



**TRUSTEES MEETING NOTICE & AGENDA**  
**TUESDAY, MAY 14, 2013 at 6:30 PM**  
**LINCOLN HALL MEETING ROOM, 2 LINCOLN STREET**

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES** [6:30 PM]
3. **GUESTS, PRESENTATIONS AND PUBLIC HEARINGS** [6:30 PM]
  - a. Comments from Public on Items Not on Agenda
  - b. Applicants for Bike-Walk Advisory Committee: [6:35 PM]

Rowena Albert	Eric Dufresne
Andrea Van Liew	Mary Whitcomb
Rosalind Hutton	Jud Lawrie
Rick Hamlin	Eric Bowker
Evan Smith	Phoebe Spencer
  - c. Request from Nick Meyer to adopt a Village Tree Policy [7:00 PM]
4. **OLD BUSINESS** [7:15 PM]
  - a. Discuss Amendment to Land Development Code to Regulate Tobacco Retailers in the Village Center
5. **NEW BUSINESS** [7:30 PM]
  - a. Encore Solar Energy Proposal
  - b. Discuss Process for Appointing Village Attorney and Village Engineer
6. **VILLAGE MANAGER'S REPORT** [7:45 PM]
  - a. Tentative Meeting Schedule
7. **TRUSTEES' COMMENTS & CONCERNS/READING FILE** [7:50 PM]
  - a. Board Member Comments
  - b. Minutes from Other Boards/Committees:
    1. Planning Commission 4/18/13
    2. Block Party Committee 4/22/13
  - c. CCPRC Notice of Hearing to Review FY 2014 UPWP 5/22/13
  - d. CCPRC Memo ECOS Plan Second Public Hearing Draft
  - e. Thank you from Essex Jct. Senior Center
  - f. Notice of Violation - 8 Railroad Avenue
8. **CONSENT AGENDA** [7:55 PM]
  - a. Approve and Sign Annual Meeting Minutes 4/3/13
  - b. Approve Minutes of Previous Meeting 4/23/13
  - c. Approve Warrants including check #10047013 through #10047116 totaling \$269,495.47
  - d. Approve Request to Close Streets for Memorial Day Parade 5/25/13
  - e. Sign Acknowledgement of Ethics Policy
  - f. Approve Appointment to Recreation Advisory Committee
  - g. Approve and Sign Letter to Green Mt. Power re: Street lights
  - h. Approve Grant Application for Vermont Urban and Community Forestry Program
9. **EXECUTIVE SESSION/PERSONNEL** [8:00 PM]
10. **ADJOURN** [8:15 PM]

*Meetings of the Trustees are accessible to people with disabilities. For information on access or this agenda, call the Village Manager's office at 878-6944. Times on the agenda are approximate.*

**MANAGERS' SUMMARY  
FOR  
MAY 14, 2013  
TRUSTEES' MEETING**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO FLAG  
AGENDA ADDITIONS/ CHANGES  
GUESTS, PRESENTATIONS & PUBLIC HEARINGS:**

1. Comments from Public on Items Not on Agenda. This time is set aside for anyone in the audience to speak to the Trustees about an item that is not on the agenda.
2. Applicants for Bike-Walk Advisory Committee:

Rowena Albert	Eric Dufresne
Andrea Van Liew	Mary Whitcomb
Rosalind Hutton	Jud Lawrie
Rick Hamlin	Eric Bowker
Evan Smith	Phoebe Spencer

A Building Healthy Communities Grant from the Department of Health the Trustees resulted in the adoption of a policy creating a Bike/Walk Advisory Committee on 3/12/13. The above named applicants have indicated interest (see e-mails) in being considered for the 5 positions available on the committee. The relative strengths of the applicants will be discussed in executive session with appointments to be made at the May 28, 2013 Trustees Meeting.
3. Request from Nick Meyer to adopt a Village Tree Policy– Nick Meyer will present his concept of a Village Tree Plan and Policy which includes the formation of a Tree Advisory Committee to the Trustees. He has written a draft Village Tree policy which is included. Adoption of the policy will be on the May 28<sup>th</sup> Trustees Meeting Agenda

**OLD BUSINESS:**

1. Discuss Amendment to LDC to Regulate Tobacco Retailers in the Village Center – George Tyler has drafted a statement to be sent to the Planning Commission outlining the position and concerns of the Trustees regarding this issue. This time is set aside to discuss this statement.

**NEW BUSINESS:**

1. Encore Solar Energy Proposal –Chad Farrell of Encore Redevelopment and possibly also Jeff Forward of Forward Thinking Associates will present the concept of a public/private partnership to install, operate and maintain solar panels on the grounds of the Wastewater Treatment Facility which would provide a reduction in electric costs for the Facility. They are asking for a letter of intent to “enter into good faith negotiations for a net Metering Credit Purchase Agreement” to be signed by the Village Managers. Authorization to sign the Letter of Intent will be on the May 28 agenda.
2. Discuss Process for Appointing Village Attorney and Village Engineer –attached are the RFP’s used the last time the Village asked for proposals for the positions of Village Engineer and Village Attorney. The current Attorney and Engineer were

appointed in 1995. After much discussion and numerous meetings the policy of having the Manager appoint and the Trustees approve the Village Engineer was established. They also established at that time that there should be an additional list of qualified engineers to be used as necessary. This second part has been removed from the policy at this time.

### **VILLAGE MANAGER'S REPORT**

1. Tentative Meeting Schedule and Village Calendar –
2. Manager's Report/Comments - time set aside for verbal report/comments from manager(s).

### **TRUSTEES COMMENTS AND CONCERNS/READING FILE**

1. Board Member Comments – Time set aside for comments/reports.
2. Minutes from other boards/committees:
  - a. Planning Commission 4/18/13
  - b. Block Party Committee 4/22/13
3. CCRPC Notice of Hearing To Review FY2014 UPWP 5/22/13
4. CCRPC Memo re: ECOS Plan Second Public Hearing Draft
5. Notice of Violation – 8 Railroad Ave.

### **CONSENT AGENDA**

1. Approve Minutes of Previous Meetings 4/3/13
2. Approve Warrants including check # through # totaling \$.
3. Approve Request to Close Streets for Memorial Day Parade 5/25/13
4. Sign Acknowledgement of Ethics Policy
5. Approve Appointment to Recreation Advisory Committee
6. Approve and Sign Letter to Green Mt. Power regarding street lights
7. Approve Grant Application for Vermont Urban and Community Forest Program

### **EXECUTIVE SESSION**

1. An executive session will be held to discuss personnel issues

**Patty Benoit**

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**From:** eustis1970@comcast.net  
**Sent:** Tuesday, May 14, 2013 2:29 PM  
**To:** Patty Benoit  
**Subject:** Fwd: trustees mtg - tree policy

Patty,  
I have been very busy at work and home and haven't had time to put forth a formal letter for the trustees. Thus here are some informal thoughts based on living in a neighborhood with street trees:  
1) Street trees barely outside of the ROW should also be considered, if they are part of a formal streetscape (in neighborhoods like Whitcomb Heights). I'm not counting random trees that happen to be near the street.  
2) There should be some formal process where either the village or homeowner is required to replace street trees that are killed by one means or another. This has been a problem since day 1 in our neighborhood. Some people don't replace dead trees and others do. It messes up the look on the street if there is no enforcement for replacement.

I do applaud recent efforts to prune street trees on some kind of regular schedule by professionals (not necessarily every year)

I also think it should be mentioned that there is an approved list of species that can be planted as street trees. I don't have a copy of the latest, but any non-native Vermont tree (for example Norway Maple) and any tree prone to a major disease (for example Ash) should not be on the approved list.

Thanks to the Trustees for considering these thoughts. I have 6 street trees and do enjoy their benefits!

--Steve Eustis

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**From:** eustis1970@comcast.net  
**To:** "Patty Benoit" <patty@essexjunction.org>  
**Sent:** Monday, May 13, 2013 10:28:40 AM  
**Subject:** Re: trustees mtg

Thanks Patty. I think it is a great idea. I'll write down a couple thoughts/potential improvements that the trustees can review as well.

--Steve Eustis

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**From:** "Patty Benoit" <patty@essexjunction.org>  
**To:** "Eustis, Steve and Cathy" <eustis1970@comcast.net>  
**Sent:** Monday, May 13, 2013 8:34:52 AM  
**Subject:** RE: trustees mtg

Sure, attached is the info Nick submitted.

Consent Agenda  
8h.



REVISED  
5/14/13

## MEMORANDUM

TO: Village Trustees  
FROM: Darby Brazoski, Community Relations/Economic Development Assistant *DEB*  
THROUGH: Susan McNamara-Hill and Lauren Morrisseau, Co-Village Managers  
DATE: May 14, 2013  
SUBJECT: Village Tree Planting and Caring For Canopy Grant Application

Village staff and volunteers have been working toward increasing the number of indigenous trees planted in the Village Center.

We would like to propose planting the following trees, in the following locations, during the spring and summer of 2013:

- 2 Lilacs at 16 Pearl Street;
- 1 Lilac at 26 Pearl Street;
- 1 Freeman Maple Autumn Blaze at 32 Pearl Street;
- 1 American Elm Accolade at 36 Pearl Street;
- 1 Malus Golden Raindrop at 36 Pearl Street.

The total cost for the purchase, planting, and one year of maintenance for these trees will be \$4,500. Half of this amount will be covered by the Community Forestry Grant from The Preservation Trust of Vermont, which was awarded to the Village in 2011. All of these trees will be planted on privately owned land; however we believe that planting in these locations will create a much-needed "gateway" to our Village center. It should also be noted that all property owners have consented to having these trees planted on their property, and have also agreed to take over their maintenance after one year.

We would also like to request approval from the Trustees to accept the Caring for Canopy grant application, should we receive it. This application was submitted on May 1<sup>st</sup>. We requested \$5,000 in funds to allow the Village to conduct a comprehensive tree inventory, tree management plan, and complete some greatly needed tree maintenance projects. Should we receive this grant, it would need to be matched with \$3,000 in Village funds, and \$2,000 in volunteer and staff hours. The \$3,000 grant match will be taken from the funds donated to the Village by Bartlett Weaver for tree planting and care. We would like to apologize for not presenting this application prior to submission; however an unusually tight timeline did not leave us enough time to do so.

**Motion: To have the Trustees approve the planting of six trees, accept the 2013 Caring for Canopy Grant application, and commit to the required match.**



Agenda Addition  
Consent Agenda

Village Manager's Office  
2 Lincoln Street  
Essex Junction, VT 05452

## MEMORANDUM

TO: Village Trustees  
FROM: Robin Pierce, Development Director *RJP*  
THROUGH: Lauren Morrisseau and Susan McNamara-Hill, Interim Co-Managers  
DATE: May 14, 2013  
SUBJECT: Municipal Plan update – Sole Source Consultant Selection

The Village received a municipal planning grant for \$14,624 from the State to develop a new Municipal Plan. In the past year the Chittenden County Regional Planning Commission (CCRPC) and Heart and Soul of Essex have been working on holistic approaches to planning and development in our region and the larger Essex community respectively.

The CCRPC have completed their work, termed the ECOS project, and it is a requirement to have the elements of ECOS in any new Municipal Plan. Only the CCRPC staff has a sound understanding of the ECOS principals and the resource that is the CCRPC is unmatched in our region. After considering options, staff has determined that working with the CCRPC is the best way to move forward with the update on the Village Municipal Plan.

The Village grantor has confirmed that we can sole source the Municipal Plan contract without contravening the requirements of our award.

Staff requests that the Trustees waive the bid process for the update to the Village Municipal Plan and authorize staff to proceed with the work through the CCRPC.

**VILLAGE OF ESSEX JUNCTION  
TRUSTEES' POLICY REGARDING  
BIKE/WALK ADVISORY COMMITTEE**

**Purpose:**

Advance Essex Junction as a friendly neighborhood community where bicycling and walking are encouraged, and where sidewalks, bike paths, multi-use paths, and other facilities are provided and maintained in order to enhance the year-round safety, accessibility, convenience, enjoyment, and health of all citizens.

**2. Membership and Meetings:**

The Bike/Walk Advisory Committee shall consist of five members appointed by the Board of Trustees for overlapping terms of three years. Member terms will be for three (3) years once confirmed by a majority of the Trustees, there shall be no term limits. Committee's first appointees will be appointed staggered terms: two (2) members for three (3) years; two (2) members for two (2) years; and one (2) member for one (1) year. The first meeting shall be the organizational meeting for the election of officers; namely, the Chair and Vice-Chair. Vermont's Open Meeting law will govern the meetings, including notice of meetings, quorum, minutes and related requirements. Meetings shall be held at the call of the chairperson. The Committee shall be staffed by a member of the Planning Department, Planning Commission, or other department as determined by the Village Manager or his/her designee. The group will meet regularly, at a date and time to be decided by the committee.

**3. Responsibilities:**

- Assist Village staff in the creation of a Bike/Walk Plan;
- Provide information and assistance to the BOT and Planning Commission regarding non-motorized travel issues, and support the BOT and Planning Commission in the review of proposed developments by recommending necessary improvements for walking and biking. One member shall be appointed to attend all meetings of BOT and Planning Commission that involve bike and pedestrian issues;
- Monitor Village activities with regard to transportation and other public improvements and make recommendations to Village officials which will accommodate non-motorized users to the maximum extent possible;
- Gather information on non-motorized activity within the Village, including safety and maintenance needs;
- Ensure that Village bike and pedestrian planning is coordinated with adjacent communities and fits into the overall regional non-motorized travel plan;
- Serve as community advocates for increasing the level of non-motorized travel within the Village and for promoting bicycle and pedestrian safety;
- Advances the action items identified through the work of the 2011/2012 Vermont Department of Health Building Healthy Communities Grant;
- Increase public awareness and engagement of bike/walk issues through community events and participation.
- Advocate funding be provided for non-motorized improvements from local and non-local sources;
- Ensure that Village policies, practices and programs adequately address the needs of all non-motorized travelers.

**4. Outcome:**

The continued facilitation of non-motorized travel within the Village by advocating the proper planning, implementation and maintenance of non-motorized improvements.

Adopted by the Village Trustees on 3/12/13.

## Patty Benoit

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**From:** Rowena Albert <rowena.d.albert@gmail.com>  
**Sent:** Tuesday, March 19, 2013 11:02 PM  
**To:** Patty Benoit  
**Subject:** Village Bike/Walk Advisory Committee

I **AM** passionate about walking and biking in fact I do either one, the other or both everyday. I am even more excited to see interest in addressing the matter. I would be interesting in serving as a volunteer member of this committee.

Rowena D. Albert  
70 Brickyard Rd, Unit 9  
Essex Junction VT 05452-4345

Home: 802-879-1745  
Cell: 802-999-0786

## Patty Benoit

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**From:** Evan <evant1212@yahoo.com>  
**Sent:** Saturday, March 23, 2013 3:32 PM  
**To:** Patty Benoit  
**Subject:** Village bike/walk committee

Dear Village Manager,  
I'd like to submit my name to serve on the village bike/walk advisory committee.

Sincerely,  
Evan Smith  
22 Lamoille St.  
Essex Jct. VT  
802-318-3109

Sent from my iPhone

## Patty Benoit

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**Sent:** Andrea Van Liew <[andrea.vanliew@gmail.com](mailto:andrea.vanliew@gmail.com)>  
**To:** Sunday, March 24, 2013 9:28 AM  
**Subject:** Patty Benoit  
Village Bike/Walk Advisory Committee

To Whom it May Concern,

My name is Andrea Van Liew and I live at 15 Jackson St. in the village of Essex Jct. Please consider this email as a letter of interest in serving on the Village Bike/Walk Advisory Committee. I moved to EJ in November of 2009 and I love being able to walk or bike to various destinations in the village. My children and I often walk to the library or Rocky's for an ice cream on a hot summer evening. We also either walk or bike to Maple St Park for swimming in the evenings after work or summer camp. I am very interested in serving on this committee to assist the town in developing a bike/walk - friending plan for the future. I think this is especially important, now that the plans for the Connector between Maple St and Park St. is more fully developed and there is current discussion of what to do with the "bank" land at the 5 corners. I have a master's degree in education and I studied environmental studies as an undergrad. Since EJ is a "walking " school district, I believe that safety for school aged children and youth is very important. I also approach this from an energy saving perspective, seeking to reduce emissions locally and globally.

Thank you. I look forward to hearing from you.

Andrea Van Liew  
[andrea.vanliew@gmail.com](mailto:andrea.vanliew@gmail.com)  
605

## Patty Benoit

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**From:** Eric Dufresne <ericdufresne@gmail.com>  
**Sent:** Wednesday, April 03, 2013 9:09 PM  
**To:** Patty Benoit  
**Subject:** Bicycle and Pedestrian Advisory Committee

Greetings!

I was born and raised in Essex Junction and walked to school at Summit, Hiawatha, ADL, and EJHS every day (though contrary to popular belief, the commute did not entail a snowy uphill climb both ways). Bikes and a motor-free lifestyle have been important to me since I was old enough to ride. I was on the ADL bike patrol--and also my "freestyle" team used to put on shows to promote biking safety in the Essex Junction Memorial Day parade--as well as the 4th of July parade in Williston.

When I moved to New York, I became active in Transportation Alternatives (a non-profit lobbying for more bike lanes and better bike safety). Nonetheless, just a couple years ago, I was hit by a car on Delancey street on the Lower East Side (due to sufficient bike access).

It's tempting to file that accident away with the perils of the big city, but that could easily happen right here in our town.

When I moved back to Essex Junction last year, I was ecstatic that I lived close enough to ride to my job in Fort Ethan Allen. I soon discovered that biking on College Parkway is the most harrowing ride I've ever experienced.

I won't belabor the point with the dangers of cycling. Safety aside, there's an tremendous untapped quality of life benefit to living in a community where you aren't condemned to travel everywhere solely by car.

When I was growing up in Essex, we had an A&P, a Grand Union, and even a movie theater in town (I think it was where Radio Shack and Hallmark now exist). My point being, a more pedestrian and cyclist-friendly town is a more vital and dynamic town. The notion of having to drive out to Williston or the Lang Farm for things I used to walk or bike to is very disheartening.

In conclusion, I'd like to be considered for inclusion in the Bicycle and Pedestrian Advisory Committee.

Thank you for your consideration,

Eric Dufresne

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eric dufresne  
editor, cinematographer  
42 lincoln street | essex jct. | vt 05452  
cel 917 515 5508 | tel 802 879 9040

## Patty Benoit

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**From:** Rosalind Hutton <rhutton@ccsuvt.org>  
**Sent:** Thursday, April 11, 2013 7:56 PM  
**To:** Patty Benoit  
**Subject:** Walk/Bike Advisory Committee

Hi Patty,

I am writing to express my interest in being a citizen volunteer on the Walk/Bike Committee. I live and work in Essex Junction and whole-heartily support walking to, from, in and around the village. I am an avid runner and cyclist who moved to Essex Junction specifically so my family would not have to rely on using the car for transportation. I have consistently organized events such as Walk to School Day, and Bicycle Rodeos to educate my students and families about safely seeking alternate (non-motorized) methods of transportation.

I am passionate about increasing the use of non-motorized transport in our community. I am also very passionate about educating residents of the many health benefits associated with non-motorized transport.

I am full of energy, driven by dreams and I am connected to our community on many levels. I look forward to hearing from the Village Trustees.

Sincerely,  
Rosalind

--  
Rosalind Hutton  
Health & Physical Education  
Summit Street School  
Essex Junction, VT  
(802)857-7000 ext.2513

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## **Patty Benoit**

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**From:** mary whitcomb <NWCC1@comcast.net>  
**Sent:** Monday, April 15, 2013 8:49 PM  
**To:** Patty Benoit  
**Subject:** bike/walk advisory committee

My name is Mary Whitcomb and I am interested in being a part of the Essex Jct. Bike/Walk Advisory Committee. My husband and I recently moved back to our family's farm on South Street in the village after living in Williston for the last 19 years. ( We did live here from 1982-1992 and my husband grew up here.) I would very much like to help make Essex Jct. more user friendly for bikers and walkers. When my children were small I walked or biked with them to and from Hiawatha School nearly every day. I ( and hopefully my 3 children) really enjoyed that time spent and I would like to find a way to make walking/biking to school rather than being driven in a car an option for more children. As a Girl Scout Leader, Tiger Scout Leader and parent volunteer I took many groups of children hiking on our farm and I would like to help find ways for more families to be able to enjoy doing this – in safe and appropriate ways that work for them as well as for the animals and crops on our farm. Now that I am a more “mature” village resident I realize that the things that make walking and biking around Essex Jct. enjoyable and accessible for me are perhaps different than those things needed by young families. I would like to serve on this committee and help find ways to encourage bikers and walkers of all ages – and skill and energy level - to drive less and walk/pedal more. Thanks, Mary Whitcomb (802) 238-5781 317 South Street, Essex Jct. Vt 05452

## **Patty Benoit**

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**n:** Richard F. Hamlin, P.E. <rhamlin@dlhce.net>  
**Sent:** Monday, April 22, 2013 11:04 AM  
**To:** Patty Benoit  
**Subject:** Bike/Walk Advisory Committee

Patty-

I am interested in volunteering to serve on this committee.

-Rick

**Richard F. Hamlin, P.E**  
*President*  
*Donald L. Hamlin Consulting Engineers, Inc.*  
*136 Pearl Street*  
*Essex Junction, Vermont 05452*  
*Phone: (802) 878-3956*  
*Email: [rhamlin@dlhce.net](mailto:rhamlin@dlhce.net)*

RECEIVED

MAY 07 2013

Village of Essex Junction

57 Briar Ln  
Essex Junction, VT 05452  
May 7, 2013

Dear Sir/Madam:

This is to express my interest in serving on the Bike/Walk Advisory Committee. I am a new resident of the Village and would like to help make the community a better place to live and work.

Most of my professional career was in the field of transportation, specifically public transportation. My most recent job was as a Sr. Research Associate with the Institute for Transportation Research and Education (ITRE) at NC State University. Although most of my projects there were also in the public transportation arena, I often rubbed shoulders with the bicycle and pedestrian program at ITRE. In fact, I was the principle author of a well-regarded study--*Bikeways to Prosperity: Assessing the Economic Impact of Bicycle Facilities*--which analyzed the economic impact of bicycling on the Outer Banks of NC. (This study was conducted for the Division of Bicycle and Pedestrian Transportation of NCDOT.) I haven't yet asked them but I'm fairly confident that I would have access to their expertise if it would be helpful.

I'm now mostly retired and therefore I have some time to spend on the issue of better bicycle and pedestrian transportation. Perhaps my being new to the Village will bring a fresh set of eyes to the subject. For your information, I am an active walker and biker. Also, over the years I have served on numerous committees and boards.

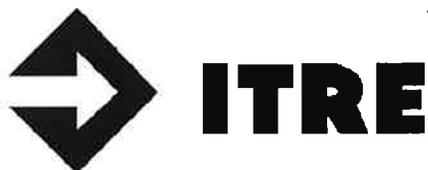
I've attached a resume (somewhat dated) to give you an idea of my background. Please feel to contact me if you have any questions.

Sincerely

*Jud Lawrie*

Jud Lawrie  
488-5792

Attachment



**Judson (Jud) J. Lawrie**

Sr. Research Associate, Public Transportation Group  
The Institute for Transportation Research and Education  
North Carolina State University  
Centennial Campus, Box 8601  
Raleigh, NC 27695-8601  
919/513-3482 Fax 919/515-8898  
Email: jjlawrie@ncsu.edu

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**EDUCATION**

**MBA, Graduate School of Business, University of Chicago,**  
Chicago, IL, 1968

**BBA, Baylor University,**  
Waco, TX, 1962

***Additional Education/Training***

**Loyola University/Chicago**  
*Certificate—Advanced Studies in Organizational Development (1993-1995)*

**University of Chicago—Additional Courses/Seminars**  
*Executive Versatility: Managing Changing Corporate Cultures*  
*Total Quality Management*  
*Long-term Strategies and Plans*

**PROFESSIONAL  
SKILLS SUMMARY**

Strategic planning and management, budget management and financial planning, organization development and change, market research, transit operations planning, grant administration, research and analysis, performance measurement and improvement, and group facilitation.

**PROFESSIONAL EXPERIENCE**

**November 2002-  
Present**

**Sr. Research Associate,** Public Transportation Group, Institute for Transportation Research and Education, North Carolina State University, Raleigh, NC

Projects have included:

- A project to develop solutions to worsening traffic congestion on the Outer Banks
- A study of performance measurement and benchmarking as a process for improving the performance of North Carolina transit systems
- An alternative fuels/vehicles study
- A federal research project regarding the coordination of specialized transportation services for the transportation disadvantaged
- A federal Transit Cooperative Research Synthesis Study: *The Use of Strategic Planning and Management in the Transit Industry*

- A study of the potential for regionalizing public transportation services in North Carolina
- A human resources management study regarding hiring and retention policies for community transportation systems
- An economic impact analysis of bicycling on the northern Outer Banks
- A study of the use of performance measures to allocate statewide public transportation funds.

**January 1996 –  
November 2002**

**Management and Organizational Consultant.**

- Participated on the consulting team that helped the Governor's Transit 2001 Commission develop a strategic plan for public transportation in North Carolina.
- Worked on a two-year project for the Institute of Government, UNC-Chapel Hill, assisting its management faculty expand and enhance its Public Management Services Program.
- Participated in a project at the Institute for Transportation Research and Education, NCSU, regarding the potential for regionalizing more public transportation services in North Carolina.
- Taught courses in Organization Development and Change, Organizational Behavior, and Human Resources Management at local colleges.

**Chicago Transit Authority, Chicago, IL**

**1992-1995**

***Vice President, Corporate Planning and Development/Strategic Initiatives Officer***

Reported directly to the Executive Director of this \$1-billion agency.

- Initiated and managed a comprehensive multi-year program to change the corporate culture of the organization from one that is operations oriented to one that is much more customer driven.
- Conducted a major customer satisfaction study that assessed and quantified passenger satisfaction levels, and provided an action-planning process for development of new customer programs.
- Principal liaison with a "blue ribbon" task force of the Metropolitan Planning Council that developed recommendations regarding the future of public transportation in the region.
- Prompted and worked closely with the Regional Transportation Authority on a study of the economic and social benefits of public transportation, a study used in conjunction with a state legislative funding initiative.

1989-1991

***Deputy Executive Director, Budget, Planning and M.I.S.***

Reported to the Executive Director and responsible for strategic planning, annual budget development and management information systems. Member of the Executive Committee.

- Made regular presentations to Executive Management and the Board on planning and budget matters.
- Completed agency's first strategic plan and instituted a strategic planning process that involved an Annual Strategic Agenda.
- Won prestigious Government Finance Officers Association Award for Distinguished Budget Presentation (three times).

1987-1988

***Sr. Manager, Budget and Management Information Systems***

Reported to the Executive Director and responsible for the Budget and M.I.S. Departments.

- Developed a new program-based "Strategic Budgeting System" that more effectively linked the planning and budgeting processes and included concrete measures of performance
- Initiated and oversaw two important consultant-assisted planning efforts regarding the use of computer systems at CTA: 1) Long-range Information Systems Plan; and, 2) Office Automation Master Plan.

1980-1986

***Budget Director***

Reported to the Executive Director and responsible for the development and management of the agency's \$700 million operating budget.

- Greatly improved the budget development and analysis process including development of a detailed line-item budget, use of microcomputers and enhanced analytic capabilities.
- Started a new Management and Program Analysis unit that conducted several important studies that led to increased efficiency and/or reduced costs.
- Extensive involvement in ongoing cost containment efforts and organizational downsizings.

**Regional Transportation Authority, Chicago, IL**

1977-1979

***Manager, Operations Planning Department***

Responsible for service planning and evaluation, new service development, fare structure planning, and research and analysis.

- Managed operations planning for a six-county suburban bus system including routes, schedules, run-cutting and fares.
- Planned and implemented a multi-million dollar program of new suburban bus service (100 new routes and 70 expanded routes in two years).
- Developed a major new program of "paratransit" services (28 projects) that created important political support at a key time in the agency's early years.
- Conducted a major productivity review of existing suburban services using efficiency and effectiveness measures.

**1975-1976**

***Director, Office of Research and Analysis***

Performed practical research and analysis of various transit-related matters in order to provide a solid basis for plan development and management decision-making. This included research into new transportation technologies, financing/funding methods, operating practices, fare policies, and transportation and land-use relationships.

**1974**

**Associate Director, RTA Citizens Committee for Better Transportation  
Consultant, Illinois General Assembly**

Consulted for the Illinois House of Representatives and Senate in developing and passing legislation to create a Regional Transportation Authority (RTA) in the Chicago metropolitan area. Then joined the RTA Citizens Committee for Better Transportation to help pass the six-county referendum that approved the RTA.

**1970-1973**

**Director, Office of Mass Transportation, Illinois Dept. of Transportation, Chicago, IL**

Responsible for statewide transit operating and capital grant programs, working with the legislature to identify statewide needs, helping local transit agencies secure federal grants, and developing special programs to improve transit services.

- As first Director, worked closely with the Governor's staff to structure and staff this new State office.
- Worked with Illinois General Assembly to identify operating and capital program needs, and methods of financing.
- Helped develop and implemented a program of emergency operating assistance, and a \$200-million bond program for statewide capital improvements.
- Played a key role on the Governor's Transportation Task Force that developed the technical and conceptual groundwork for a regional transportation authority for the Chicago area.

**1962-1966**                    **Transportation Officer, U.S, Air Force**

Responsible for base motor pool, vehicle maintenance and commercial transportation functions at Air Force bases in Louisiana and Italy.

**PROFESSIONAL HONORS, ORGANIZATIONS, MEMBERSHIPS**

American Society for Public Administration

Capital City Toastmasters Club

RECEIVED

MAY 08 2013

Village of Essex Junction

May 7, 2013

To Whom It May Concern:

My name is Eric Bowker and I am writing to be considered as a member of the Village Bike/Walk Advisory Committee. I am passionate about walking and biking in Essex Junction and I really want to help make it safe and enjoyable for everyone.

One of the overarching reasons why my wife and I moved here was the accessibility of the parks, schools, library, and events both by foot and bike. My young children walk or ride to their respective schools daily and it honestly enhances their (and my) quality of life. I believe the exercise that they have at the start of their day also enhances their learning. The entire family enjoys exploring all corners of the village by bicycle often just for the joy of it. Additionally, my wife and I run, walk our dog, and cycle on the many sidewalks, streets and trails.

I grew up in Essex and now I am raising my family here. I am deeply rooted in both the study and practice of physical education as I both hold a degree in the field and work for a local non-profit whose mission aligns with recreation and education. I enjoy being involved in helping to make Essex Junction a better place to live and I currently serve on the EJP Advisory Council.

I view a position on this exciting new committee as an opportunity to use my passion and experience to help make the village an even friendlier and easier place to get around for pedestrians of all ages.

Thank you for your consideration.

Sincerely,

Eric Bowker

---

Eric Bowker  
8 Grant Street, Essex Junction  
802-879-4960, cell 802-578-5563  
anebowker@myfairpoint.net

RECEIVED

MAY 09 2013

Village of Essex Junction

Dear Trustees,

I am writing to apply for a position on the Essex Junction Bike/Walk Advisory Committee. As a life-long resident of Essex Junction, I am familiar with the strengths and needs of the community, and committed to improving the village. My experience with active transportation, community development, and advocacy make me a qualified candidate for the committee.

My relevant experience includes work for the Vermont Agency of Transportation and the University of Vermont Transportation Research Center (TRC), where I am currently a graduate research assistant pursuing a master's degree in Community Development and Applied Economics. My work at the UVM TRC focuses on the impacts of bicycling on quality of life, and has included becoming active in the Chittenden County bicycling community. In Essex Junction, I have been involved with the Building Healthy Communities grant over the past year, attending meetings and providing input. I am interested in seeing Essex Junction gain designation as a bicycle friendly community after it received an honorable mention by the League of American Bicyclists last year. This village has the potential to become truly walkable and bikeable, and I believe an advisory council devoted to this cause is a great step to make in this process.

My experience as a bicyclist, pedestrian, and transportation professional has shown me that active transportation is a key element in promoting and developing a healthy community. I hope to be considered for the Essex Junction Bike/Walk Advisory Committee in order to best support the community and its commitment to active lifestyles. Please feel free to contact me with any further questions.

Sincerely,

Phoebe Spencer

66 West Street  
Essex Junction, VT  
05452  
[pspencer@uvm.edu](mailto:pspencer@uvm.edu)  
802-338-6434

# **A Comprehensive Tree Plan for the Village of Essex Junction**

## **Why Trees: The Value of Trees**

Studies prove that trees have a positive effect on many aspects of people's lives, including their health, homes, businesses, communities, drinking water and air quality.

### **Economic Contributions**

- Well landscaped city streets attract shoppers who bring economic vitality to downtown urban areas.
- Landscaping, especially with trees, increases property values
- Trees reduce storm water runoff
- Amenity and comfort ratings are significantly higher for a tree lined sidewalk compared to non-shaded sidewalk

### **Energy Savings**

- The net cooling effect of a young healthy tree is equivalent to 10 room size air conditioners operating 20 hours a day
- Trees, properly placed around buildings as windbreaks, can save up to 25% on winter heating costs

### **Environmental Contributions**

- Leafy tree canopies catch precipitation before it reaches the ground, allowing some of it to gently drip and the rest to evaporate. This lessens the storm runoff.
- Trees reduce noise pollution by absorbing sounds
- Trees reduce street and parking lot temperatures.
- Trees store carbon

### **Social Contributions**

- Views of nature reduce the stress response of both body and mind when stressors of the urban environment are present
- Trees planted in an urban environment are reputed to reduce crime
- Well landscaped tree lined streets will reduce driving speeds

## **Other Chittenden County Communities**

Many other communities in Chittenden County have either a Tree Policy or Tree Ordinance to help plan and manage the urban landscape. Williston, Shelburne, South Burlington and Burlington have comprehensive plans. Burlington residents support a dedicated tax to fund tree planting and maintenance. South Burlington and Burlington have arborists on staff.

## **Essex Junction Past and Present Regarding a Tree Policy**

The village does not have a tree policy. Over the years the Village has had a piece meal approach to tree planting and tree maintenance. The Public Works Department has a small budget for trees, which is primarily used for removal of hazard trees. The Land Development Code has some language regarding landscape requirements for new developments but needs to be updated and expanded. Fortunately, the Village has had some interested citizens like Sandy Willey who have spearheaded landscape projects such as Memorial Park, railroad crossings, Lincoln Hall and the Brownell Library.

### **Recent Citizen Initiatives**

- 2012 Tree Planting on Lincoln Place, Railroad Avenue, and Brownell Library

- Organized a joint tree care workshop for the Village and Essex Town Public Works Departments
- Applied for a grant to conduct a tree inventory and develop a tree management plan
- Organized an Arbor Day event at Summit Street School
- Additional tree planting on Pearl Street, Central Avenue, and Lincoln Street to be completed this year.

### **Now is the Time**

There have been numerous public forums where residents have placed a real value on the need for beautification projects in the Village. The recent walking and biking initiatives dovetail well with a village tree policy. The Village core has had infrastructure improvements but little attention paid to landscaping. There are new roads and developments being proposed for the Village. In this planning process the urban landscape should be a consideration and a Village Tree Policy would be most helpful.

We are also fortunate to have a number of residents who are SOUL (Stewardship for The Urban Landscape) graduates. This 8 week class is a comprehensive study of trees in the urban landscape offered by the VT Department of Forest, Parks and Recreation and the University of Vermont Extension. Their knowledge and interest will be helpful. We are also fortunate to have Warren Spinner who oversees Burlington's renowned urban tree program be an interested resident of the Village.

# DRAFT

## Village of Essex Junction Tree Policy

### I. Purpose

It is the purpose of this policy to promote, protect, and enhance public health, safety, and general welfare by providing a policy governing the planting, maintenance, protection, and removal of trees and shrubs on public streets, parks, and city-owned properties within the Village of Essex Junction. This policy also provides for the establishment of the Essex Junction Tree Advisory Committee to engage citizens in the stewardship, management, and recognition of the Village's tree resource.

### II. Definitions

**Certified Arborist:** A person certified by the International Society of Arboriculture as having specialized knowledge, experience, and training related to arboriculture.

**Diseased Tree:** Any tree or shrub with a combination of structural defects and/or a health condition, which makes it subject to a high probability of failure.

**Hazardous Tree:** Any tree or shrub, public or private, with visibly defined structural defects likely to cause failure of all or part of the tree, and be a danger to public safety.

**Public Tree:** All trees and shrubs on any Village park or other property owned or controlled by the Village on any public street, alley, median, sidewalk, or highway within the public right-of-way, as well as school district trees.

**Public Right-of-Way:** Right of way is measured as 25 feet\* (*this should be confirmed for Essex Junction*) on either side of the center line of any road within the Village.

**Private Tree:** Any tree or shrub or any substantial portion of a tree, shrub, or plant which is in a private location along a public right-of-way.

**Street Tree:** Any tree or shrub located on either side of all streets, avenues, bike paths, and located within the bound of all Village right-of-ways.

**Tree:** Any self-supporting woody plant together with its root system, growing upon the earth with one trunk of at least three inches in diameter at a height of four and one-half feet above the ground, or a multi-stemmed trunk system with a definitely formed crown.

### III. Jurisdiction/Authority

The Select Board shall appoint a Tree Warden, under 24 V.S.A. § 871. The Tree Warden may appoint a Deputy Tree Warden under 24 V.S.A. § 2505. Through its Tree Warden, the Village shall have control of all Public Trees and shall have the authority to plant, maintain, protect, and remove such trees.

#### **IV. Administrative Responsibilities/Administration**

The Select Board shall appoint a Tree Advisory Committee for specific purposes as outlined in the Tree Committee's Charter. The Essex Junction Tree Advisory Committee shall be an advisory organization that works with the Tree Warden to promote the improvement and preservation of a healthy environment of the Village as it relates to Public Trees.

The Essex Junction Tree Advisory Committee shall consist of at least four Essex Junction residents and one Essex Junction municipal staff person, all whom shall be appointed by the Select Board. Members will serve terms of three years and will serve without compensation.

The Essex Junction Tree Advisory Committee shall be responsible for the following activities:

- I. Develop a street tree master plan;
- II. Conduct a street tree inventory;
- III. Assist Village staff and the Essex Junction Planning Commission in reviewing landscape master plans;
- IV. Assist Village staff and the Essex Junction Planning Commission in updating Land Development code regarding tree planting and maintenance requirements;
- V. Educate citizens of the Village about benefits and care, and threats to trees; and
- VI. Organize an annual Essex Junction Arbor Day celebration.

#### **V. Provisions for the Management of Community Trees**

The Village is supportive of planting and maintaining trees along its streets, roads, and on other Village and private property. The benefits of street trees are well documented and this policy is consistent with and recognizes those benefits.

The Village shall have the right to plant, maintain, and remove Public Trees as may be necessary to insure public safety, or to preserve or enhance the symmetry and beauty of public right of ways and Village property as set forth in the following guidelines.

##### **a. Tree Planting**

- i. All Public Trees shall be planted in accordance with American National Standards Institute (ANSI) A300 Standards for Tree Care Operations.
- ii. Trees shall be selected from the booklet, "Recommended Trees for Vermont Communities", published by Vermont's Urban & Community Forestry Program, a copy of which shall be maintained by the Tree Advisory Committee.
- iii. All newly planted public trees will carry a three-year maintenance and replacement guarantee
- iv. No person shall plant any tree within town right-of-ways or on town property without written permission of the Tree Warden.
- v. Trees should be sited based on above and below ground site condition. All Public Trees will be planted at a minimum of 30 feet from intersections.

##### **b. Tree Maintenance**

- i. All Public Tree care shall be in accordance with the ANSI A300 Standards for Tree Care Operations.
- ii. All contractors to work on Public Trees should have on staff a certified arborist.

- iii. It shall be the responsibility of any person owning property bordering on a public street, sidewalk, recreational path, or other public right-of-way to ensure trees or shrubs that are dead, diseased, or injured do not pose an unreasonable risk of property damage or bodily injury occurring within such public right-of-way.

c. Tree Removal

- i. In accordance with 24 V.S.A. § 2502, the Village Tree Warden may remove any Public Tree that is diseased, dying, or dead which create a hazard to public safety of threaten the effectiveness of disease or insect control programs.
- ii. If, in the opinion of the Tree Warden, a Public Tree constitutes no hazard to public safety and is determined to be healthy but needs to be removed, then the Tree Warden will warn a public hearing and shall be in accordance with 24 V.S.A. § 2509:

*A Public Shade Tree within the residential part of a municipality shall not be felled without a public hearing by the tree warning, except that when it is infested with or infected by a recognized tree pest, or when it constitutes a hazard to public safety, no hearing shall be required. In all cases the decision of the Tree Warden shall be final except that when the Tree Warden is an interested party or when a party in interest so requests in writing, such final decision shall be made by the legislative body of the municipality (Amended 1969, No. 238 (Adj. Sess), § 6.)*

- iii. Two weeks before the scheduled removal of the tree the public will be notified via the Select Board meeting and/or paper of record and a sign will be posted on the Public Tree of the proposed action to be taken and the Public Hearing time, date, and place.
- iv. Anyone contesting the removal of a Public Tree must do so to the Tree Warden between the time of posting the tree removal notice and the hearing, at the hearing or within 24 hours of the decision having been made. After informing the Tree Warden, a written appeal must be submitted within two weeks to the Tree Warden and the Select board. The Tree Warden will notify the appellant by certified mail of the hearing with the Select Board; the decision of the Select Board will be final.

d. Tree Protection

- i. No Public Tree shall be pruned, removed, or harmed in any way without the written permission of the Tree Warden
- ii. Any construction within ## lateral feet of Public Trees requires consultation with the Tree Warden who may provide specific written requirements for additional protections

**VI. Control of Hazardous Trees & Trees Infested with a Pest or Pathogen**

We had discussed including a short introduction about the threats of invasive forest pests to communities. How extensive do you want that to be? What specific information?

The Village, in consultation with the Tree Warden, may remove or cause to be removed any Public or Private Tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to the Village infrastructure or other public improvements, or is affected with any injurious disease, insect, or other pest, in accordance with 24 V.S.A. § 2511:

*When an insect or disease pest infestation upon or in public or private shade trees threatens other public or private trees, is considered detrimental to a community shade tree preservation program or threatens the public safety, the tree warden may request surveys and recommendations for control action from the commissioner of agriculture, food and markets. On recommendation of the commissioner of agriculture, food and markets, the tree warden may designate areas threatened or affected in which control measures are to be applied and shall publish notice of the proposal in one or more newspapers having a general circulation in the area in which control measures are to be undertaken. On recommendation of the commissioner, the tree warden may apply measures of infestation control on public and private land to any trees, shrubs or plants thereon harboring or which may harbor the threatening insect or disease pest. He may enter into agreements with owners of such lands covering the control work on their lands, but the failure of the tree warden to negotiate with any owner shall not impair his right to enter on the lands of said owner to conduct recommended control measures, the cost of which shall be paid by the municipality. (Amended 1969, No. 238 (Adj. Sess.), § 8.)*

If the Tree Warden shall determine with reasonable certainty upon inspection of examination that any hazardous tree herein defined exists in or upon any private premises with the Village, he/she may notify the owner of such premises, or his agent, in writing that said nuisance tree must be treated, trimmed, removed, or otherwise abated. Said written notice shall specify the nature and exact location of the hazardous tree, the manner in which the hazard shall be abated, and the time limited in which the hazard shall be abated which shall not be less than fifteen (15) days after issuance of said notice unless the Tree Warden shall determine that immediate action is necessary for public safety.

Adopted by the Village Trustees on \_\_\_\_\_.

# DRAFT



*The economic engine of Vermont.*

Essex Junction Board of Trustees  
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Essex Junction, VT 05452  
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[www.essexjunction.org](http://www.essexjunction.org)

May 14, 2013

Diane Clemens, Chair

Essex Junction Planning Commission

Dear Diane,

The Essex Junction Board of Trustees would like to propose an amendment to the Village Land Development Code (LDC) to limit the number of retail establishments within the Village that sell tobacco products. Although the Vermont Department of Liquor Control and its Liquor Control Board (LCB) have ultimate authority for granting licenses for tobacco sales, we believe the Department and the LCB would take a community's zoning laws limiting tobacco sales under consideration when they review new tobacco sales applications for that community.

We also note that the Vermont Department of Health has embarked on a major initiative to discourage young adults from smoking, prevent tobacco sales to underage people, and encourage adults who do smoke to quit. We assume that the LCB is aware of the VT Department of Health's efforts to reduce the significant and negative health effects of tobacco smoking, and would seek to support those efforts if an opportunity arises, as would be the case with honoring a tobacco-sales limiting provision in a community's land development code.

We believe a limitation on licenses to sell tobacco products aligns with and helps promote the community values expressed by Village residents at recent community forums and during many community "conversations" undertaken during the Heart and Soul project. Those values include a walkable, pedestrian-friendly downtown, and local governments that promote health, support youth and education, and provide opportunities for family-friendly activities.

# DRAFT

We also believe that limiting access to tobacco products and the advertising of tobacco products in the vicinity of Village schools could decrease the opportunities for school students to experiment with tobacco. Recent studies in public health research indicate that the number of tobacco retailers in the vicinity of schools correlates with the number of school students likely to experiment with smoking. The New England School of Law Center for Public Health and Tobacco Policy has recently recommended limiting licenses to sell tobacco products in the vicinity of schools as an effective mechanism to reduce the number of “environmental cues” promoting tobacco use among youth.

As you know, school students in Essex Junction are not bussed to school, and a large portion of them walk through commercial areas and the Village center on their way between school and home each day. Presently, there are 14 retail outlets selling tobacco within a 1/4 mile radius of the Thomas Fleming School. We believe that an amendment to the LDC that “grandfathers” retailers who currently have tobacco licenses to continue selling tobacco products, yet prohibits new retail establishments from selling tobacco products would be a reasonable approach to help reduce the promotion and opportunities for tobacco use among students while providing adequate opportunities for adults who do smoke to purchase tobacco products. As existing tobacco retailers relinquish their licenses, those licensing opportunities would become available to new retailers. We believe that this regulatory framework would strike the correct balance between the rights of Village citizens who choose to smoke with the responsibilities of local governments to promote healthy, safe community values.

We would be very happy to meet with your board and discuss this issue in greater detail. I have attached summaries of some of the studies and references I've mentioned. Please let us know if we can provide any additional information.

Best regards,

George Tyler, President

Village of Essex Junction

On Behalf of the Essex Junction Board of Trustees

Performing your original search, *tobacco outlet density near schools*, in PubMed will retrieve **2** records.

Prev Med. 2008 Aug;47(2):210-4. doi: 10.1016/j.ypmed.2008.04.008. Epub 2008 Apr 29.

## Is adolescent smoking related to the density and proximity of tobacco outlets and retail cigarette advertising near schools?

Henriksen L, Feighery EC, Schleicher NC, Cowling DW, Kline RS, Fortmann SP.

Stanford Prevention Research Center, Stanford University School of Medicine, Stanford, California 94305-5705, USA.  
lhenriksen@stanford.edu

### Abstract

**OBJECTIVE:** To examine the quantity (density) and location (proximity) of tobacco outlets and retail cigarette advertising in high school neighborhoods and their association with school smoking prevalence.

**METHODS:** Data from the 135 high schools that participated in the 2005-2006 California Student Tobacco Survey were combined with retailer licensing data about the location of tobacco outlets within walking distance (1/2 mi or 805 m) of the schools and with observations about the quantity of cigarette advertising in a random sample of those stores (n=384). Multiple regressions, adjusting for school and neighborhood demographics, tested the associations of high school smoking prevalence with the density of tobacco outlets and retail cigarette advertising and with the proximity of tobacco outlets to schools.

**RESULTS:** The prevalence of current smoking was 3.2 percentage points higher at schools in neighborhoods with the highest tobacco outlet density (>5 outlets) than in neighborhoods without any tobacco outlets. The density of retail cigarette advertising in school neighborhoods was similarly associated with high school smoking prevalence. However, neither the presence of a tobacco outlet within 1000 ft of a high school nor the distance to the nearest tobacco outlet from school was associated with smoking prevalence.

**CONCLUSIONS:** Policy efforts to reduce adolescent smoking should aim to reduce the density of tobacco outlets and retail cigarette advertising in school neighborhoods. This may be achieved through local zoning ordinances, including limiting the proximity of tobacco outlets to schools.

PMID: 18544462 [PubMed - indexed for MEDLINE]

**Publication Types, MeSH Terms**

**LinkOut - more resources**

Performing your original search, *density of tobacco retailers near schools*, in PubMed will retrieve **2** records.

*Am J Public Health*. 2009 Nov;99(11):2006-13. doi: 10.2105/AJPH.2008.145128.

## Density of tobacco retailers near schools: effects on tobacco use among students.

McCarthy WJ, Mistry R, Lu Y, Patel M, Zheng H, Dietsch B.

School of Public Health and the Department of Psychology, University of California, Los Angeles, USA. [wmccarth@ucla.edu](mailto:wmccarth@ucla.edu)

### Abstract

**OBJECTIVES:** We examined the relationship between students' tobacco use and the density and proximity of tobacco retailers near their schools.

**METHODS:** We used data from the 2003-2004 California Student Tobacco Survey and California retail licensing data. Measures included students' self-reported tobacco use and geocoded state-reported locations of tobacco retailers. We used random-intercept generalized linear mixed modeling to jointly evaluate individual-level and school-level predictors.

**RESULTS:** Density of retailers was associated with experimental smoking (odds ratio [OR] = 1.11; 95% confidence interval [CI] = 1.02, 1.21) but not established smoking (OR = 1.06; 95% CI = 0.94, 1.20). The effects on experimental smoking were confined to high school students (OR = 1.17; 95% CI = 1.06, 1.29) in urban areas (OR = 1.11; 95% CI = 1.01, 1.21); no effects were observed among middle school students or in rural schools. High school students were more likely to obtain cigarettes from a retailer; middle school students relied more heavily on social sources.

**CONCLUSIONS:** Our results support the plausibility of reducing rates of students' experimental smoking, but not established smoking, by restricting their access to commercial sources of tobacco in urban areas.

PMID: 19820214 [PubMed - indexed for MEDLINE] PMCID: PMC2759807 **Free PMC Article**

### MeSH Terms

### LinkOut - more resources

Center for Public Health & Tobacco Policy

## Retail Environment

- ABOUT US
- TOPIC AREAS
  - Tobacco-Free Outdoor Areas
  - Smoke-Free Housing
  - Retail Environment
  - Taxation
  - New York State Law
  - Recent Cases
  - Vermont State Law
  - Other Tobacco Products
- LINKS & RESOURCES
- PUBLICATIONS
- CONTACT US
- EVENTS
- SITEMAP
- LOGIN
- WE



Tobacco companies spend a massive amount of money marketing their products in stores. This includes payments to tobacco retailers to put their products in the most visible locations in the stores. As a result, all consumers, including young people under the age of 18, are exposed to a substantial amount of tobacco marketing. While there are several factors that contribute to adolescent smoking, tobacco advertising and promotion at retail stores where tobacco products are sold (also referred to as the "point-of-sale") is undoubtedly one of the most significant.

Those concerned with youth tobacco use can advocate for local ordinances that prohibit the display of tobacco products. In addition, reducing the number of retailers that sell tobacco products can also help to reduce tobacco use. These two policy interventions are discussed in more detail below. In addition, the Center for Public Health and Tobacco Policy has produced report on these two subjects. To download the Center's report on tobacco product display bans, [click here](#). For the report on tobacco retail licensing, [click here](#).

Publications on this and other topics may be found [here](#).

To learn about New York State's efforts to educate the public about the impact of tobacco marketing and promotion in retail stores, [click here](#).

Contractors of the New York State Tobacco Control Program may access the point of sale toolkit [here](#). (Login required)

### Prohibiting Tobacco Product Displays in Retail Environments

Tobacco companies use point-of-sale promotions and advertisements to market their products, and one of the most prevalent ways that tobacco companies market at these retail locations is by using large retail displays, often called "power walls." These power walls—typically located behind the cash registers—are highly engineered by tobacco companies to maximize visual intrusiveness and instigate impulse purchases. They function as a subtle kind of advertising, conveying the message that cigarettes are popular and desirable. This message is conveyed to youth over and over, every time they enter a store that sells tobacco. The Surgeon General reports that "adolescents consistently overestimate the number of young people and adults who smoke. Those with the highest overestimates are more likely to become smokers than those with more accurate perceptions."

There has been a push in recent years to study the extent that this retail advertising affects youth smoking behavior. In 2009, a large cross-sectional study surveying 14- and 15-year-olds found significant correlations between exposure to point-of-sale displays and susceptibility to smoking initiation, smoking experimentation, and current smoking after controlling for a broad range of known smoking determinants. "The association between exposure to point of sale tobacco displays and susceptibility to smoking uptake . . . is comparable to the association between [susceptibility to smoking uptake] and parental smoking." J. Paynter et al., *Point of Sale Tobacco Displays and Smoking Across 14-15 Year Olds in New Zealand: A Cross Sectional Study*, 18 Tobacco Control 268, 272 (2009). This is consistent with findings of experimental studies which show that "[t]he presence of cigarette displays at the point-of-sale, even in the absence of cigarette advertising, has adverse effects on students' perceptions about ease of access to cigarettes and brand recall, both factors that increase the risk of taking up smoking." Melanie Wakefield et al., *An Experimental Study of Effects on Schoolchildren of Exposure to Point-of-Sale Cigarette Advertising and Pack Displays*, 21 Health Educ. Res. 338, 346 (2006).

A number of countries have responded to the tobacco industry's use of power walls by prohibiting the display of tobacco products in retail location. Such laws have been implemented in Canada, Ireland, Iceland, Thailand, Norway, and parts of Australia. While it is too early to accurately gauge the effect of the tobacco display bans in some of these countries, the countries which have had these laws in place for the longest time—Iceland and Canada—have seen steady reductions in their youth smoking prevalence since implementation. 28% of Iceland's 10th grade students reported smoking a cigarette in the past 30 days in 1999, two years before the tobacco product display ban was enacted, and in 2007 only 16% of the 10th grade students reported the same, according to the European School Survey Project on Alcohol and Other Drugs. Canada has seen similar reductions in its youth smoking rate. The weight of these international experiences, coupled with the scholarly research and experimental studies, demonstrates that eliminating the display of tobacco products at non-adult-only retail locations is an effective strategy to combat underage smoking and protect our children from tobacco-related disease and death.

### Local Licensing to Reduce Tobacco Retailer Density

With over 400,000 smoking related deaths in the United States each year, states have a legitimate interest in decreasing the availability of tobacco products and prohibiting their sale to minors in an effort to protect public health. One way to limit the availability of tobacco is to reduce tobacco retail density. Research suggests that the density of tobacco retail outlets in a neighborhood may have an impact on the prevalence of smoking. The absence of tobacco retailers in areas children frequent will help prevent young people from picking up on "environmental cues" to start smoking that might come from an abundance of tobacco retail outlets that offer access to tobacco.

Retailer licensing requirements can be used to address tobacco retailer density, to prohibit tobacco sales in some types of businesses, and to prevent sales in specified areas. For example, a community could reduce density by limiting the overall number of tobacco retail licenses that it will distribute in a given year. Licensing systems also provide an incentive to tobacco retailers to comply with existing tobacco control laws, because violations of the law may lead to licenses suspension or revocation. Also, tobacco retail licensing may be an economically sustainable method of regulation because licensing fees may be used to fund the implementation and enforcement of the licensing system.

Other strategies for reducing tobacco retail density include prohibiting pharmacies and stores that contain pharmacies from selling tobacco products, and prohibiting the sale of tobacco products within a specified number of feet from the perimeter of schools and educational facilities. San Francisco and Boston are two cities that have prohibited tobacco sales in pharmacies. Pharmacies are retail locations that offer products and services to help consumers lead healthier lives. Because tobacco is inherently deadly, to sell such a product in a place where consumers go for healthcare related needs sends a dangerously misleading message.

#### References and Resources:

Lisa Henriksen et al., *Is Adolescent Smoking Related to the Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools?*, 47 Preventive Med. 210, 211-212 (2008).

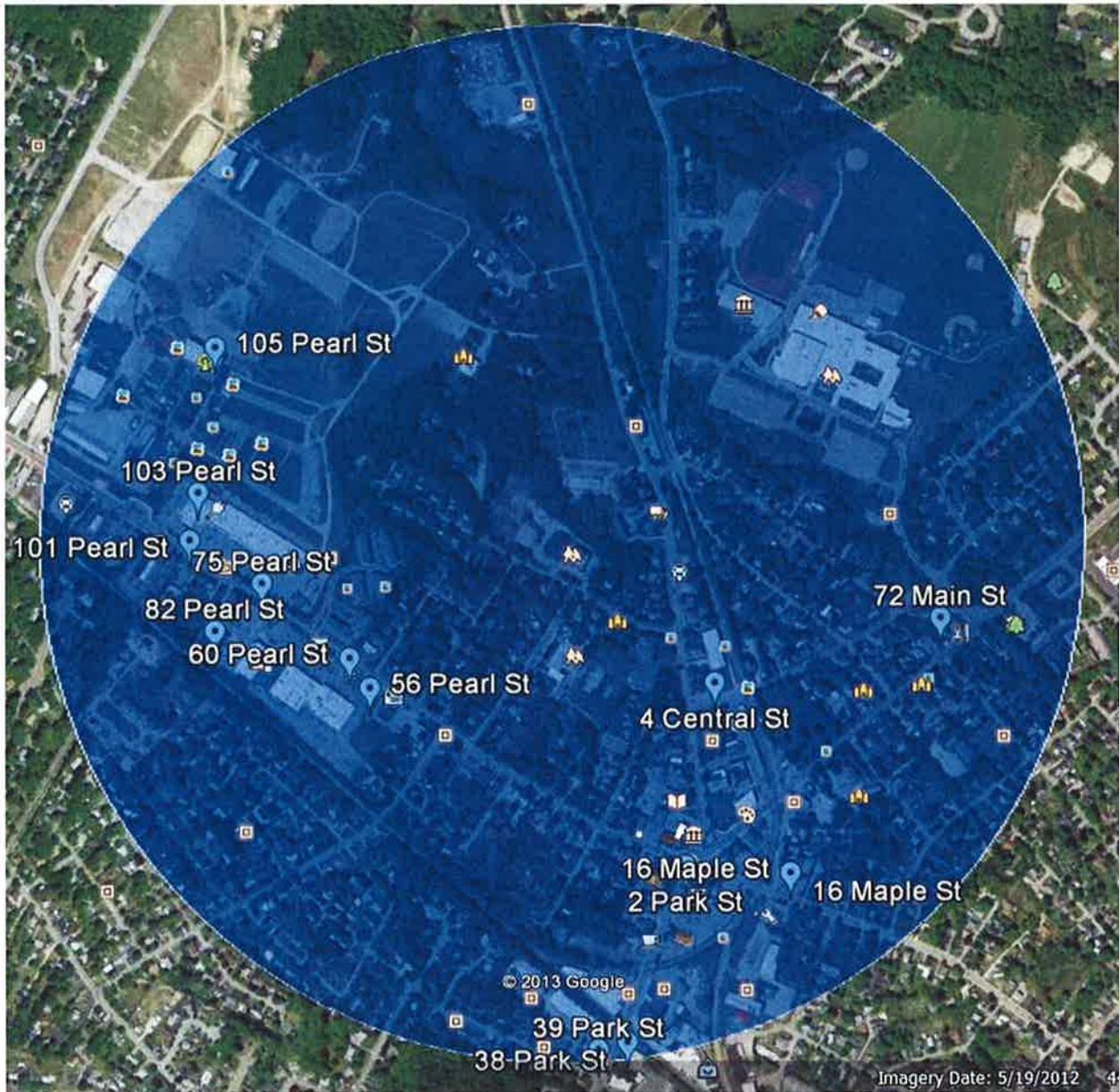
Andrew Hyland et al., *Tobacco Outlet Density and Demographics in Erie County NY*, 93 Am. J. of Pub. Health 1075, 1075 (2003).

William J. McCarthy et al., *Density of Tobacco Retailers Near Schools: Effects on Tobacco use Among Students*, 99 Am. J. of Pub. Health 2006, 2011-2012 (2009).

New England Law Opportunities

- Center for Law and Social Responsibility
- Center for International Law and Policy
- Center for Business Law
- Clinics
- International Study
- Judicial Internships
- Pro Bono

**There are 14 tobacco retail outlets within a ½ mile radius of Thomas Fleming School**





*The economic engine of Vermont.*

James L. Jutras  
Water Quality Superintendent  
ww@EssexJunction.org

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Office: (802) 878-6944  
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## **MEMO**

TO: Essex Junction Trustees  
THROUGH: Lauren Morrissette, Susan M- Hill  
Acting Village Managers  
FROM : James L. Jutras, Water Quality Superintendent  
DATE : May 7, 2013  
SUBJECT: Encore Solar Energy Proposal

The Wastewater facility was recently approached by Encore Solar regarding our interest in a public/private solar energy project. This project would be funded by Encore through Enfinity America Corporation, private equity partners. If the project moves ahead, the Village would have the option to purchase the installation at a defined future year. A non binding Letter of Intent is included for your consideration.

Project details include:

- Use of land surrounding the Wastewater facility
- Lease payment to the Village for use of the land at the wastewater facility.
- All capital investment by Encore
- Net metering for all power produced by the installation applied to a maximum of 7 Village GMP Accounts
- A per kWh premium or bonus to be applied above the current price paid per kW by the Village
- Ability to exercise a purchase option in a future year
- The project will require a Section 248 Public Service Board review
- A potential useful life 30+ years
- Project experience: Whitcomb Farm, Middlebury, National Life Group and the City of South Burlington.

This project has the potential to reduce power payments for the wastewater facility accounts by several cents per kilowatt hour consumed. The magnitude of the savings will be determined during the evaluation period covered under the Letter of Intent (LOI). Approval of the LOI simply launches the feasibility analysis for Encore and for the Village of Essex Junction. This gives both parties the ability to evaluate the installation and decide whether to proceed with a contract for installation. The Village Attorney had no comment for this early stage of the process.

Staff recommends the Trustees authorize the Village Manager to sign the Letter of Intent with Encore Solar.

Thank you for your consideration.



March 25, 2013

Mr. Jim Jutras  
Water Quality Superintendent

Ms. Lauren Morrisseau  
Co-Acting Village Manager / Finance Director

Ms. Susan McNamara Hill  
Co-Acting Village Manager / Village Clerk

Village of Essex Junction  
2 Lincoln Street  
Essex Junction, Vermont, 05452

Re: Letter of Intent (“LOI”) to Enter into a Net Metering Credit Purchase Agreement

Dear Mr. Jutras, Ms. Morrisseau, and Ms. McNamara Hill,

Please consider this letter a statement of intent to enter into good faith negotiations for a Net Metering Credit Purchase Agreement to purchase the solar net metering credits to be generated at a site in Essex Junction, VT, developed by Encore Redevelopment.

The following are the basic terms of an agreement for the purchase by the Village of Essex Junction (the “Buyer”) located at 2 Lincoln St., Essex Junction, Vermont, 05452, of net metering credits from Encore Redevelopment, located at 110 Main Street, 2nd Floor, Suite 2E, Burlington, VT 05401, (the “Seller”); from Solar Energy Facilities (the “Facilities”) located at a project site to be determined on Village Property connected to the Green Mountain Power (the “Utility”) distribution network in the State of Vermont.

1. The parties shall, in good faith, negotiate and execute a final purchase and sales agreement for Net Metering Credits (the “Net Metering Credit Agreement,” or “NMCA”) within one hundred and twenty (120) days from the date of the execution of this Letter of Intent.

2. The Facility’s total capacity is between 150 and 500 kW<sub>ac</sub>, which will generate up to 750,000 net metering credits annually. Each net metering credit generated corresponds to one (1)

110 Main Street 2nd Floor, Suite 2E Burlington, VT 05401

office (802) 861-3023 email [info@encoreredevelopment.com](mailto:info@encoreredevelopment.com) web [encoreredevelopment.com](http://encoreredevelopment.com)

BROWNFIELD REDEVELOPMENT | RENEWABLE ENERGY DEVELOPMENT | PROJECT MANAGEMENT | CONSULTING

kilowatt-hour of electricity that the Facility exports through a customer billing meter (the “Meter”) to the Utility’s distribution network.

3. The Buyer will be obligated to purchase all net metering credits (as identified above) generated by the Facility for the agreed term of the NMCA.

4. The Buyer will make available Meters with demand, or time-of-use rate structures associated with the largest electrical consumption under control of the Buyer to receive net metering credits associated with kilowatt-hour production from the Facility. The corresponding rate for these meters in this Utility jurisdiction is \$0.14669, with an additional \$0.06 “solar adder”, resulting in a net metering credit of \$0.20669.

5. The price paid by the Buyer to the Seller and the term over which the Buyer will be obligated to purchase net metering credits from the Seller will be at a 20-year fixed rate between \$0.18/kWh and \$0.20/kWh, or equal value which may come in the form of a percentage-based royalty. The final price will be determined upon an initial feasibility evaluation of the site during the term of this LOI.

6. In order for the Facility to comply with Vermont Public Service Board Rule 5.100 for Net Metering Facilities and recent legislative changes to 30 V.S.A. § 219a, the Buyer agrees to be the designated customer for one new Meter to be located at the Property for the purpose of measuring production from the Facility, which will be interconnected directly into the Utility’s distribution grid. The Seller will pay in advance for all expenses of applying for, installing, and maintaining the Meter at the Property. The Meter will be connected to the Facility for the sole purpose of supplying net metering credits to the Buyer and no other uses will be permitted.

7. The Buyer will have the option to purchase the Facility after at least seven (7) years of operation at a price equivalent to the fair market value as determined by an independent, qualified appraiser.

8. With the exception of paragraph 1 above, until the NMCA is finalized, approved by the respective parties and properly executed, neither party shall have a legally binding obligation to the other, whether under this Letter of Intent or otherwise, including, but not limited to, a legal duty to continue negotiations to reach such a final agreement and either party may discontinue negotiations at any time for any reason whatsoever.

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The undersigned has READ, ACCEPTS, UNDERSTANDS and AGREES to the terms of this letter agreement, by signing where indicated below.

SELLER:

BUYER:



---

Chad Farrell  
Principal  
Encore Redevelopment LLC

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Jim Jutras  
Village of Essex Junction, Vermont

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Lauren Morrisseau  
Village of Essex Junction, Vermont

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Susan McNamara Hill  
Village of Essex Junction, Vermont

110 Main Street 2nd Floor, Suite 2E Burlington, VT 05401

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March 25, 2013

Mr. Jim Jutras  
Water Quality Superintendent  
Village of Essex Junction  
2 Lincoln Street  
Essex Junction, Vermont, 05452

Re: Turnkey Solution for Electrical Savings through Participation in a Solar Net Metering Credit Purchase Agreement

Dear Mr. Jutras,

Encore Redevelopment (Encore) is pleased to provide the Village of Essex Junction (the Village) with the attached Letter of Intent to enter into a Net Metering Credit Purchase Agreement for solar net metering credits to be generated from a solar array located at a Village-owned site in Essex Junction, Vermont. Encore will be working on this project with strategic partner Jeff Forward of Forward Thinking Consultants (Forward). Forward brings a wealth of experience in the municipal energy space, including numerous assignments with the Village.

Encore provides turnkey design / finance / build solutions under a public – private partnership model to allow municipalities and other not for profit and non-taxable entities to benefit from clean energy projects, bringing both the technical knowledge regarding optimal project structures as well as the critically important tax equity financing currently required to construct and operate the project. Under this approach and following execution of the Letter of Intent, Encore will design the best system possible given the electrical demand of Village infrastructure as well as the land available for construction of the array, all at no cost to the Village. A number of options will be presented and discussed. Following Village approval of the project concept, Encore will capitalize and manage the permitting process associated with the project in the most time effective manner possible before subsequently financing the construction of the project through various tax equity partners who specialize in financing and owning solar arrays.

The Village would benefit from the procurement of clean, renewable energy to offset a portion of its electrical demand, while also saving money on its electrical bills and having the option to purchase the system at a significant discount as early as year 7, following expiration of the recapture period associated with the tax attributes associated with the project. The project's useful life is estimated to be between 30 and 35 years.

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office (802) 861-3023 email [info@encoreredevelopment.com](mailto:info@encoreredevelopment.com) web [encoreredevelopment.com](http://encoreredevelopment.com)

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If this concept proves interesting to the Village, we would advocate moving forward in the near future given the uncertainty associated with the burgeoning renewable energy field. This uncertainty includes dynamic equipment pricing, which is currently low but subject to upward pressure given a number of global developments in the solar PV marketplace, and limited availability of net metered renewable energy projects due to a current cap of 4% per utility peak load on the total quantity of net metered renewable energy projects.

Encore would be happy to provide additional information related to our background, qualifications and financing partners upon request.

Thank you for the opportunity to present this concept to the Village of Essex Junction. We look forward to hearing from you in the near future.

Best regards,



Chad Farrell  
Principal

Attachment

C: Jeff Forward, Forward Thinking Consultants

110 Main Street 2nd Floor, Suite 2E Burlington, VT 05401

office (802) 861-3023 email [info@encoreredevelopment.com](mailto:info@encoreredevelopment.com) web [encoreredevelopment.com](http://encoreredevelopment.com)

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# REQUEST FOR PROPOSAL

## Engineering Services for the Village of Essex Junction, Vermont

The Village of Essex Junction, VT is soliciting proposals from qualified engineers to represent the Village. Village Engineers are appointed by the Village Manager subject to the approval of the Board of Trustees. The attached details the Village's Request for Proposal (RFP).

To be considered for this engagement, you must meet the qualifications and satisfy the requirements of the RFP. All completed proposals must be received on or before 10:00 AM on October 18, 1995 and must be clearly marked Engineering Services Proposal. Proposals must be received by:

William K. Dugan, Manager  
Village of Essex Junction  
2 Lincoln Street  
Essex Junction, VT 05452

All questions should be directed to the Village Manager at the above address or by calling (802) 878-6944 or FAX (802) 878-6946.

**ENGINEERING SERVICES PROPOSAL ENCLOSED.**

## ENGINEERING SERVICES PROPOSAL

The Village of Essex Junction is accepting proposals for the provision of engineering services and to serve as Village Engineer. The Village reserves the right to reject any and/or all proposals submitted. While cost is a consideration, the Village Manager and the Board of Trustees intend to retain engineers it feels are best able to represent the various interests of the Village of Essex Junction.

To be considered, proposals are to be sealed and received by the Village Manager on or before 10:00 AM on October 18, 1995. Proposals must be clearly marked Engineering Services Proposal.

There is no express or implied obligation of the Village of Essex Junction to reimburse responding engineers for any expenses incurred in preparing proposals in response to this request.

The Village further reserves the right to request further information regarding the proposals submitted and requires each engineer submitting a proposal to guarantee that he/she will be available to meet with the Village Manager and the Board of Trustees to answer any questions on the proposal. Failure to provide requested additional information will be regarded as a basis for rejecting the proposal.

The Village Engineer will work closely with the Village Manager, the Planning Commission, Village Planning and Zoning staff, and other department heads on a variety of municipal and development issues.

### Terms of Engagement:

The Village is accepting proposals for a one-year period beginning November 1, 1995. Appointment of the Village Engineer is made on an annual basis under Village Charter and the Village Engineer works "at will" of the Village Manager and the Board of Trustees. Contractual obligations cannot invalidate these conditions.

### Proposals:

To be accepted, a proposal must include the following information:

1. Resume of engineers, including engineering education and experience and license to practice in Vermont. If engineer is member of an engineering firm, a description of the firm and its experience should be included. The proposal should state which matters, if any, will be referred to other members of the firm and their roles. All engineers involved must be licensed to practice in Vermont. If you subcontract work to other engineers, please include information re: these subcontractors (e.g., traffic engineering).
2. Independence: The engineer must provide an affirmation statement that he/she does not have any contractual or other obligation which would interfere with the performance as Village Engineer. The Engineer should list and describe his/her professional relationships involving the Village for the past five (5) years, together with a statement as to why such relationships do not constitute a conflict of interest relative to performing as Village Engineer. Any private sector clients being served which may provide a conflict of interest (such as in planning or zoning matters) should be identified.
3. Retainer Services: The Village intends to enter into an annual retainer fee agreement for retainer services. Retainer work is to include all Village work relating to normal planning, zoning, subdivision, development and infrastructure mapping projects. Some examples of retainer work are:
  - Review subdivision sketch plans, preliminary plat, final plat and site plans for compliance with Village Ordinances and engineering standards and make recommendations in the best interest of the Village.
  - Inspect subdivisions and utilities as they are being built to ensure compliance.
  - Attendance at Planning Commission meetings, as requested and advise the Planning Commission.
  - Draft/review ordinances and policy amendments, Public Works Specifications review and amendments.

- Advise the Public Works Director, the Planning Staff, the Wastewater Treatment Plant Manager, the Village Manager and Department Heads, as requested
- Represent the Village at appropriate construction meetings with developers and represent the Village, as requested
- Annually update our municipal utility maps (e.g. sewer, water, hydrant, drainage, and road maps).
- Store record drawings and plans.

The above list is illustrative, not inclusive. The above list is not a guarantee of the level of service which might be needed during the contract year.

The retainer fee is to be a fixed monthly fee and include all related personnel costs.

Please state if there are any limitations on which Village personnel can contact your office for retainer work.

Hourly rate for retainer services:

To use as a basis for negotiating an annual retain fee agreement or, should the Village decide to not have a retainer, please provide an hourly billing rate and a fee schedule for those kinds of work listed in Section 3.

Hourly rates shall include all personnel costs. If these rates are different from those customarily charged other clients, please state the amount of the difference and why the Village will be charged a different rate. Please state your practice on increasing rates, specifically describing the frequency of rate increases.

4. Additional work: Provide proposed hourly billing rate and fee schedule for work outside the scope of the retainer which may be requested (such as special projects, design and construction services for major improvements to public works facilities, technical assistance with major updates of the Land Development Code or Public Works Specifications). Special projects would

include studies relating to current capabilities or future requirements for existing water, hydrant, sanitary sewer, storm sewer, WWTP and street systems.

Hourly rates shall include all personnel costs. If these rates are different from those customarily charged other clients, please state the amount of the difference and why the Village will be charged a different rate. Please state your practice on increasing rates, specifically describing the frequency of rate increases.

5. Other costs: List any other expenses (i.e. phone calls, etc.) which may be charged and the proposed cost.
6. Fees quoted should be for the period of November 1, 1995 through October 31, 1996.
7. Monthly Billing: Please submit a sample monthly billing detail for a client of similar size/activity as Essex Junction.
8. References: Provide a list of five (5) clients who may be contacted for references. It is preferable that these references be limited to municipal clients.
9. Experience: Provide a list of representative engineering work done for VT municipalities since January 1, 1993 and a brief description of each. A minimum of five years experience representing municipalities is preferred. Provide a list of all municipal clients and the names of references at each. Please demonstrate a knowledge of general municipal engineering, including those types of work listed in Sections 3 and 4 above.

Contact Person: The Engineer's principal contact with the Village of Essex Junction will be William K. Dugan, Village Manager. He may be contacted Monday through Friday from 8:00 AM to 4:30 PM at Lincoln Hall, 2 Lincoln Street, Essex Junction, VT 05452 or by phone at (802) 878-6944 or FAX at (802) 878-6946.

Clarification of issues or requests for additional information in relation to the RFP are to be addressed to this person or his designated representative. Detailed information on the Village of Essex Junction and its operations are available in the Annual Report, available upon request.

## REQUEST FOR PROPOSAL

Village Attorney Legal Services  
for the  
Village of Essex Junction, Vermont

The Village of Essex Junction, VT is soliciting proposals from qualified attorneys to represent the Village. The Village Attorney is appointed by the Village Manager subject to the approval of the Board of Trustees. The attached details the Village's Request for Proposal (RFP).

To be considered for this engagement, you must meet the qualifications and satisfy the requirements of the RFP. **All completed proposals must be received on or before 10:00 AM on November 8, 1995 and must be clearly marked Village Attorney Legal Services Proposal.** Proposals must be received by:

William K. Dugan, Manager  
Village of Essex Junction  
2 Lincoln Street  
Essex Junction, VT 05452

All questions should be directed to the Village Manager at the above address or by calling (802) 878-6944 or FAX (802) 878-6946.

**LEGAL SERVICES PROPOSAL ENCLOSED.**

## LEGAL SERVICES PROPOSAL

The Village of Essex Junction is accepting proposals for the provision of legal services and to serve as Village Attorney. The Village reserves the right to reject any and/or all proposals submitted. While cost is a consideration, the Village Manager and the Board of Trustees intend to retain Counsel it feels is best able to represent the various interests of the Village of Essex Junction.

To be considered, proposals are to be sealed and received by the Village Manager on or before 10:00 AM on November 8, 1995. Proposals must be clearly marked Village Attorney Legal Services Proposal.

There is no express or implied obligation of the Village of Essex Junction to reimburse responding attorneys for any expenses incurred in preparing proposals in response to this request.

The Village further reserves the right to request further information regarding the proposals submitted and requires each attorney submitting a proposal to guarantee that he/she will be available to meet with the Village Manager and the Board of Trustees to answer any questions on the proposal. Failure to provide requested additional information will be regarded as a basis for rejecting the proposal.

The Village Attorney will work closely with the Village Manager, the Board of Trustees, the Planning Commission, Village Planning and Zoning staff, tax department, and other department heads on a variety of municipal, administrative, personnel, financial and legislative issues.

### Terms of Engagement:

The Village is accepting proposals for a one-year period beginning November 15, 1995. Appointment of the Village Attorney is made on an annual basis under Village Charter and the Village Attorney works "at will" of the Village Manager and the Board of Trustees. Contractual obligations cannot invalidate these conditions.

## Proposals:

To be accepted, a proposal must include the following information:

1. **Resume** of attorney, including legal education and experience and admission to practice in Vermont. If attorney is member of a law firm, a description of the firm and its experience should be included. The proposal should state which matters, if any, will be referred to other members of the firm. All attorneys involved must be admitted to practice in Vermont.
2. **Independence:** The attorney must provide an affirmation statement that he/she does not have any contractual or other obligation which would interfere with the performance as Village Attorney. The attorney should list and describe his/her professional relationships involving the Village for the past five (5) years, together with a statement as to why such relationships do not constitute a conflict of interest relative to performing as Village Attorney. Any private sector clients being served which may provide a conflict of interest (such as in planning or zoning matters) should be identified.
3. **Retainer Services:** A proposed fee for monthly retainer services is required. Retainer work is to include all Village work and special projects as requested. Some examples of retainer work are:
  - Attendance at Board meetings, as requested
  - Draft/review ordinances and Charter amendments
  - Draft/review contracts
  - Prepare easements, right-of-way agreements, deeds
  - Advise the Board of Trustees generally on municipal matters including personnel matters
  - Advise the Planning Commission and Zoning Board of Adjustment
  - Advise the Village Manager and Department heads, as requested
  - Represent the Village at appropriate regional and state meetings, represent the Village at State Legislature, as requested
  - Tax collections
  - Special projects.

The above list is illustrative, not inclusive. The average monthly hours for retainer services have been as follows for the past three (3) years:

1992	20 hours per month
1993	20 hours per month
1994	20 hours per month
1995 (thru Aug.)	12 hours per month

The above list is not a guarantee of the level of service which might be needed during the contract year.

The retainer fee is to be a fixed monthly fee and include all related personnel costs.

Please state if there are any limitations on which Village personnel can contact your office for retainer work.

- 4a. Additional work: Provide proposed hourly billing rate for work outside the scope of the retainer which may be requested (such as litigation and labor negotiations). During the last three (3) years non-retainer hourly billing has involved:

1992	59 hours for the year
1993	5 hours for the year
1994	2 hours for the year
1995 (thru Aug.)	15 hours

The above list is not a guarantee of the needs in future years.

Hourly rates shall include all personnel costs. If these rates are different from those customarily charged other clients, please state the amount of the difference and why the Village will be charged a different rate. Please state your practice on increasing rates, specifically describing the frequency of rate increases.

- 4b. Hourly rate for additional work: Should the Village decide to not have a retainer, please provide an hourly billing rate for those kinds of work listed in Section 3.

Hourly rates shall include all personnel costs. If these rates are different from those customarily charged other clients, please state the amount of the difference and why the Village will be charged a different rate. Please state your practice on increasing rates, specifically describing the frequency of rate increases.

5. Other costs: List any other expenses (i.e. phone calls, paralegal, etc.) which may be charged and the proposed cost.
6. Fees quoted should be for the period of November 15, 1995 through November 15, 1996.
7. Monthly Billing: Please submit a sample monthly billing detail for a client of similar size/activity as Essex Junction.
8. References: Provide a list of five (5) clients who may be contacted for references. It is preferable that these references be limited to municipal clients.
9. Experience: Demonstrated knowledge of general municipal law; open meeting law; public records act; labor and employment law applicable to municipalities; anti-discrimination law including the Americans With Disabilities Act; municipal taxation, finance and bonding; planning and zoning law; real estate law; and construction law. This is a representative list.

Provide a list of representative cases litigated before the Vermont Supreme Court, Superior Court and State Administrative Boards since January 1, 1993 and a brief description of each. A minimum of five years experience representing municipalities is preferred. Provide a list of all municipal clients and the names of references at each.

**Contact Person:** The Attorney's principal contact with the Village of Essex Junction will be William K. Dugan, Village Manager. He may be contacted Monday through Friday from 8:00 AM to 4:30 PM at Lincoln Hall, 2 Lincoln Street, Essex Junction, VT 05452 or by phone at (802) 878-6944 or FAX at (802) 878-6946.

Clarification of issues or requests for additional information in relation to the RFP are to be addressed to this person or his designated representative. Detailed information on the Village of Essex Junction and its operations are available in the Annual Report, available upon request.



## **MEMORANDUM**

**TO:** Essex Junction Trustees & Department Heads  
**FROM:** Lauren Morriseau and Susan McNamara-Hill, Co-Acting Managers  
**DATE:** May 14, 2013  
**SUBJECT:** Trustees Meeting Schedule

### **TRUSTEES MEETING SCHEDULE/EVENTS**

#### **May 25 at 10 AM – Memorial Day Parade**

#### **May 28 at 6:30 – Regular Trustees Meeting**

- Public hearing on FY 14 water rates
- Informational meeting on new water/sewer rate structure
- Appointment to fill Planning Commission vacancy
- Appointments to Bike-Walk Advisory Committee
- Adopt Village Tree Policy
- Authorize Letter of Intent re: Encore Solar Energy Proposal
- Bid award for office renovations

#### **June 4, 3-5 PM – Employee Appreciation Party at On Tap**

#### **June 11 at 6:30 – Regular Trustees Meeting**

- Tom Moreau, CSWD General Manager, on FY 14 Budget
- Lincoln Hall leases for FY 14

#### **June 25 at 6:30 – Regular Trustees Meeting**

- Public hearing and set FY 14 water/sewer rates
- Appointments to Boards and Commissions
- Annual appointments (Clerk/Treasurer, Fire Chief, Attorney, Engineer)
- Resolution to cover General Fund budget overages/surpluses

#### **July 9 at 6:30 – Regular Trustees Meeting – *cancelled due to office renovations***

#### **July 20 4-9 PM – Block Party & Street Dance**

#### **July 23 at 6:30 – Regular Trustees Meeting**

- Set FY 14 tax rate

#### **Aug. 13 at 6:30 – Regular Trustees Meeting**

#### **Aug. 27 at 6:30 – Regular Trustees Meeting**

#### **Sept. 10 at 6:30 – Regular Trustees Meeting**

#### **Sept. 24 at 6:30 – Regular Trustees Meeting**

#### **Oct. 8 at 6:30 – Regular Trustees Meeting**

#### **Oct. 22 at 6:30 – Regular Trustees Meeting**

**VILLAGE OF ESSEX JUNCTION  
PLANNING COMMISSION  
MINUTES OF MEETING  
April 18, 2013**

**MEMBERS PRESENT:** Diane Clemens, Aaron Martin, John Alden, David Nistico, Andrew Boutin (Nick Meyer was absent.)

**ADMINISTRATION:** Robin Pierce, Development Director

**OTHERS PRESENT:** Jennifer McClintock, Ryan Edwards, Eric Barendse, Allen Karnatz, Skip McClellan

- AGENDA:**
1. Call to Order
  2. Audience for Visitors
  3. Additions/Amendments to the Agenda
  4. Approval of Minutes
  5. Presentation by Vermont Land Trust of Whitcomb Farm Conservation Project
  6. Public Hearing
    - Final Plan, PRD, Six Units, 48 Maple Street, 48 Maple Street LLC
  7. Other Planning Commission Items
  8. Adjournment

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**1. CALL TO ORDER**

Diane Clemens called the meeting to order at 6 PM.

**2. AUDIENCE FOR VISITORS**

There were no comments from the public.

**3. ADDITIONS/AMENDMENTS TO THE AGENDA**

None.

**4. APPROVAL OF MINUTES**

*January 17, 2013*

**MOTION by John Alden, SECOND by Aaron Martin, to approve the minutes of 1/17/13 as presented. VOTING: unanimous (4-0)[Andrew Boutin not present for vote]; motion carried.**

**5. PRESENTATION BY VERMONT LAND TRUST OF WHITCOMB FARM CONSERVATION PROJECT**

The Planning Commission received a memo from Vermont Land Trust, dated 3/25/13, regarding the Whitcomb Farm conservation project and a request for a letter of support. Allen Karnatz, Vermont Land Trust, briefed the Planning Commission on the project noting the following:

- Vermont Housing Conservation Board, the primary project funder, is looking for broad and widespread support from the community and the elected officials (Trustees and Planning Commission).

- The village voters approved a donation of \$20,000 from the village land acquisition fund. The Trustees submitted a letter of support for the project.
- Vermont Land Trust is seeking other funding sources in addition to the village and doing fundraising.
- The conservation easement on the Whitcomb Farm will be done in two phases over two funding years. The first phase involves 271 acres and the second phase involves 136 acres.
- There is an area of 40 acres excluded from the conservation restriction.
- A solar array done by the farm will be located on 10-15 acres and 10 acres on the southern end of the conserved land is for housing for the Whitcomb family and farm buildings. There is also an area with protected species that is not part of the conserved land.
- Putting the land in conservation limits potential sprawl and pressure on the village sewage capacity.

**MOTION by David Nistico, SECOND by Andrew Boutin, that the Village Planning Commission supports the Whitcomb Farm and Vermont Land Trust conservation project as presented. VOTING: unanimous (5-0); motion carried.**

## **6. PUBLIC HEARING**

**Final Site Plan review for a Planned Residential Development (PRD) to construct six residential units at 48 Maple Street in the R-2 District by 48 Maple Street LLC, owners Ryan Edwards and Skip McClellan appeared on behalf of the application.**

### **STAFF REPORT**

The Planning Commission received a written staff report on the application, dated 4/18/13. Robin Pierce stated the proposal received conceptual approval with four conditions. The applicant has satisfied three of the four conditions. The fourth condition states that evidence is needed to demonstrate the proposal meets the criteria of a PRD including improvements to landscaping. The applicant received a waiver for six units (one more than allowed for the lot size). Lot coverage and building coverage are not exceeded by the development.

### **APPLICANT COMMENTS**

Ryan Edwards and Skip McClellan reviewed the project noting the following:

- The one acre site is tight. There will be a duplex and four single family dwellings of 1,600 s.f. per unit.
- The development will be served by village water and sewer service, natural gas, Green Mountain Power for electricity, and the village storm water drainage system.
- Utilities will be underground and run parallel through the project.
- RMS Creative Landscaping of Jericho was hired to do the landscape plan. The site is packed with as much landscaping as feasible on such a small area.
- The existing grove of hardwood trees will be retained for screening.
- Homeowner association documents have been submitted to the Village Attorney for review.

Robin Pierce noted the utilities are shown as public, but should be privately owned and maintained. Also, all plantings must be species on the list in the Land Development Code.

Colorado Spruce is not on the list and needs a substitute. The applicant agreed to comply with the species listed in the Code.

John Alden questioned whether the proposal meets PRD requirements and should have the density as shown since items that should be included, such as a bike path, open space, playground or other amenities, are not shown on the plan. Robin Pierce stated the proposal provides what the village is seeking (infill development in the center of the village where utilities are located). The access road (driveway) into the applicant's lot will also serve as the bike path for the six houses in the development. The common space is interconnected and the proposal meets the landscaping requirement.

John Alden asked the applicant to explain how the layout and design of the proposal provides the amenities called for in the PRD definition. Ryan Edwards said according to his interpretation of the Staff Report the village is looking for a better landscaping design. John Alden clarified the design of a PRD is special for some reason and the applicant needs to demonstrate what makes the proposal for 48 Maple Street special to qualify as a PRD. Robin Pierce recalled past discussion about a community garden on the site, perhaps in the northwest corner. Skip McClellan stated all the open areas are common and for passive recreation (play area, community garden and such). There are no restrictions. The open corridors are accessible from the street. Another benefit is the infill development and revenue generated by the citizens and the community that is created versus leaving the land undeveloped. Neighbors next to the undeveloped property cannot use the property because it is privately owned.

John Alden stated lot coverage is 40%, but a PRD allows greater coverage and the applicant needs to explain what is being done to achieve 60% lot coverage. The Planning Commission needs to see creative use of open space for example. The applicant needs to demonstrate that the rules of a PRD are met. The density that is proposed is allowed in the zone so that is not an issue. Ryan Edwards pointed out to address PRD requirements the landscaping on the lot is at a maximum, mature trees are to be planted, there is common space, building massing and interesting design (two-family to single family units). Aaron Martin clarified the question is how the proposal exceeds a typical residential development. Ryan Edwards stated if there were six separate lots as in a typical subdivision there would not be common space.

David Nistico observed the landscaping requirement for a PRD appears to be met, but it does not appear there are amenities to show what makes the proposed PRD development different from a conventional subdivision. Skip McClellan suggested a manufactured type playground could be added in the back corner of the lot along with the common space that could be used for recreation or community gardening. There was continued discussion of meeting the requirements of a PRD and not having the project simply be infill density, but rather having a unique and superior treatment of open space as an example of superior design. Aaron Martin suggested staff be allowed to work with the applicant to provide the amenities that exceed a conventional development. John Alden expressed concern that the village's conceptualization of a PRD is not being understood and provided by applicants without staff designing the projects for them.

There was brief discussion of how storm water drainage is handled on the site at 48 Maple Street. Skip McClellan said all drainage is treated and contained on site with grass lined swales and sandy soil. Aaron Martin suggested the landscaping could be coupled with the storm water bio retention with native species as a creative and unique feature of the development. Robin Pierce suggested a small urban orchard could be considered on the site to help meet PRD requirements. John Alden stressed the amenities need to be meaningful to the proposed development and enhance the development with the superior and innovative design.

#### PUBLIC COMMENT

Eric Barendse, 1 Oak Street, asked for an explanation of a PRD. John Alden explained a PRD requires superior design which takes advantage of opportunities on the site, such as creating a pedestrian/bike path, open space, landscaping. Mr. Barendse asked if children from the area would be able to use the playground on the site. Mr. McClellan stated the amenities would be for the residents in the proposed development because the access road is private. If the road was public then neighbors would be able to use the space. Mr. Barendse asked about maintenance of the lawns and open space. Mr. McClellan stated there will be a homeowners association responsible for maintenance and upkeep of the site and utilities.

Jennifer McClintock, 49 Maple Street, asked if the housing units will be owned or rental units and the number of bedrooms in each unit. Skip McClellan said the three bedroom units could be rentals until they are sold or the owner could rent out a unit. There will be a cap on the number of units that can be rentals. Ryan Edwards stated 40% of the six units can be rentals (two units).

There were no further comments.

**MOTION by Aaron Martin, SECOND by Andrew Boutin, to close the public portion of the application by 48 Maple Street LLC. VOTING: unanimous (5-0); motion carried.**

#### DELIBERATION/DECISION

##### PRD, Six Units, 48 Maple Street, 48 Maple Street LLC

There was discussion of the proposal not demonstrating superior design as required with a PRD and the apparent need to clarify the PRD definition so applicants know what the village is trying to achieve. There was mention of the applicant working with staff and a designee from the Planning Commission to include amenities, such as a playground area and an urban orchard, to help satisfy PRD requirements. David Nistico volunteered as the Planning Commission designee.

The Planning Commission noted the following about the application:

- Finding on superior design – the proposed concentration of the building components to create more open space is a superior design element. Building design is adequate and consistent with the type and design of housing in the area.
- Finding on meeting PRD/PUD requirements – the applicant will work with staff on this matter.
- Finding on the proposal being consistent with the general plan - the proposal meets the village comprehensive plan for the area.
- Finding on circulation – the access road is basically a driveway (dead-end street).

- Finding on open space and landscaping – the proposed landscaping is more than adequate. The open space regulation refers to size, shape, and location of a substantial portion of the lot usable for recreational purposes. The proposed development creates more open space due to the configuration of buildings than a conventional subdivision, but needs to demonstrate how a substantial portion is designed uniquely and special.
- Finding on phasing – phasing of the development is not proposed.

Aaron Martin suggested a condition be added to all applications that the homeowner association shall be responsible for the maintenance and operation of the utilities in the development including the storm water system and that there shall be no discharge off the site. The homeowner association documents should include language to this effect. The Village Engineer should review and approve all the language.

**MOTION by David Nistico, SECOND by Andrew Boutin, to accept the application for 48 Maple Street by 48 Maple Street LLC as a PRD and approve the proposal to construct six residential units with the following conditions:**

1. All utilities, water, and sewer, shall be private.
2. The access road shall be private.
3. All staff recommendations shall be complied with prior to issuance of a permit.
4. Post-development storm water runoff from the site shall not exceed pre-development storm water runoff from the site.
5. All development work on the site shall meet the Village of Essex Junction Land Development Code standards.
6. All required easements to the Village of Essex Junction shall be approved and recorded prior to the issuance of any permits.
7. Homeowner association documents shall be approved by staff prior to the issuance of any permits.
8. The applicant shall work with staff and the Planning Commission designee to provide the added amenities necessary to meet PRD requirements prior to the issuance of any permits.
9. Language shall be added to the homeowner association documents specifying that the homeowner association is responsible for the maintenance and operation of all utilities in the development including the storm water system and that there shall be no discharge off the site.

**DISCUSSION:** The Planning Commission concurred moving forward that any applications for a PRD should demonstrate that the PRD requirements are met at conceptual review otherwise the application cannot move to the next level of review. There were no further comments.

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

#### **7. OTHER PLANNING COMMISSION ITEMS**

**MOTION by Aaron Martin, SECOND by David Nistico, to amend the agenda to add election of officers. VOTING: unanimous (5-0); motion carried.**

Election of Officers

*Chairperson*

**MOTION by Aaron Martin, SECOND by John Alden, to nominate Diane Clemens as Chair.** There were no other nominations. **VOTING: unanimous; motion carried.** Diane Clemens is Chair of the Essex Junction Planning Commission.

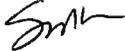
*Vice Chairperson*

**MOTION by Diane Clemens, SECOND by Aaron Martin, to nominate John Alden as Vice Chair.** There were no other nominations. **VOTING: unanimous; motion carried.** John Alden is Vice Chair of the Essex Junction Planning Commission.

**8. ADJOURNMENT**

**MOTION by John Alden, SECOND by Andrew Boutin, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.**

The meeting was adjourned at 7:20 PM.

Rcdg Scty: MERiordan 

**Village of Essex Junction**  
**2013 Block Party Committee Meeting Minutes**  
**April 22, 2013 at 3:30 PM**

Present: Joanie Maclay, Jackie Lincoln, Mary Tewarson, Bridget Meyer and Patty Benoit.

The committee was given updated lists of the sponsors so far as well as participants. We're on the way to meeting the budget for sponsors - \$900 received and the budget is \$1,500. Participants are coming in steadily. Sam's Scoop Shop is coming back. Angelic Touch Massage thought she may be on vacation then but we'll follow up with her.

Darby contacted Noonies Deli which just opened in the town and they indicated they'd like to participate. The Hungry Dutchman, another new restaurant in the Village, is eager to be part of the block party. We asked them if they could provide hamburgers and hot dogs because that's been missing the last few years and they agreed. They did a good job on the lasagna for the community supper earlier this month and we think they'll be a great addition to the block party.

The balloon lady confirmed she's coming back so all the paid vendors are in place. Next month the committee should revisit the route of the roaming railroad.

EJRP asked about moving the start and finish of the fun run to the high school because the morning train interferes with it, but the group felt strongly that it should be downtown. We'll suggest they change the time of the run slightly so it's after the train goes through.

The meeting adjourned at 4:05 p.m. The next committee meeting will be Monday, 5/20/13 at 3:30 p.m.

Respectfully submitted,  
Patty Benoit



**CHITTENDEN COUNTY RPC**  
*Communities Planning Together*

110 West Canal Street, Suite 202  
Winooski, VT 05404-2109  
802-846-4490  
www.ccrpcvt.org

**RECEIVED**  
**APR 22 2013**

Village of Essex Junction

George Tyler, President  
Essex Jct. Village Trustees  
2 Lincoln Street  
Essex Jct., VT 05452

April 19, 2013

**TO:** Chittenden County Regional Planning Commission Member Municipalities and CCRPC Representatives  
**FROM:** Bernadette Ferenc, Transportation Business Manager  
**RE:** Notice of Public Hearing to Review FY2014 Unified Planning Work Program

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At its meeting on April 17th, the CCRPC voted to warn a **public hearing for Wednesday, May 22, 2013 at 6:15 p.m.** at its offices at 110 W. Canal Street, Suite 202, Winooski to review and hear public comments on its proposed FY2014 Unified Planning Work Program (UPWP) and budget. The UPWP includes the transportation and land use planning tasks the CCRPC proposes to have completed by staff and/or consultants during our fiscal year, which will run from July 1, 2013 through June 30, 2014. We are including a copy of the full document for your review.

This mailing provides the communities of Chittenden County with at least a 15-day notice of the public hearing as required by our bylaws. Please review the proposed UPWP and budget and notify your CCRPC representative or Michele Boomhower, CCRPC Assistant/MPO Director, of any concerns or comments. Public comments will be accepted, preferably in writing or via email ([mboomhower@ccrpcvt.org](mailto:mboomhower@ccrpcvt.org)), until the scheduled public hearing on May 22nd. Citizens may also provide oral comments at the public hearing.

Copies of this hearing notice and attachments are being sent to municipal clerks for posting on public bulletin boards. The UPWP and budget are available on our website at [www.ccrpcvt.org](http://www.ccrpcvt.org). Michele Boomhower, Assistant/MPO Director may also be contacted at 846-4490, Ext. 15.

Information regarding the full list of project ideas submitted through our UPWP solicitation process conducted during January and February may also be found on our website. Any suggestions submitted by municipal staff, commissions, associate transportation organizations and the public are included on the list, along with the disposition of processing the request. Questions regarding project disposition may also be directed to Michele Boomhower.

bf

Enclosures (to municipalities only)

RECEIVED

APR 23 2013

Village of Essex Junction

## **MEMORANDUM**

**TO:** Chittenden County Municipal Managers & Administrators

**FROM:** Charlie Baker, Executive Director

**DATE:** April 22, 2013

**RE:** 4/19/2013 Second Public Hearing Draft – Chittenden County ECOS Plan

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The Chittenden County Regional Planning Commission (CCRPC) and the Greater Burlington Industrial Corporation/CEDS Committee have released the *Second Public Hearing Draft 2013 Chittenden County ECOS Plan*, which combines the Regional Plan, Metropolitan Transportation Plan (MTP), and the Comprehensive Economic Development Strategy (CEDS) for a 30-day public comment period concluding with a public hearing on May 22, 2013 at 6:00pm in the Main Conference Room at the CCRPC Offices located at 110 West Canal Street, Suite 202, Winooski, VT 05404 pursuant to Title 24 VSA, Chapter 117, 23 CFR Part 450, and 13 CFR 303.6. For further information, questions or to submit written comments contact CCRPC via the ECOS Project website ([www.ecosproject.com](http://www.ecosproject.com)), by mail, or by email ([info@ccrpcvt.org](mailto:info@ccrpcvt.org)) in the 30 days prior to the public hearing.

A hard copy of the *Second Public Hearing Draft 2013 Chittenden County ECOS Plan* was sent to the Chair of the Legislative Body in accordance with 24 VSA §4348 (e). We are sending you this memo to ensure that you are also aware of the changes that we made between the First Public Hearing Draft and this one. We have enclosed a spreadsheet outlining the comments received, and the amendments that were made in response. The Second Public Hearing Draft can be found here: [www.ecosproject.com/plan](http://www.ecosproject.com/plan). We have not printed additional hardcopies of the Plan however, if you need a hard copy please let us know.

Please contact Regina Mahony at [rmahony@ccrpcvt.org](mailto:rmahony@ccrpcvt.org) or 846-4490, ext. 28, if you have any questions.

Enclosures

RECEIVED

MAY 02 2013

Village of Essex Junction

April 29, 2013  
To the People of the Village of  
Essex Junction

We at the Senior Center  
really appreciated your  
check & help with  
our wonderful luncheon  
put on by CHIPS. It  
was great & the  
group was attentive  
& wonderful.

Sincerely,  
Essex Center  
Joan Carr, President

2 Lincoln Street  
Essex Junction, VT 05452-3154  
www.essexjunction.org



P: 802-878-6944  
F: 802-878-6946  
E: admin@essexjunction.org

**VIA CERTIFIED MAIL**  
**NOTICE OF VIOLATION**

May 8, 2013

Michael Meier  
149 Main Street  
Essex Junction, VT 05452

Re: 8 Railroad Avenue

Dear Mr. Meier,

The Village of Essex Junction is issuing this notice of violation for the occupancy of two of the apartments at 8 Railroad Avenue, Essex Junction, prior to the required Certificate of Occupancy's issuance.

Section 510.B Requirement for Certificate of Occupancy of the Village Land Development Code states:

No building hereafter erected, and no building hereafter altered, which is vacant during the process of alterations, shall be occupied or used, in part or in whole, until a Certificate of Occupancy has been issued certifying that the building conforms to all approved plans and specifications, and to all provisions of this Code.

No other apartments shall be occupied prior to a CO being issued. If the two apartments that are occupied continue to be occupied, then the Village may take legal steps to cure the violation. In conformance with Vermont Law, 24 V.S.A. Section 4451, you have seven (7) days from the date of receipt of this Notice to take corrective action by removing the tenants from the two apartments. You will not receive any further notice from the Village. Please understand that if you fail to respond to this violation by May 17, 2013, the Village will refer this matter to the Village Attorney for appropriate legal action. If legal action is pursued and upheld in court, you could be subject to a penalty by the court of as much as Two Hundred Dollars (\$200.00) a day per violation for each day of the violation, 24 V.S.A. Section 4451. Each day that a violation is continued shall constitute a separate offense.

Should you disagree with this Notice of Violation, you have the right to appeal to the Village Zoning Board of Adjustment. If, in addition, irremediable damage will directly result from this enforcement order, you may accompany your appeal to the Zoning Board of Adjustment with a request for stay or delay of enforcement action until the appeal is adjudicated, 24 V.S.A. Section 4466.

If you have any questions, or wish to discuss this matter further, do not hesitate to contact the Planning Department at 878-6950.

Sincerely,



Robin Pierce  
Development Director

7002 0860 0006 3131 0227

U.S. Postal Service	
<b>CERTIFIED MAIL RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
<b>OFFICIAL USE</b>	
Postage	\$ .46
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	2.55
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>

Postmark Here |

<b>Sent To</b>	Michael Meier
<b>Street, Apt. No., or PO Box No.</b>	149 Main Street
<b>City, State, ZIP+4</b>	Essex Jct, VT 05452

**VILLAGE OF ESSEX JUNCTION  
ANNUAL MEETING MINUTES  
April 3, 2013**

Moderator Steve Eustis welcomed the assemblage to the 121<sup>th</sup> Annual Meeting of the Village of Essex Junction and announced the meeting is being televised live on Channel 17 for the first time. The Essex Junction High School Chamber Choir sang the Star Spangled Banner and other arrangements. The assemblage recited the Pledge of Allegiance. Village President, George Tyler, introduced members of the Board of Trustees (Dan Kerin, Andrew Brown, Elaine Sopchak, Lori Houghton) and members of the Village administration (Village Co-Manager & Village Finance/MIS Director, Lauren Morrissette, Village Co-Manager & Village Clerk, Susan McNamara-Hill; Village Development Director, Robin Pierce; Administrative Assistant to the Village Manager, Patty Benoit; Assistant Zoning Administrator, Terry Hass; Economic Development/Community Relations Assistant, Darby Brazoski; Public Works Supervisor, Rick Jones; Water Quality Supervisor, Jim Jutras; Village Engineer, Rick Hamlin; Village Attorney, Dave Barra; Essex Junction Fire Chief, Chris Gaboriault; Brownell Library Director, Penny Pillsbury; Brownell Library Board Chairwoman, Christine Packard; Marianne Riordan, Recording Secretary).

**ANNOUNCEMENTS/RECOGNITIONS**

Thanks and appreciation was extended to Patty Benoit and staff/volunteers for facilitating the community dinner.

Lauren Morrissette and Susan McNamara-Hill were recognized for taking on the role of co-managers following the resignation of the village manager last year and doing an outstanding job. James Jutras, Water Quality Superintendent, was recognized for the high water quality delivered to village homes.

State representatives, Tim Jerman and Linda Waite-Simpson, and Essex Selectboard members, Irene Wrenner and Mike Plageman, were recognized.

The public was asked to complete the survey on the village that was provided to them.

Moderator Eustis called the meeting to order at 7:05 PM and explained the procedure to be followed.

**ARTICLE 1: Shall the voters act upon the report of the auditor?**

**MOTION by Chuck Barry, SECOND by Linda Waite-Simpson, to approve Article 1 as read.**

**DISCUSSION: None.**

**VOTING: unanimous; motion carried. Article 1 is adopted.**

**ARTICLE 2: Shall the voters approve the annual General Fund budget in the amount of \$3,344,713 for fiscal year July 1, 2013 to June 30, 2014 of which \$2,806,463 is to be levied in taxes against the Village Grand List?**

**MOTION by Chuck Barry, SECOND by Mary Jo Engel, to approve Article 2 as read.**

**DISCUSSION: A presentation on the FY14 budget was given. Village President George Tyler remarked the budget is a level program budget with no new jumps in services or additions, but costs have gone up. Department Heads were asked to**

submit a budget with no more than a 3% increase. Budgets with no greater than a 2.7% increase were submitted. This is the last year of the IBM machinery and equipment payment to the village. The Trustees unanimously supported the budget which sets up the village well for the coming year. The voters are also urged to support the budget.

***PUBLIC COMMENTS***

- George Dunbar, III commended the Trustees and staff on the rate of increase in the budget. Mr. Dunbar recalled last year there were alterations to the budget that occurred two months after the budget was adopted and before the new fiscal year began which did not change the bottom line, but the public did not have input on the changes. There is concern if the proposed budget has controversial programs that changes will be made at the start of the fiscal year and the public will not have the opportunity to comment. George Tyler explained the alteration in last year's budget was to change a part time position to a full time position as recommended by the former Village Manager to sustain momentum in the work being done by the employee. The Trustees felt the recommendation was reasonable. A similar situation is not anticipated this year, but the situation with the Village Manager position is fluid at this point in time. Cost savings not increases are expected on the action taken with the Village Manager position. Village Attorney, Dave Barra, explained Sections 611-613 of the village charter allow the Trustees to alter the specifics of the budget during the year after the annual budget has been approved by the voters.
- Claire Wilcox noted at the Essex town meeting the voters approved adding \$50,000 to help fund the village fire truck, and suggested the village budget be reduced by the same amount.

**MOTION** by Claire Wilcox to reduce the village budget by \$50,000. The motion did not have a second and failed.

**CONTINUED DISCUSSION ON ORIGINAL MOTION:** There were no further comments.

**VOTING:** majority of ayes; motion carried. Article 2 is adopted.

**ARTICLE 3:** Shall the voters increase the “not to exceed” balance of the General Fund Capital Reserve Fund to \$750,000 in recognition of the increased costs of capital projects since the fund's inception in 1993?

**MOTION** by Robin Moore, **SECOND** by Chuck Barry, to approve Article 3 as read.

**DISCUSSION:** Trustee Dan Kerin explained the purpose for the increase in the Capital Reserve Fund from \$500,000 to \$750,000 is because the fund has not been increased for the past 20 years and the village is facing several large infrastructure projects (streets, sidewalks). Increasing the fund will allow projects to be completed in a shorter timeframe.

***PUBLIC COMMENTS***

- George Dunbar, III referred to the Capital Reserve Fund in the annual report (Page 69) noting inflows and outflows barely crest the \$500,000 mark so unless expenditures are decreased or contribution to the fund is increased dramatically the need to increase the amount is not apparent. Lauren Morrisseau, Village Finance Director, explained the \$500,000 limit will be exceeded in FY14 and there is a project slated for FY15 at a cost of \$677,000 so staff felt it prudent to recommend an increase to \$750,000 to cover the

projects. George Dunbar, III suggested staying within the \$500,000 limit by pulling projects into FY14. President Tyler explained \$400,000 from the approved budget would be moved into the Capital Reserve Fund to be used for capital projects such as street repairs and sidewalks. There is a \$500,000 maximum limit on the fund and the request is to increase that limit to \$750,000 because there are projects to be done with significant cost (for example, reconstruction of Briar Lane will cost \$1 million). The increase will not impact taxes, but rather is movement of money within the approved budget.

- Sarah Michelle Stultz asked about the age of the village water and sewer lines and if transferring the funds would be helpful. Jim Jutras stated the age of the lines varies throughout the community. The village is an active participant in assessing the quality of the lines per the national rating system and has a grade of 1-3 indicating good operating capacity for the next 10-15 years. The water and sewer departments have separate capital reserves dedicated to the water supply and sewer system.

There were no further comments.

**VOTING:** majority of ayes; motion carried. Article 3 is adopted.

**ARTICLE 4:** Shall the voters approve a donation of up to \$20,000 from the Land Acquisition Fund to Vermont Land Trust to be used for the Whitcomb Farm Conservation Project pending approval of the Trustees?

**MOTION** by Deb Wright, **SECOND** by Sarah Stultz, to approve Article 4 as read.

**DISCUSSION:** Trustee Elaine Sopchak explained the \$20,000 will be used by Vermont Land Trust to purchase an easement on the Whitcomb Farm to keep the farm in agricultural use in perpetuity. The Whitcomb family will still own the property and pay taxes to the village. Vermont Land Trust is raising \$100,000 locally and is requesting a contribution of up to \$20,000 from the village. The Trustees last year moved \$220,000 from the Land Acquisition Fund to the Capital Reserve Fund. There is \$100,000 remaining in the Land Acquisition Fund.

***PUBLIC COMMENTS***

- Chuck Barry asked if the entire farm will be conserved. Trustee Sopchak stated there is an area for farm buildings and a solar array that is not part of the conservation project. The solar array is to provide power to the farm buildings on the property.
- John McCann noted the 23 acres excluded from the conservation easement is premium land while the land going into conservation appears to be floodplain. Trustee Sopchak clarified the 23 acre area not included in the conservation easement is where the farm's solar panel array will be located. The conservation easement will keep the balance of the farm property, a third of which is not in the floodplain, in agricultural use in perpetuity and help keep storm water runoff from the village out of the river. The portion of the farm not included in the easement will remain private property (owned by the Whitcomb family) and the village cannot dictate how the land will be used. The Whitcomb Farm has chosen to install a solar array on 23 acres.
- Sarah Strum asked what happens if Vermont Land Trust cannot raise \$100,000, but the village has approved donating \$20,000. Trustee Sopchak said the money will not be spent until the closing on the property. Vermont

Land Trust is responsible for raising the bulk of the \$100,000 required and if the money is not raised then no funds will be spent.

- Nick Meyer spoke in full support of the Vermont Land Trust project that will preserve for future generations a large contiguous land parcel in the village with the best soils in the state.
- Deb Wright, Hayden Street, expressed appreciation to the Whitcomb family for allowing people to walk their dogs on the property and enjoy the open space. Vermont Land Trust needs help in preserving farmland and open land in Vermont which benefits all directly and indirectly.
- George Dunbar, III asked if the farm is compelled to allow public access to the land if the money is appropriated. Mr. Dunbar also asked if the solar panels were reviewed by the village planning commission. Trustee Sopchak said the solar panel array has not been reviewed by the planning commission. Regarding public access to the land, a condition of use of village money is that the land is open to the public for recreation use in the broadest sense.

The assemblage voted unanimously to allow Allen Karnatz with Vermont Land Trust to speak about the conservation project.

- Mr. Karnatz explained the work with the Whitcomb family for the past year and a half on the terms of the easement and allowing public access for recreational use. The easement does not prohibit the Whitcomb family from posting the land, but the family has been generous over the years with regard to public access to the land and this is anticipated to continue.

**CONTINUED DISCUSSION ON MOTION:**

- Glenn Rogers, 17 Fairview Drive, encouraged support of the request since the farm is an excellent piece of property in agricultural use and the last large open parcel in the village. There was mention of potential future uses on the property beyond a dairy operation, such as growing fruits, vegetables, having community gardens. The solar farm is long term (25 year lease) and the acreage where the array is located will likely go back to agricultural use or remain in solar at the end of the lease period.
- Mike Beebee asked for further explanation of the excluded areas. Allen Karnatz said in addition to the area for farm buildings and the solar array there are eight acres of “special treatment area” with natural heritage and rare plants and species. The agreement stipulates the special treatment area will never be cleared and always in forest. There are 10 acres off Cascade Street that will be retained by the Whitcomb family and is not part of the easement because Vermont Land Trust has a limitation on the amount of money that can be raised.

**CALL THE QUESTION** by Claire Wilcox, **SECOND** by Harlan Smith. **VOTING ON CEASING DISCUSSION:** unanimous; motion carried. Discussion ceased.

**VOTING:** majority of ayes; motion carried. Article 4 is adopted.

**ARTICLE 5:** Shall the voters approve holding the 2014 Annual Meeting on Wednesday, April 2, 2014 to act upon any articles not involving voting by Australian ballot and to reconvene on Tuesday, April 8, 2014 to vote for the village officers and transact any business involving voting by Australian ballot?

**MOTION** by Leo Couture, **SECOND** by Chuck Barry, to approve Article 5 as read.

**DISCUSSION:** None.

**VOTING:** unanimous; motion carried. Article 5 is adopted.

**ARTICLE 6: To transact any other business that may lawfully come before the meeting.****MOTION by Elaine Sopchak, SECOND by Diane Clemens, to suspend the rules and allow nonvoting attendees to speak. VOTING: unanimous; motion carried.**

Kyle Riester, Essex High School, mentioned the contribution by the village to the town's budget and the deficit in return on services. In FY15 a general fund deficit is anticipated for the village due to infrastructure projects. Mr. Riester asked if there is a policy to ensure lower spending or increasing taxes. President Tyler stated the village is part of the town and village residents can serve on the town selectboard and participate in meetings and the budget vote. Villagers need to be encouraged to get involved in the town government and help change the long standing climate between the village and town. Regarding the FY2015 deficit, the Trustees will make a decision in deliberation on whether to borrow money, increase taxes, or take no action. A special committee has been formed to look at capital projects in the village and proposed funding. Capital projects involve infrastructure such as roads, sidewalks, water lines, sewer lines and the project cost must be greater than \$10,000. There are 30 projects identified with a total cost of \$13 million to complete. The line item in the budget for capital project funding contains \$750,000. The village typically completes two projects every three years. Projects are added each year. Some projects are not yet known. To save money the village is maintaining sidewalk on only one side of the street and scaling down projects to repair the worst portions. Also, materials with a longer shelf life are being used (better return on investment) and roads are being narrowed to 28' where possible. Options for funding include a new capital improvement tax or bonding (borrowing money). For the tax, two cents on \$100 in assessed property value raises \$200,000. Estimated cost to taxpayers would be \$54 per year. Funds raised would allow one more project per year to be done. For bonding, presently rates for borrowing are very low. The village could bond for \$3 million and have the money available to complete more projects on the list. The cost of the bond is \$52 per year. A straw poll indicated the majority are in favor of bonding.

Annie Cooper, Franklin Street, extended an invitation to Mr. Riester and all high school students to get involved in local government and attend village trustee and town selectboard meetings.

George Dunbar, III suggested next year the capital plan show the list of projects and the timeline.

Mike Munson suggested consideration be given to a local options tax as a possible funding source.

Harlan Smith asked about the bike/path committee. Lori Houghton explained the village received a \$10,000 Building Healthy Communities grant from the Department of Health to assess the walkability of the community. An action blueprint was created involving the partners (village, town, schools, recreation department). Volunteers are needed for the committee.

John Rowell, Tamarack Drive, asked about status of the village manager position. George Tyler assured there would be no combining or coalescing of the position without full voter knowledge and approval. Both the trustees and selectboard are willing to try new ideas, such as sharing a manager for a few months to see if the arrangement works for both communities. Before a permanent change is made the matter will be brought before the village and town for more robust discussion. Mary Morris and Jeff Carr are assessing village and town services to identify synergies and the administrative tasks that could be combined.

Linda Costello, Williams Street, expressed concern about finding an individual to work under the combined manager circumstance beyond a short tenure.

Greg Morgan, Grove Street, pointed out the trustees currently serving were elected under the general notion of pursuing efficiencies between the two governments so the election shows the desire in the village to actively explore the matter.

An individual in the audience mentioned that the Heart & Soul grant for \$100,000 discussed “mutuality” and if the village and town looked like that then nothing will slow progress.

Candidates for office were announced:

Lori Houghton – Board of Trustees, three year term

Daisy Benson – Library Trustee, five year term

Nina Curtiss – Library Trustee, three year term

Scott Moore – Moderator

The school budget information meeting on April 8, 2013 was announced.

Adjournment

**MOTION by Bob O’Neill, SECOND by Paul Dane, to adjourn the 121<sup>th</sup> Annual Meeting of the Village of Essex Junction. VOTING: unanimous; motion carried.**

The meeting was adjourned at 8:25 PM. Voting by Australian ballot will take place on April 9, 2013 from 7 AM to 7 PM at Essex Community Educational Center.

Attest:

\_\_\_\_\_  
Village Trustee

\_\_\_\_\_  
Village Trustee

\_\_\_\_\_  
Village Clerk

**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
April 23, 2013**

**BOARD OF TRUSTEES:** George Tyler (Village President); Andrew Brown, Dan Kerin, Lori Houghton. (Elaine Sopchak was absent.)  
**ADMINISTRATION:** Lauren Morrisseau Co-Manager & Finance Director; Susan McNamara-Hill, Co-Manager & Village Clerk/Treasurer; Robin Pierce, Village Development Director.  
**OTHERS PRESENT:** Pat Scheidel, Gabrielle Smith, Matt Whalen, Shirley Zundell, Jaye O'Connell, Bridget Meyer, Tom Weaver, Aaron Olson, Susanna Olson, Nathan Baker Kasey Cybulak, Whitney Dumville, Jonathan Watroba, Brad Luck, Jason Starr (Essex Reporter).

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**1. 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. Essex Town Manager and proposed Village Co-Manager, Pat Scheidel, was introduced

**2. BOARD REORGANIZATION**

a. Oath of Office for Newly Elected Trustee

Susan McNamara-Hill administered the Oath of Office to Trustee Lori Houghton.

b. Board Elections

*Village President*

**MOTION by Dan Kerin, SECOND by Lori Houghton, to nominate George Tyler as Village President.** There were no other nominations. **VOTING: unanimous; motion carried.** George Tyler is Village President.

*Village Vice President*

**MOTION by George Tyler, SECOND by Andrew Brown, to nominate Dan Kerin as Village Vice President.** There were no other nominations. **VOTING: unanimous; motion carried.** Dan Kerin is Village Vice President.

c. Review/Sign Acknowledgement of Ethics Policy

The Ethics Policy was reviewed as required.

**3. AGENDA ADDITIONS/CHANGES**

An updated memo, dated 4/23/13 on the VLCT PACIF equipment grant replaced the original VLCT PACIF item on the consent agenda.

**4. GUESTS, PRESENTATIONS, & PUBLIC HEARINGS**

a. Comments from Public on Items Not on Agenda

*Tobacco Shops in the Village*

Bridget Meyer submitted copies of the letters from the Farmers Market that were submitted to the Essex Selectboard in early April regarding concerns about the proposed tobacco shop locating on Railroad Avenue in light of the time and effort being put forth to revitalize the village downtown area.

Jaye O'Connell read a letter about deterioration of the downtown area due to drug activity and subsequent effort by residents to create a safe space with full shops and a vibrant farmers market. Ms. O'Connell said she is pleased with the reconstruction of 8 Railroad Ave. and the new store fronts that can add to the downtown, but there is concern about the proposed tobacco shop being a catalyst for the return of undesirable activities.

b. Whitcomb Heights II Open Space/Discussion of Request by Fred Parks  
Village Development Director, Robin Pierce, reported there are 22 units still to be built in Whitcomb Heights II and that will trigger the offer to the village of open space (the last unit permit is the trigger). If the village does not exercise the option for the land then the homeowners association has the next right of refusal.

Tom Weaver, Whitcomb Heights developer, explained there is limited common area around the housing units. The land is wetlands with no possibility of development and belongs to the homeowner associations for the developments. The offer of land to the village still stands, but there should be further discussion because this could have an impact on the development in that there may not be enough land per unit as required. There are more regulations regarding condominiums now and that may trigger a problem with secondary financing. The Certificate of Occupancy for the last unit triggers within 60 days the need to inform the village of the approval. The Trustees can decide the plan of action and has 90 days to accept the offer. Mr. Weaver assured the approvals and all conditions are being followed.

c. Presentation: Multiuse Safety Path Project by UVM Engineering Students  
Whitney Dumville, Nathan Baker, Kasey Cybulak, and Jonathan Watroba, UVM students in UVM's civil engineering program, presented their proposal for a 1,146' long multiuse safety path along the railroad tracks between Central Street and Grove/North Street, noting the following:

- Presently students from the high school and tech center use an existing footpath along the railroad tracks to walk to/from the high school to the village center area.
- Federal Railroad Administration regulations were followed in designing the path which is 10' wide, offset 15' from the tracks with a 4' high barrier.
- Per ADA regulations the slope is no greater than 8.3% and the cross slope is less than 2%.
- In addition to the asphalt path, the project includes a rain garden, trees, two benches, solar lighting, and a fence (chain link or aluminum).
- The solar lights have dimmers and motion sensors.
- Estimated cost is approximately \$79,000 (not including labor costs) and includes solar lights, paving, fencing, and mulching.
- Estimated cost with an aluminum fence and landscaping stones is \$89,000.
- The high school environmental club volunteered to maintain the rain garden.

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- The tech center agreed to take on the project of the rain garden and make the benches, and agreed to possibly commission sculptures for the rain garden each year. The village would have to pay for materials.
  - Burlington Public Works has been contacted regarding how permission was secured for the rail-trail that was built along the railroad track in Burlington.
  - The village public works department will plow the path in the winter. The plantings that were selected are salt hardy.
  - Scrub brush and trees along the tracks will be removed. New tree plantings are arranged to block the shine from the solar lights on the nearby houses.
  - All the work will occur on railroad property (Rail America owns the property).
  - There will be trash receptacles along the path that can handle recyclables.
  - The full scale design and final report on the project will be submitted to the village upon completion. A digital copy will also be sent.

Robin Pierce noted Regional Planning is aware of the work by the UVM students and is very supportive. There is no conflict with the grant.

Jaye O'Connell mentioned the neighborhood watch group annually 'greens up' the railroad track area and waters flowers in the area. The group may be interested in helping with the path project.

## 5. OLD BUSINESS

### a. Discuss Ordinance to Regulate Tobacco Retailers in Village Center

The Trustees discussed tobacco and head shop businesses in the downtown village center, noting the following:

- The results of the survey circulated at the village annual meeting appear to indicate more than the majority favors not allowing tobacco/head shop type shops in the village center.
- The Trustees are discussing permissible uses in the village center. Existing businesses can remain.
- There are currently 13 places to purchase tobacco within a one mile radius of the high school coupled with increased tobacco use among youths. The village is a walking community with lots of young people. There is much exposure to tobacco products.
- The close proximity to the bus stop is a concern about what other substances may come into the village besides tobacco.
- The Village Attorney advised the village has authority under state law to regulate these types of shops, but there is the potential to ask for private medical information so there are privacy issues.
- The stance in the Town of Ludlow was relative to marijuana dispensaries and trying to limit paraphilia as well.
- Zoning may be a better approach (versus creating an ordinance). Zoning is a community stand where the community articulates what is wanted and the voters approve this. Appeals follow due process (quasi-judicial process). A business can be zoned out of existence, but once a business is in place then the law must be

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enforced. With zoning a community can make special land uses as conditional or permitted.

- Essex Town has an ordinance for acceptable behavior in businesses (pertains to personal services types of businesses).
- The Board of Trustees is not trying to micro-manage businesses in the village, but the damage from smoking is not hypothetical. Smoking is a significant health risk on which the state spends millions of dollars each year.
- There is more opportunity for tobacco products to be purchased and passed to youths by others with more establishments selling the products.
- Zoning could restrict the number of establishments and the proximity to schools. Existing tobacco sales businesses can continue, but new ones will not be allowed.
- The concern about trying to legislate a morality issue was noted. There are establishments selling alcohol within walking distance of the schools and there is smoking outside of cafés and restaurants in the village downtown area.
- The trend in the country is toward greater restriction on tobacco sales.
- It is ironic that tobacco restrictions are tightening while marijuana regulation is getting more lenient in the state.

#### *COMMENTS*

Matt Whalen, CHIPS, confirmed existing tobacco licenses are grandfathered, but new licenses will be impacted by any zoning that is put in place.

Gabrielle Smith submitted documents on tobacco use and impact on youth from various sources, including the following:

- New England Center for Public Health regarding tobacco policy and density of tobacco outlets;
- Abstracts of studies showing a connection between the number of outlets close to schools and the number of students starting to smoke even though much money is being spent to educate youth not to smoke;
- Map of tobacco outlets within a half mile to a mile radius of the high school.

Ms. Smith stated the village center has urban density and is a walking community. Students are walking by the tobacco places. Visibility and point of sale are all factors in the introduction to smoking. Ms. Smith noted Up In Smoke (the establishment to locate in the village center) will receive their tobacco license through the state department of liquor control (DLC). A public hearing is scheduled on May 9, 2013 at 9:30 AM.

The Trustees agreed to ask the Planning Commission to investigate a zoning change to achieve the goals of the village. There is draft zoning language for consideration. Public hearings on the proposed zoning will be held to gather public input. Regional Planning and contiguous municipalities will be notified of any change in zoning. The zoning must fit into the regional perspective. George Tyler will draft a statement to be sent to the Planning Commission outlining the position and concerns of the Trustees and encompassing the research. The statement will be reviewed at the next meeting.

Pat Scheidel will forward information about the town's personal services ordinance to the Trustees.

**6. NEW BUSINESS****a. Discussion with Town Manager, Pat Scheidel**

Pat Scheidel affirmed his interest in pursuing a shared manager approach for the town and village and noted the following:

- Having two separate managers adds overhead to the work that is done by the municipal departments.
- There is precedent of the village and town sharing a manager (back in the 1950s). Economic development and growth issues faced the community then as now.
- The goal is delivery of services to the people without having both hands in their pockets at the same time.
- Personnel and associated issues are getting more cumbersome and need to continually be redefined. Having one person to help in those issues is good.
- The town including the village is 36 square miles with a population of 20,000 and a myriad of businesses. Having one manager and evolving to one board is possible and deemed likely to be viable.
- The blueprint for successful transition is succession planning and promoting from within to retain the vast institutional knowledge of the current employees. Training and professional development is an investment that needs to be promoted so positions can be filled internally as much as possible.
- A time table and outline of chores and duties for the shared manager needs to be drafted.

George Tyler asked if the village and town competing for the same grants is an issue. Mr. Scheidel pointed out with one individual working for two separate boards a decision can be made that is best for the entire community. Longer term and shorter term grants, collective bargaining, and health care issues are facing both municipalities. Executive sessions to discuss topics such as collective bargaining or land acquisition may have to be handled carefully with a shared manager, but otherwise there should not be areas of conflict.

There was discussion of salary and benefits for the shared manager. Pat Scheidel noted he has a contract with the town as the Town Manager which can be amended as needed to allow work as a shared manager. The village can reimburse the town for the value of the time spent by the shared manager working at the village (an estimated 20 hours per week at the village more or less depending on the demands). George Tyler stated compensation will likely be discussed in Executive Session with the Trustees and staff members.

Lauren Morrisseau asked about the general reaction from staff at the town on the time to be spent by the manager working at the village. Pat Scheidel stated there is not concern, but staff does want to know the schedule. There is enough tenured and knowledgeable staff in both organizations to handle daily operations and any problems that arise can be addressed.

George Tyler said as a citizen he would want his local government to at least try this approach to see if it works. Dan Kerin said the village department heads need to be asked their opinion on a shared manager approach. There is a lot of work for one person, but an

individual with good interpersonal skills and experience can do it. Pat Scheidel appears to have the skills and experience. George Tyler suggested a committee be formed to include Trustees, Selectboard members and staff from both the village and town to discuss the contract, compensation, hours and duties of the shared manager as well as the duties of the village co-assistant managers and a way to evaluate whether the arrangement is working. Lori Houghton suggested the first phase is forming the committee and getting Pat Scheidel in place and the second phase is planning for the future (after Pat Scheidel leaves). Public input is welcomed at the Trustees meetings. The committee meetings will be in Executive Session.

George Tyler and Lori Houghton volunteered as the Trustees on the committee. Lauren Morrisseau, Susan McNamara-Hill, Robin Pierce and other village staff as interested will also serve on the committee. Meetings will be held over the next two weeks and a report will be presented by the end of May. George Tyler will contact the Essex Selectboard to schedule the first committee meeting.

Pat Scheidel will do a framework on how to recruit for the position with the dynamics currently in place and outline a salary for the position based on the duties and the ability to pay. Mr. Scheidel mentioned the role of the report by Jeff Carr and Mary Morris needs to be determined. Andrew Brown stated the report is more for succession planning and identifies where efficiencies can be found.

b. Discussion of Moderator Position

George Tyler noted Steve Eustis was the majority write-in candidate for Moderator at the village annual meeting though Mr. Eustis did not submit a petition and actually run for the elected position. Mr. Tyler stressed the need to follow the petition process next year.

**MOTION by Dan Kerin, SECOND by Andrew Brown, to appoint Steve Eustis as Moderator. VOTING: unanimous (4-0); motion carried.**

c. Grant Consideration for Multi-Use Safety Path North and Central Streets

Staff reported the village applied for a grant of \$274,694 for the multi-use safety path and received \$250,000. There is a 20% match. The total budget estimate for the path is \$550,000 with \$160,000 paid by the village. Construction is projected in FY15. There was mentioned of the estimated project budget being higher than the estimate proposed by the UVM engineering students. Robin Pierce will do a detailed budget with an explanation of each item in the project.

**MOTION by Lori Houghton, SECOND by Andrew Brown, to accept the CCRPC grant for \$139,835 and the VTrans Transportation Alternatives Grant for \$250,000 for the multi-use safety path North and Central Streets as the project will promote the goals and values of the village. VOTING: unanimous (4-0); motion carried.**

7. VILLAGE MANAGER'S REPORT

a. Meeting Schedule

- May 14 @ 6:30 – Regular Trustees Meeting

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- May 28 @ 6:30 – Regular Trustees Meeting
  - June 11 @ 6:30 – Regular Trustees Meeting
  - June 25 @ 6:30 – Regular Trustees Meeting
  - July 9 @ 6:30 – Regular Trustees Meeting (cancelled due to office renovations)
  - July 23 @ 6:30 – Regular Trustees Meeting
  - August 13 @ 6:30 – Regular Trustees Meeting
  - August 27 @ 6:30 – Regular Trustees Meeting
  - September 10 @ 6:30 – Regular Trustees Meeting
  - September 24 @ 6:30 – Regular Trustees Meeting
  - October 8 @ 6:30 – Regular Trustees Meeting
  - October 22 @ 6:30 – Regular Trustees Meeting

Special Meetings/Events:

- May 11 – National Train Day
- May 25 @ 10 AM – Memorial Day Parade
- July 20 @ 4-9 PM – Village Annual Block Party & Street Dance

b. Large Water User Rate

Two public hearings are required on the water and sewer rates. The first public hearing is May 28, 2013 and the second hearing is June 25, 2013 as part of the Trustees meeting.

c. Set Tax Rate

The tax rate will be set at the July 23, 2013 Trustees meeting.

d. Cancel July 9<sup>th</sup> Trustees Meeting

Staff recommends the July 9<sup>th</sup> Trustees meeting be cancelled because the Village Office renovations will be underway. The Trustees concurred.

e. Interviews for Bike/Walk Committee

Interviews will be held for the Bike/Walk Committee on May 14, 2013 at the Trustees meeting.

f. Annual Employee Appreciation Event

The annual employee appreciation gathering will be June 4<sup>th</sup> at On Tap. George Tyler will present the longevity awards.

**8. TRUSTEES COMMENTS/ANNOUNCEMENTS**

a. Board Member Comments

- There was mentioned the solar array on the Whitcomb Farm will be a significant installation.
- Liza Kilcoyne resigned from the Village Planning Commission due to relocation out of the village. Diane Clemens was elected Chairwoman to replace Ms. Kilcoyne. Vacancies on the Planning Commission are being advertised.
- Farmers market begins May 31<sup>st</sup>.
- There was mention of going through the same process with the village attorney and village engineer positions as is done with the auditor. Bids will have to be

solicited. Comment was made on the extensive knowledge and experience with the village infrastructure held by the current village engineer. Staff will forward information on the process to solicit services (auditor, engineer, legal) to the Trustees.

- Appointments were made to the Rec Advisory Committee.
- The Memorial Day dinner/dance was not as well attended as in past years, but was a success none the less.

b. Reading File

- Minutes from Block Party Committee 3/25/13
- Notification re: Whitcomb Farm Solar Project
- Letter re: Amendment to Land Use Permit for Essex Pediatrics
- Planning Commission Resignation from Liza Kilcoyne
- Certification of Election Results for Village Annual Meeting

**9. CONSENT AGENDA & READING FILE**

**MOTION by Dan Kerin, SECOND by Lori Houghton, to approve the consent agenda as follows:**

- 1. Approve Minutes of Previous Meetings (3/26/13, 4/8/13, 4/9/13)**
- 2. Approve Warrants including Checks #10046934 through #10047012 totaling \$1,406,920.81.**
- 3. Approve 2013 Five Corners Farmers Market Agreement**
- 4. Approve MOU for Regional Stormwater Education Program**
- 5. Approve WWTF Capital Plan Modification**
- 6. Approve Change to General Rules and Regulations**
- 7. Approve CVE Banner Applications**
- 8. Approve noise Waiver for EJRP July 4<sup>th</sup> Fireworks**
- 9. Approve the VLCT PACIF Equipment Grant per the memo, dated 4/23/13 (grant application amended to reflect \$1,918 project match)**

**VOTING: unanimous (4-0); motion carried.**

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

**MOTION by George Tyler, SECOND by Lori Houghton, to adjourn the regular meeting and convene Executive Session to discuss real estate and contract matters where premature public knowledge would place the village at a substantial disadvantage, and to invite the village co-managers to attend. VOTING: unanimous (4-0); motion carried.**

The regular meeting was adjourned and Executive Session reconvened at 9:00 PM.

RScty: M.E. Riordan



# Check Register Report

BL 5/14/13

Date: 05/09/2013

Time: 3:13 pm

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Village of Essex Junction

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10047054	05/14/2013	Printed		0770	ESSEX JUNCTION SCHOOL DISTRICT	ELECTION WORKER SPLIT PAY-ADM	367.50
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# Check Register Report

BL 5/14/13

Date: 05/09/2013

Time: 3:13 pm

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Village of Essex Junction

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10047077	05/14/2013	Printed		1000	SUSAN J. MCNAMARA-HILL	MILEAGE&SUPPLIES REIMB-ADMIN	46.55
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10047091	05/14/2013	Printed		1955	REYNOLDS & SON, INC.	EQUIPMENT-FIRE	392.63
10047092	05/14/2013	Printed		10451	RICOH	B&W ADD'L COPIES-LIBRARY	785.49
10047093	05/14/2013	Printed		10386	SAC INCORPORATED	TURNBUCKLE-WWTF	605.00
10047094	05/14/2013	Printed		2047	SCOTT + PARTNERS	PREPARE RENOVATION BIDS	1,408.50
10047095	05/14/2013	Printed		20732	THE SHERWIN-WILLIAMS CO.	PAINT -LH/STREET	177.74
10047096	05/14/2013	Printed		10463	SHRED-EX	PURGE/CLEANUP 1-TIME CHG-ADM	40.00
10047097	05/14/2013	Printed		9627	THE SMALL ENGINE CO., INC	PARTS-FIRE	195.17
10047098	05/14/2013	Printed		21153	SOVERNET COMMUNICATIONS	PH& INTRNT-VARIOUS	699.65
10047099	05/14/2013	Printed		2124	STAPLES ADVANTAGE	SUPPLIES- VARIOUS	562.59
10047100	05/14/2013	Printed		9334	SUN RAY FIRE & SECURITY	SPRINKLER SYS SERV CALL-LIB	113.25
10047101	05/14/2013	Printed		0545	THE TECH GROUP	BATTERY FOR UPS-ADMIN	195.00
10047102	05/14/2013	Printed		10506	U.S. BANK	SEQUESTER INTERST-RZEDbond	1,530.66
10047103	05/14/2013	Printed		9507	VELLANO BROTHERS, INC	WRENCH-WATER	59.00
10047104	05/14/2013	Printed		23415	VERIZON WIRELESS	CELL PHONES-VARIOUS	367.72
10047106	05/14/2013	Printed		2366	VERMONT GAS SYSTEMS, INC.	GAS-VARIOUS	3,743.09
10047107	05/14/2013	Printed		9404	VERMONT GFOA	MEMBERSHIPS-ADMIN	70.00
10047108	05/14/2013	Printed		9404	VERMONT GFOA	WRKSHP-ADMIN	135.00
10047109	05/14/2013	Printed		2403	VERMONT TENT COMPANY	BAL FOR MEM DAY/BLK PTY-ADMIN	831.75
10047111	05/14/2013	Printed		1000206	VILLAGE OF ESSEX JCT.	WATER & SEWER-VARIOUS	4,144.08
10047112	05/14/2013	Printed		9968	VISION SERVICE PLAN-CONNECTICU	INS PREM-VARIOUS DEPT	410.49
10047113	05/14/2013	Printed		0811	F.W. WEBB COMPANY	REPAIR-WWTF	58.73
10047114	05/14/2013	Printed		10238	DAVID M. WECHSLER	CVE NOISE MONITOR'G-PASS THRU	355.00

# Check Register Report

BL 5/14/13

Date: 05/09/2013

Time: 3:13 pm

Page: 3

Village of Essex Junction

BANK:

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>Checks</b>							
10047115	05/14/2013	Printed		10319	WILLISTON WORKWEAR	SAFETY TOE BOOTS-WATER	130.00
10047116	05/14/2013	Printed		25261	MATTHEW WITTEN	PRESENTATIONS-LIBRARY	200.00

<b>Total Checks: 99</b>	<b>Checks Total (excluding void checks):</b>	<b>269,495.47</b>
<b>Total Payments: 99</b>	<b>Bank Total (excluding void checks):</b>	<b>269,495.47</b>
<b>Total Payments: 99</b>	<b>Grand Total (excluding void checks):</b>	<b>269,495.47</b>

**Patty Benoit**

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**subject:** FW: Memorial Parade

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**From:** [evonsitas@comcast.net](mailto:evonsitas@comcast.net) [<mailto:evonsitas@comcast.net>]  
**Sent:** Thursday, April 25, 2013 8:03 AM  
**To:** Patty Benoit  
**Subject:** Memorial Parade

Please present this request to the Board for our Memorial Day Parade on May 25, 2013.  
we would like to put on the annual parade in the Village on May 25, 2013 all insurances are in place  
for this event.

thank you

ed von sitas

*For Elected and Appointed Public Officials*

# ACKNOWLEDGMENT

I acknowledge that I have received, read and understand the Village of Essex Junction Ethics Policy (dated 6/8/10).

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

## **Patty Benoit**

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**Subject:** FW: Consent Agenda

**From:** Daniel Kerin  
**Sent:** Wednesday, May 01, 2013 1:46 PM  
**To:** George Tyler; Elaine Sopchak; Lori Houghton; Andrew Brown  
**Cc:** Susan McNamara-Hill; Lauren Morrisseau  
**Subject:** Nan Payson

Hi,

Below is a letter of interest submitted by Nan Payson to continue as a member of the EJRP Recreational Advisory Council. I support her request to remain on the EJRP Advisory Council and would like to add this appointment request to the agenda for our next meeting.

Thanks,

Dan-

Per your request, please see below Nan's letter of interest.

Let me know if you need anything else.

Thanks.

Brad

Nan Payson  
25 Hawthorn Circle  
Essex Junction  
802-318-0957

For 3 years, I have been a member of the RAC. In that time, I have spent countless hours participating in community events, along with reaching outside the box for my community. Working all the races and athletic events is a natural fit, it's the other events..winter carnivals..egg hunts..bike park clean up that make a difference, and its why I plan to remain on this board for another 3 years.

A little about me..

I have a masters degree in finance from the University of South Carolina, I have spent the last 20 years working in sales, marketing and health and wellness. I currently work for DaVinci laboratories..an Essex junction nutritional supplement company.

I have 3 amazing children..Meredith 13(ADL) Will 11(Fleming) Nick 10(Fleming).. All of which are products of EJRP. They have spent their summers in camp maple street and stars.village kids..countless hours at the pool..baseball fields..football fields..etc. They love to be part of this community, like myself and truly benefit from such an active lifestyle. They too, volunteer when needed and refer to EJRP as family rather than an organization.

My life is busy..but I wouldn't trade the opportunities and input that being on RAC has given me and my kids. This is why I opted for a renewal of my 3 year term.

Please feel free to contact me with any questions or concerns..



## MEMORANDUM

TO: Village Trustees  
FROM: Darby Brazoski, Community Relations/Economic Development Assistant **DEB**  
THROUGH: Susan McNamara-Hill and Lauren Morrisseau, Co-Village Managers  
DATE: May 14, 2013  
SUBJECT: Green Mountain Power Request

As a part of a continuing effort to save money and reduce the Village's environmental footprint, staff has been researching the possibility of converting conventional streetlights to LED lighting. We have been working on this project for almost a year; however, we have been stalled for quite some time. The Village requested the book values for all of our streetlights in August of 2012. Despite regular contact from staff to GMP we have not received the information.

The book value of our street lights will tell us how much each streetlight is currently worth, which will determine how much replacing these lights with LEDs will cost the Village. It should also be noted that Efficiency Vermont is currently offering a \$100 rebate for each conventional streetlight replaced with LED lighting. However, it is unclear how long this program will last. Therefore, we believe that it is important to complete this research as quickly as possible in order to potentially take advantage of this rebate program.

We would like to request that George Tyler, on behalf of all the Trustees, sign the following letter to send to Mary Powell, Green Mountain Power's President, in hopes that this will encourage GMP to send us this information in a timely fashion.

2 Lincoln Street  
Essex Junction, VT 05452-3154  
www.essexjunction.org



P: 802-878-6944  
F: 802-878-6946  
E: admin@essexjunction.org

May 14, 2013

Ms. Mary Powell, President  
Green Mountain Power Corp.  
163 Acorn Lane  
Colchester, VT 05446

Dear Ms. Powell,

I am contacting you on behalf of the Essex Junction Board of Trustees to formally request that Green Mountain Power send the Village of Essex Junction the current book values of all of the streetlights in our community. We have been in contact with GMP since the summer of 2012 in hopes of getting this information. We have been told several times that your employees are too busy to help us at this time.

It is critically important that we obtain this data. We need this information in order to determine if converting to LED bulbs is something that is financially feasible. The current Efficiency Vermont rebate program for LED conversion of streetlights will not last forever, and we are interested in potentially taking advantage of this program. Therefore, we encourage you to let your employees know that this is a high priority project for the Village. We cannot move forward without release of this critical information.

Sincerely,

George A. Tyler  
Village President



## MEMORANDUM

TO: Village Trustees  
FROM: Darby Brazoski, Community Relations/Economic Development Assistant *DEB*  
THROUGH: Susan McNamara-Hill and Lauren Morrisseau, Co-Village Managers  
DATE: May 14, 2013  
SUBJECT: Village Tree Planting and Caring For Canopy Grant Application

Village staff and volunteers have been working toward increasing the number of indigenous trees planted in the Village Center.

We would like to propose planting the following trees, in the following locations, during the spring and summer of 2013:

- 2 Lilacs at 16 Pearl Street;
- 1 Lilac at 26 Pearl Street;
- 1 Freeman Maple Autumn Blaze at 32 Pearl Street;
- 1 American Elm Accolade at 36 Pearl Street;
- 1 Malus Golden Raindrop at 36 Pearl Street.

The total cost for the purchase, planting, and one year of maintenance for these trees will be \$4,500. Half of this amount will be covered by the Community Forestry Grant from The Preservation Trust of Vermont, which was awarded to the Village in 2011. All of these trees will be planted on privately owned land; however we believe that planting in these locations will create a much-needed "gateway" to our Village center. It should also be noted that all property owners have consented to having these trees planted on their property, and have also agreed to take over their maintenance after one year.

We would also like to request approval from the Trustees to accept the Caring for Canopy grant application, should we receive it. This application was submitted on May 1<sup>st</sup>. We requested \$5,000 in funds to allow the Village to conduct a comprehensive tree inventory, tree management plan, and complete some greatly needed tree maintenance projects. Should we receive this grant, it would need to be matched with \$3,000 in Village funds, and \$2,000 in volunteer and staff hours. The \$3,000 grant match will be taken from the funds donated to the Village by Bartlett Weaver for tree planting and care. We would like to apologize for not presenting this application prior to submission; however, an unusually tight timeline did not leave us enough time to do so.

**Motion: To have the Trustees approve the planting of four trees, accept the 2013 Caring for Canopy Grant application, and commit to the required match.**

# Vermont Urban and Community Forestry Program

## Communities Caring for Canopy Grant Application

Section I: Applicant Information					
Municipality or Organization		Village of Essex Junction			
Contact Person		Darby Brazoski			
Address		2 Lincoln Street			
City	Essex Junction	State	Vermont	Zip code	05452
Phone	802-878-6944	Email	darby@essexjunction.org		
Federal Tax Identification		03-6000466			
Tree Warden		Warren Spinner			
Phone	802-862-8245	Email	warren.spinner@dpw.ci.burlington.vt.us		

Section II: Project Information		
Descriptive Title of Project	Essex Junction Comprehensive Tree Management Initiative	
State Funding Requested	\$5000	
Grant Category ( <i>check one</i> )	<input checked="" type="checkbox"/> Caring for Canopy	<input type="checkbox"/> Canopy Mini

Section III: Community Program Elements		
<p>The information provided below will help the Vermont Urban and Community Forestry Program track community program status and progress.</p>		
Program Level	We have an active, ongoing community-wide tree planting & care program.	
	We have recently begun or re-started a program of community tree planting & care but it is still in a developmental phase.	X
	Tree planting & care activities were once a regular part of a community-wide program that ended. We want to start this program again.	
	We are starting a community-wide tree planting & care program for the first time.	
	We have tree planting, care & removal needs but don't plan to start a community-wide tree program at this time.	
Advocacy	We have a formally established tree advisory group (i.e., committee, commission or tree board) and/or officials that support urban forestry related activities.	

	<b>Group name and primary contact information:</b>		
	We do not have a formally established tree committee, but plan on forming one by mid-July.		
	We have citizens or groups informally involved in community tree planting & care activities but no advisory group or board officially charged with overseeing a forestry program.	X	
	<b>Group name and primary contact information:</b>		
	A number of volunteers are working with Village staff to write a Village Tree Policy that will help guide the planting initiatives of our community in the future. We are also working to formalize the Tree Warden position. Contact: Nick Meyer at nmeyer52@aol.com		
	The level of involvement and support by boards/committees, organizations and/or elected officials for community tree planting & care activities is low to non-existent.		
	We have professional urban forestry staff (can be part-time position) - OR - a volunteer urban forestry professional(s) - OR - contract with a professional for community tree planting & care. [Professional = certified arborist or comparable formal training.]	X	
	<b>Contact name &amp; information:</b>		
	Warren Spinner, Tree Warden warren.spinner@dpw.ci.burlington.vt.us		
	We have staff, contractors or a volunteer authorized to handle/advise the municipality on tree planting & care but who is neither a certified arborist nor has comparable formal training.		
	We have no staff, contractors or volunteers authorized to handle or advise our community on tree planting & care.		
Tree Maintenance	We practice systematic, community-wide tree maintenance (i.e., planting, pruning, pest control, tree removal).		
	We practice occasional tree maintenance & removal on an as-needed basis.	X	
	We do not practice tree maintenance activities (i.e., planting, pruning, pest control, tree removals).		
Program Fundamentals	We have a community street tree inventory.	Yes	X No
		If 'Yes', when was it last	

		updated:	
		N/A	
	We have a tree ordinance.	Yes	X No
	We have a tree management plan.	Yes	X No
	We have a tree management budget.	X Yes	No

**NOTE: YOU ONLY NEED TO FILL OUT ONE SECTION IV FOR THE GRANT CATEGORY YOU ARE APPLYING UNDER: Caring for Canopy or Canopy Mini**

**Section IV: Caring for Canopy Only - maximum 4 pages.**

Which components does your project include:

- Tree Planting                      X Tree Maintenance      X Tree Inventory  
 Plan Development              X Public Outreach & Program Development

**Project Description**

Provide an overview of the project. Clearly articulate the methods employed, timelines, and resources needed.

The Village of Essex Junction needs to perform a tree inventory for our historic Village Center, as well as for the areas outside the downtown core. Should we receive these grant funds, we will work closely with the Vermont Urban and Community Forestry Program, and utilize their inventory software program and pilot devices to complete this inventory. We will also collaborate to develop a comprehensive training program for local volunteers. These volunteers will then complete field work and conduct the inventory itself. After the data is compiled, and with the assistance of the Chittenden County Regional Planning Commission (CCRPC), we will write a comprehensive tree management plan. We intend to complete the inventory by the winter of 2013, and have a management plan written and approved by the Village Trustees by the summer of 2014. We anticipate that all maintenance activities associated with this project will be completed by the fall of 2014.

From the onset of this grant, we plan to engage residents and business owners in the Village in a public outreach program. It is imperative that these groups are educated about the value of trees within the Village. We plan to utilize the local newspaper, The Essex Reporter, for press releases, as well as for submitting a series of articles with general information about trees and planting. We will also utilize the Village News, which is e-mailed weekly to over eight-hundred residents, and Front Porch Forum to disseminate this information. We believe that these outreach efforts will help educate the public about the importance of canopy maintenance, and possibly inspire them to learn more about how they can best care for trees on their own property!

The Village of Essex Junction is working to formally establish a Tree Committee, and it is anticipated that the Village Trustees will accept this proposal at their meeting on May 16<sup>th</sup>. We plan to have the committee fully formed by mid-July. Once the committee is established, we

intend for them to take the lead on all future planting initiatives. Should we receive this grant; the committee will determine how the bulk of the associated projects will be implemented.

Currently, the Essex Junction Public Works Department has a small budget for tree and streetscape management. Unfortunately, these dollars are used primarily for the removal of dangerous trees, as well as trees which are damaged by storms. We currently have a number of streets that are in desperate need of tree pruning, and will prioritize the pruning needs of other streets after the tree inventory has been completed. If we secure this grant, we propose to contract with a professional arborist to prune and otherwise maintain Village trees. We have budgeted \$6,000 for this, and anticipate that this will allow us to pay for approximately 150 hours of an arborist's services.

**Addresses Community Needs: (25 points)**

Briefly describe your project and how it meets the needs of your community.

Despite the fact that Essex Junction is one of the most urbanized areas in the state of Vermont, little to no work has been done to formulate a comprehensive tree management plan. There is considerable uncertainty about what species of trees are planted in the public right-of way, which makes it difficult to appropriately manage them. It should also be noted that many towns with much smaller populations than Essex Junction, such as Shelburne and Grand Isle, have had tree management plans in place for many years. This shows that such a project is clearly long overdue for our community. We believe that now is an ideal time to complete this project, due to the fact that there is an increasing amount of enthusiasm and interest in increasing the tree canopy in the Village. We hope to take advantage of this energy and mobilize skilled volunteers to assist with the completion of a tree inventory, as well as future tree management initiatives.

We also believe that tree planting aligns well with another community priority-the desire to have a pedestrian friendly community. It should be noted that pedestrian-friendliness was clearly identified as a top community priority through the recent work of the Heart & Soul of Essex Initiative. Heart & Soul of Essex is a grant funded community visioning process, which strives to enable residents to share their views on the future of the community with local decision-makers.

In addition, the Village of Essex Junction strives to be a walk and bike friendly community with neighborhood schools that do not bus their students. As a result, we believe that we have a higher rate of student walkers and bikers than surrounding communities. An actively managed tree program will enhance our Village streets for all residents, and make the community more conducive to active transportation.

In an effort to attract new businesses and customers, improvements have been made to the infrastructure of the historic Village center in recent years. Unfortunately, new tree planting in this area has been piecemeal with no master plan. A well planned treescape in the Village core will add beauty and soften one of the busiest intersections in the state. Such improvements will assist the community in attracting new businesses and shoppers.

**What Happens as a Result: (35 Points)**

Will this project help your community develop a sustainable program for tree care and management? If so, how? *See Section III for Community Program Elements.*

The completion of a comprehensive tree inventory will help the Village of Essex Junction learn more about our current canopy, which will enable us to do the best job possible of maintaining these important resources. A tree inventory will also provide a blueprint for future planting and maintenance so that we will be able to make educated decisions. We believe that a greener, more beautified, Village Center will encourage residents and visitors alike to spend additional time in our recently revitalized community. As we progress with the project, and continue to engage the residents and business owners, we plan to educate different groups about the importance of trees in the urban landscape. As the community becomes more and more educated about this issue, they will be more inclined to support these initiatives, and realize that local funding is necessary in order to continue to maintain our treescape.

**Who Will Be Involved: (20 Points)**

Who will participate in the project? How will the participants be involved?

This project will be a collective effort between the Village Planning Department, Public Works Department, local volunteers, and the soon to be formed Village Tree Commission. It is anticipated that the Planning Department and Tree Commission will work together to develop a tree inventory and management plan, and that public works department and other local volunteers will assist with future planting and maintenance projects. In the past, we have involved local schools in planting and "green-up" initiatives, and we are currently exploring options to engage them in this project.

It should also be noted that the Village Development Director is a trained landscape architect. His knowledge about tree management will be instrumental to the success of this project. The Village also has a full-time staff person responsible for public communications, who will be assisting with public relations for this project. We are very lucky to have the assistance of these individuals, and, should we receive this grant, would be using their time and efforts on this project toward the in-kind portion of the grant match.

**Return on Investment: (20 Points)**

How will the match be met? Is the project leveraging resources from other partners?

The Village will meet the project match using a combination of staff and volunteer resources, as well as money from our economic development budget. We are lucky to have a number of residents who have gone through the University of Vermont Stewardship of the Urban Landscape (SOUL) program. We anticipate that many of these individuals will be interested in joining the Village Tree Committee, or wish to be otherwise involved in tree management projects. We believe that, with the assistance of these highly trained volunteers, our project will be able to have a higher degree of success, and a lower cost than similar initiatives.

**\* Section V: Estimated Project Costs**

A	B	C		D
	Total Cost	Applicant Match		Grant Request
Project Component	Estimated Cost	Cash	In-Kind/Donations	Grant Requests
Tree Planting	\$0	\$0	\$0	\$0
Tree Maintenance	\$6,000	\$3,000	\$0	\$3,000.
Tree Inventory	\$1,000	\$0	\$500	\$500
Plan Development	\$1,000	\$0	\$500	\$500
Public Outreach & Program Development	\$2,000	\$0	\$1,000	\$1,000
<b>Total</b>	<b>\$10,000</b>	<b>\$3,000</b>	<b>\$2,000</b>	<b>\$5,000</b>

Note: Estimated Cost, bottom of column B, must be at least 50% greater than Grant Request; bottom of column D. Remaining 50% of project cost is Applicant Match and may be divided in any way between cash and in-kind/ donations.

**\* Section VI: Certification**

I hereby certify to the best of my knowledge, the information contained in this application and application attachments are correct and true.

*By checking this box, the applicant certifies that the appropriate authorized representative supports submission of this proposal.*

Section VII: Sign up for TREEmail. The program provides updates through our electronic newsletter, TREEmail. Take this opportunity to sign members of your community's tree program up.

Name	Email
Darby Brazoski	darby@essexjunction.org
Robin Pierce	robin@essexjunction.org
Nick Meyer	Nmeyer52@aol.com
Bridget Meyer	Bmeyer1038@aol.com
Terry Hass	terry@essexjunction.org
Rick Jones	rickessexjunction@yahoo.com

**\* Section VIII: Additional Information**

**Send completed applications to:**

**Vermont Department of Forests, Parks and Recreation**

**Urban and Community Forestry Program**

**103 South Main Street, Building 10 South**

**Waterbury, VT 05671-0601**

**wendy.richardson@state.vt.us**

**APPLICATION POSTMARK DEADLINE - May 1, 2013**