- Lori Houghton suggested revisiting the library Facebook. The item will be added to a future agenda.

**VIII. CONSENT AGENDA & READING FILE**

**MOTION by John Lajza, SECOND by Dan Kerin, to approve the consent agenda as presented:**

- 1. Approve Minutes of Previous Meetings (9/7/11 & 9/13/11)**
- 2. Approve Warrants**
- 3. Approve Fund Balance Policy**
- 4. Approve Tax Payment Agreements for 4 & 34 Park Street**
- 5. Reading List Acceptance (Letters & Communications)**
  - Letter from Town of Essex to Vermont Department of Buildings and General Services
  - Fall Downtown Events Poster
  - Notice re: 2011 Legislative Reception 12/6/11
  - Zoning Board Minutes 9/20/11
  - Letter form GBIC 9/7/11
  - Thank you Letter to Essex Police 9/16/11
  - VLCT Workshop on Managing the Municipal Budget 10/26/11
  - Articles in ICMA Public Management Magazine October 2011

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

**IX. EXECUTIVE SESSION and/or ADJOURNMENT**

**MOTION by Dan Kerin, SECOND by Lori Houghton, that the Board of Trustees go into Executive Session to discuss personnel matters and land development issues**

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**where premature general public knowledge would place the village at a substantial disadvantage, and to invite the Village Manager to attend. VOTING: unanimous (5-0); motion carried.**

Executive Session was convened at 9 PM

The board came out of Executive Session at 9:35 PM and indicated to the Village Manager that they concurred with his requests for employee wage and bonus adjustments.

The regular meeting was adjourned at 9:36 PM.

*RScty: M.E.Riordan*