

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
March 13, 2012**

BOARD OF TRUSTEES: George Tyler (Village President); Dan Kerin, Mary Morris, Lori Houghton, John Lajza.
ADMINISTRATION: Dave Crawford, Village Manager; Jim Jutras, Waste Water Treatment Facility Director.
OTHERS PRESENT: Gabe & Diane Handy, Wayne Elliot, Brad Aldrich, Norm Smith, Nancy Radley, Harlan Smith, Andrew Brown, Jay Passacow.

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:

- Information on the boundary line adjustment at 25 South Street
- Information on the Amtrak Station project

III. GUESTS AND PRESENTATION

1. Comments from Public on Items Not on Agenda

Gabe Handy re: Development on Lincoln Street

Gabe Handy requested the following:

- Place a hold on the impact fees for the 30 unit building he is constructing on Lincoln Street until the construction loan is released (by April 1st);
- Credit the water and sewer from the four bedroom house owned by Mr. Handy and donated for a practice burn by the Fire Department to the 30 unit building on Lincoln Street (as is common practice in other towns).

Dave Crawford noted the request for the 45-day agreement for impact fees needs to be in writing for staff review and recommendation to the Trustees for action. Fees have not been waived in the past for others. Mr. Handy said he can pay the impact fees prior to the loan if necessary, but would like the sewer/water credit for the donated house as well as two other houses on the site that will be demolished.

MOTION by George Tyler, SECOND by Lori Houghton, to add the request from Gabe Handy relative to the development on Lincoln Street to the agenda. VOTING: unanimous (5-0); motion carried.

MOTION by John Lajza, SECOND by Lori Houghton, to authorize the Village Manager to move forward with the 45-day extension for impact fees as soon as the appropriate documents are in place to the satisfaction of the Village Manager. VOTING: unanimous (5-0); motion carried

The Board will consider the request by Mr. Handy to credit sewer and water to the new development at the next meeting.

2. Aldrich & Elliott Engineers on WWTF Project Cost Review

Wayne Elliott reviewed the memo, dated March 9, 2012, on the WWTF project schedule and budget. The project is on schedule. Bids will go out in April, 2012 with the two year construction anticipated to begin in August. There is a one year warranty after construction is complete. The project will be complete in 2015. Final design engineering for the project is \$23,000 under budget. Mr. Elliott reviewed the state loan application and loan subsidies to be received per the memo, dated 3/9/12, and the construction engineering contract amendment which reflects a savings of \$7,300 from the original budget (memo dated 3/7/12).

Jim Jutras briefed the Board on the constructability review that was done to identify fatal flaws in the design of the WWTF rehab project. The consultant's report is anticipated by March 15, 2012. Results indicate the design is good. There were no significant comments from the study. Mr. Jutras commended the effort of WWTF staff in getting the review done while down by one-third in workers.

Brad Aldrich explained Aldrich & Elliott will administer the bid phase for the project and make a recommendation for award then go into the construction phase (ending 2014 July/August) followed by a one year performance review and audit. Necessary adjustments will be made as well as any determinations of what is needed further. Some of the items are already in the village's capital plan.

IV. OLD BUSINESS

1. Actions re: WWTF Project

Construction Loan Application

MOTION by George Tyler, SECOND by Mary Morris, that the Trustees hereby approve the submission of the WWTF Construction Loan Application and authorize Dave Crawford, Village Manager and James Jutras (alternative) to act as the authorized representatives of the applicant for the purpose of furnishing to the state of Vermont such information, data and documents pertaining to the application for a loan as may be required and otherwise to act as the authorized representative of the applicant in connection with this project.

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

Construction Engineering Services Agreement

MOTION by John Lajza, SECOND by Lori Houghton, that the Trustees hereby approve the Construction Engineering Services Agreement with Aldrich-Elliott Water Resource Engineers and authorize the Village Manager to sign all related documents.

DISCUSSION: Dave Crawford noted the document is an engineering agreement

and the final costs that are detailed are within the parameters of what was expected.

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

Bid for WWTF Rehabilitation Project

MOTION by John Lajza, SECOND by Mary Morris, that the Trustees hereby authorize the Village Manager to bid the WWTF rehabilitation project.

DISCUSSION: Dave Crawford explained the action is an administrative function which will allow the project to move forward in a timely manner.

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

2. Update on Amtrak Station Renovation Process

George Tyler reported there is a working document showing a blueprint design of the station. The design includes a roof extending over the bus walkway. The existing roof on the building will remain in place. Dave Crawford added the architects suggested adding restrooms on the south end of the building where the ATM machine is now located.

The Board will further discuss the design and possibly authorizing funding to refine the drawings at the next meeting. Dave Crawford will present the design information to CCTA for input on the bus side of the building.

3. Reconsideration of 25 South Street/Stevens Park Boundary

George Tyler reported staff including the Village Engineer reviewed the site and did not find the pins that were anticipated to be there so the survey was not done.

MOTION by George Tyler, SECOND by Lori Houghton, that because the motion on 2/28/12 by the Board to Trustees to authorize the Village Manager to request the Village Engineer perform a survey of 25 South Street was based partially on the belief that a pin existed marking the westerly boundary of 25 South Street and it has subsequently been learned that no such pin exists, the Trustees hereby rescind the motion for the survey.

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

There was discussion of the cost estimate of the survey to establish four points in order to confirm the lot at 25 South Street and the boundary of Stevens Park (nearly \$8,000). Identifying only three points simply establishes the location of South Street. Moving the driveway for 25 South Street and the curb cut out of village property may be an option. There was agreement the matter needs to be settled because it will likely reoccur.

Norm Smith mentioned using the “adverse possession” option, noting that the existing driveway has been where it is presently since 1953 or before and the property owner had 15 years of use of the property before the village acquired Stevens Park so there is an indeterminate boundary on the easterly side. Mr. Smith advised using the boundary agreement option to determine where the boundary is located since there is a pin at “Point A” and from that the frontage can be determined. Mr. Smith acknowledged the pin may have been removed when the gas line was installed two years ago which is why Point A needs to be established. There is also a spruce tree in the front yard of the lot that can be used as a point and by going back 190 feet at a 90 degree angle and then left parallel to the northerly boundary of South Street to intersection with Orchard Terrance the boundary is defined. Dave Crawford stated the Village Attorney wants to review all related information and feels it is not possible to have a grandfathered adverse possession since adverse possession is determined through the court. There is no mention of adverse possession in the record. Norm Smith explained he framed the agreement so the village could make a decision

and not require the court to settle the matter. If Point A is established (there could be an existing pin in place) then the boundary of 25 South Street can be determined with agreement to 70' of frontage and going back 190' as previously mentioned (this information is outlined in the boundary agreement). Dave Crawford agreed if Point A is established then the lot at 25 South Street can be defined and can be surveyed at lesser cost (approximately \$2,000). George Tyler summarized the argument is the original owner of 25 South Street established the boundary by adverse possession (i.e. usage) and when the land for Stevens Park was donated the portion acquired by adverse possession was not accounted for in the donation. Mr. Tyler suggested establishing Point A and exploring the theory of adverse possession for 25 South Street with the Village Attorney.

Jay Pasackow, realtor, stated Point A should be able to be established since there is a survey of the Orchard Terrace subdivision to the west.

MOTION by George Tyler, SECOND by Mary Morris, to authorize expenditure not to exceed \$2,000 to establish the southwest corner of the lot at 25 South Street.

DISCUSSION: Lori Houghton stressed that the work needs to be done as soon as possible since the property is in the process of being sold.

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

MOTION by George Tyler, SECOND by John Lajza, to authorize the Village Manager to instruct the Village Attorney to explore the possibility of determining whether “adverse possession” is a potentially valid claim for 25 South Street at a cost not to exceed \$1,000.

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

V. NEW BUSINESS

1. Discussion/Action on EJRP Zoning Fees

Per the staff memo, dated 3/9/12, zoning fees have only been waived if paid by the General Fund. The Trustees can amend the fee schedule in the Land Development Code, but this is not recommended by staff.

MOTION by George Tyler, SECOND by Lori Houghton, to amend Footnote #3 in the Land Development Code to read:

“Fees shall be waived for projects paid for by the Village of Essex Junction General Fund and for projects in village parks, but all associated recording fees shall be paid.”

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

2. Annual Meeting Preparation

There was agreement the articles/votes on the budget and land acquisition fund transfer will be explained/discussed at the annual meeting. A question & answer sheet will be available on the budget similar to the insert in the village newsletter. A brief update will be provided on the WWTF project. Information will be available (table set up at the meeting) on the Amtrak Station project, crescent connector, Heart & Soul, and the petition regarding the proposed state single payer health care program. An informal survey of the attendees will be done to see if there are willing volunteers for community projects.

George Tyler will draft survey questions on current projects for review at the next meeting.

VI. VILLAGE MANAGER'S REPORT

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

1. Meeting Schedule

- March 27 @ 6:30 – Regular Trustees Meeting
- April 24 @ 6:30 – Regular Trustees Meeting
- May 8 @ 6:30 – Regular Trustees Meeting
- May 22 @ 6:30 – Regular Trustees Meeting
- June 12 @ 6:30 – Regular Trustees Meeting
- June 26 @ 6:30 – Regular Trustees Meeting
- July 10 @ 6:30 – Regular Trustees Meeting
- July 24 @ 6:30 – Regular Trustees Meeting
- August 14 @ 6:30 – Regular Trustees Meeting
- August 28 @ 6:30 – Regular Trustees Meeting

Special Meetings/Events:

- April 4 – Village Annual Meeting
- April 10 – Australian Ballot Voting
- May 26 – Memorial Day Parade (10 AM)
- September 5 – Semi-Annual Joint Meeting with Prudential Committee

2. Rate Study Results

Postponed for a couple of weeks to allow the consultant more time to complete the study.

VII. TRUSTEES COMMENTS/CONCERNS

- There was discussion of additions to the agenda at the Trustees meetings and consensus that items must be in the meeting packets the Friday before the meeting in order to be considered at the meeting on the following Tuesday. Budgetary, emergency or crisis issues excepted.
- Lori Houghton spoke in support of a Facebook page for the village.
- Lori Houghton reported there are four village residents doing the Stewardship of Urban Landscape (SOUL) program which requires 30 hours of community service, and suggested staff identify projects, such as tree identification at Five Corners or where to plant more trees in the village, that the participants could choose for their community service.

VIII. CONSENT AGENDA & READING FILE

MOTION by John Lajza, SECOND by George Tyler, to approve the consent agenda as presented:

- 1. Approve Minutes of Meeting(s): 2/28/12 & 3/6/12**
- 2. Approve Warrants**
- 3. Approve and Sign Annual Financial Plan Town Highways**

4. Approve and Sign Certification of Compliance for Town Road and Bridge Standards

5. Reading List Acceptance (Letters & Communications)

- Letter of Interest and Response for Go Vermont Grant
- Ad for Capital Program Committee Volunteers

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

IX. EXECUTIVE SESSION and/or ADJOURNMENT

MOTION by George Tyler, SECOND by Dan Kerin, to go into Executive Session to discuss personnel matters (Village Manager's evaluation) and Employee Association negotiations where premature public knowledge would place the village at a substantial disadvantage, and to invite the Village Manager to attend. VOTING: unanimous (5-0); motion carried.

The regular meeting was adjourned and Executive Session convened at 8:40 PM. Executive Session was adjourned at 10:00 PM.

RScty: M.E.Riordan