



**TRUSTEES MEETING NOTICE & AGENDA**  
**TUESDAY, MAY 26, 2015 at 6:00 PM**  
**LINCOLN HALL MEETING ROOM, 2 LINCOLN STREET**

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG** [6:00 PM]
2. **EXECUTIVE SESSION/PERSONNEL**
  - a. Interview for Planning Commission – Joe Weith
  - b. Interview for Tree Advisory Committee – Mary Jo Engel
3. **AGENDA ADDITIONS/CHANGES**
4. **GUESTS, PRESENTATIONS AND PUBLIC HEARINGS**
  - a. Comments from Public on Items Not on Agenda
  - b. Public Input for Main Street Sidewalk Extension Scoping Study – Jim Donovan, Broadreach Planning and Design
  - c. CCTA Service Change Proposal – Karen Watson, General Manager, and Jon Moore, Planning Manager
5. **OLD BUSINESS**
  - a. Approve Whitcomb Heights II Draft Open Space Agreement – Robin Pierce
  - b. Approve Whitcomb Heights II Draft Nature Trail Easement Deed – Robin Pierce
  - c. Approve New Street Name for Portion of Jackson Street – Robin Pierce
6. **NEW BUSINESS**
  - a. Approve Grant Application for VTrans Bicycle and Pedestrian Program – Robin Pierce
  - b. Approve FYE 15 Audit Contract – Lauren Morrissette
  - c. Approve Reappointment of CCRPC Representatives – Pat Scheidel
  - d. Approve Reappointment of TAC Representative – Pat Scheidel
7. **MUNICIPAL MANAGER’S REPORT**
  - a. Land Development Code Update
  - b. Trustees meeting schedule
8. **TRUSTEES’ COMMENTS & CONCERNS/READING FILE**
  - a. Board Member Comments
  - b. Capital Program Review Committee Minutes 5/5/15
9. **CONSENT AGENDA**
  - a. Approve Minutes of Previous Meeting 5/12/15
  - b. Approve Final Draft Minutes of Joint Meeting 5/4/15
  - c. Approve Warrants including check #10051482 through #10051574 totaling \$367,697.33
10. **ADJOURN**

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

Agenda Addition  
Old Business



Patrick Scheidel  
Municipal Manager  
[PatS@essexjunction.org](mailto:PatS@essexjunction.org)

2 Lincoln Street  
Essex Junction, VT 05452  
[www.essexjunction.org](http://www.essexjunction.org)

Office: (802) 878-6944  
Fax: (802) 878-6946

## **MEMORANDUM**

**TO:** Village Trustees  
**FROM:** Pat Scheidel, Municipal Manager *PCS*  
**DATE:** May 26, 2015  
**SUBJECT:** Appointments to Planning Commission and Tree Advisory Committee

### **Issue**

The issue is whether or not the Trustees appoint Joe Weith to the Planning Commission and Mary Jo Engel to the Tree Advisory Committee.

### **Discussion**

There is a vacancy on the Planning Commission through 6/30/17. We received Paula DeMichele's resignation from the Tree Advisory Committee (in your reading file at the last meeting) and that leaves a vacancy for a new three-year term through 6/30/18.

### **Cost**

There is no cost associated with this issue.

### **Recommendation**

If the Trustees choose to make the appointments, it is recommended that they make a motion appointing Joe Weith to the Planning Commission through 6/30/17 and Mary Jo Engel to the Tree Advisory Committee through 6/30/18.

**Patty Benoit**

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**Subject:** FW: more about the Design Five Corners final report

Preface for Front Porch Forum:

**Transforming Five Corners: How Might We Grow?**

How could thoughtful development transform the Village center? In 2014 the Essex Junction government hired Julie Campoli, a professional designer who specializes in small towns and historic urban environments, to help us envision how the Five Corners area could evolve to become a more economically viable and pedestrian-friendly community center. Julie's top priority was engaging Village and Town residents to allow their values to influence the design. The idea was not to produce a fixed plan, but to create a strategic vision to stimulate productive conversation between residents, government planners, developers, businesses, and property owners. We've posted the results of this five month project, Design Five Corners, on the Essex Junction website and at the following address:

<http://pdfsr.com/pdf/design-five-corners-a-strategic-vision-for-a-new-village-center.pdf>

To optimize viewing, click the Full Screen icon in the toolbar after clicking the arrow.

George Tyler, President  
Village of Essex Junction  
2 Lincoln Street  
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**ARTICLE IV  
VILLAGE MANAGER**

**Section 4.01. Appointment; Qualifications; Compensation.** The Trustees shall appoint a Village Manager for an indefinite term and fix his or her compensation. The Manager shall be appointed solely on the basis of his or her executive and administrative qualifications in accordance with the Vermont statutes. In all matters, the Village Manager shall be subject to the direction and supervision of the Trustees and shall hold office at the will of the Trustees.

**Section 4.02. Powers and Duties of the Village Manager.** The Village Manager shall be the chief administrative officer of the Village. He or she shall be responsible to the Trustees for the administration of all Village affairs placed in his or her charge by or under this charter. He or she shall have the following powers and duties in addition to those powers and duties delegated to municipal Managers under the Vermont statutes.

(1) The Manager shall appoint and, when he or she deems it necessary for the good of the service, suspend or remove all Village employees, and other employees provided for by or under this charter for cause, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He or she may authorize any employee who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency.

(2) The Manager shall direct and supervise the administration of all departments, offices and agencies of the Village, except as otherwise provided by this charter or by law.

(3) The Manager shall attend all Trustees meetings and shall have the right to take part in discussion and make recommendations but may not vote.

(4) The Manager shall see that all laws, provisions of this charter and acts of the Trustees, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.

(5) The Manager shall prepare and submit the annual budget and capital program to the Trustees.

(6) The Manager shall submit to the Trustees and make available to the public a complete report on the finances and administrative activities of the Village as of the end of each fiscal year.

(7) The Manager shall make such other reports as the Trustees may require concerning the operations of Village departments, offices and agencies subject to his or her direction and supervision.

(8) The Manager shall keep the Trustees fully advised as to the financial condition and future needs of the Village and make such recommendations to the Trustees concerning the affairs of the Village as he or she deems desirable.

(9) The Manager or his or her designee shall perform the duties of Zoning Administrative Officer.

(10) The Manager shall be responsible for the enforcement of all Village ordinances and laws.

(11) The Manager may when advisable or proper delegate to subordinate officers and employees of the Village any duties conferred upon him or her by this charter, the Vermont statutes or the Trustees.

## **ARTICLE 2 EMPLOYEE RULES AND REGULATIONS**

### **201. EFFECT**

These rules and regulations apply to all municipal employees and are subject to change at any time by majority vote of the Village Trustees.

### **202. APPOINTMENT OF SUPERVISORY PERSONNEL**

The Manager, with the advice of the Trustees, shall appoint all personnel with departmental supervisory capacity. The Manager shall also seek the advice of the Library Trustees in the appointment of the Library Director.

### **203. ASSIGNMENT OF DUTIES**

The Manager and Department Head shall have the right to assign duties. Where the duties of an office are not provided by any law, the Manager may designate such duties.

The Manager shall approve all job descriptions or any changes thereto, except the Manager's job description and any changes thereto shall be approved by the Trustees.

### **204. EMPLOYMENT OF PERSONNEL**

Department Heads shall follow the "Administrative Procedures re: Hiring" when filling positions in their departments.

### **205. DEPARTMENTAL RULES**

Rules for each department shall be developed which prescribe procedures, hours, shifts, work standards, work schedules, departmental organization and similar items and shall enforce the Village of Essex Junction Personnel Regulations. These rules shall be approved by the Manager and posted for employee review. These rules shall be enforced by the Department Head and/or the Manager and infractions thereof may subject the employee to suspension and/or dismissal.

### **206. PROBATIONARY EMPLOYEE**

**Full-time:** A probationary employee is one who is being considered for full-time work on a regular basis. No fringe benefits are granted until the first of the month after date of hire, except for sick, vacation and holiday benefits.

**Part-time:** A probationary employee is one who is being considered for a part-time position of at least 20 hours per week year-round. Pro-rated part-time benefits of sick, vacation and holidays are not granted until satisfactorily completing the initial six month probationary period.

**Completion:** The employee is considered and remains a probationary employee until after having completed a six month probationary period and receiving a satisfactory evaluation.

### **207. DISCHARGE FOR CAUSE**

After successful completion of their probationary period a full-time employee may be suspended or discharged for cause.

Subject to its obligations to employees with disabilities, the municipality shall have cause to terminate an employee who is unable to perform the customary duties or responsibilities of their assigned position per Section 403.

Part-time employees remain "at-will" employees and may be discharged at any time without cause.

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**5. OLD BUSINESS**

None.

**6. NEW BUSINESS**

1. Letter of Support for Bike-Walk Advisory Committee

**MOTION by Lori Houghton, SECOND by Andrew Brown, to authorize Dan Kerin as acting Village President to sign the letter of support for the Bicycle Friendly Community application as drafted. VOTING: unanimous (4-0); motion carried.**

Lori Houghton mentioned the need to educate motorists that the village is a pedestrian friendly community and drivers need to stop per state law for pedestrians in crosswalks. Ms. Houghton suggested cones or signs noting fines and reminding drivers of the law could be posted. Other ideas discussed included flashing beacons and flags at crosswalks for pedestrians to wave when crossing the road. Staff will investigate the matter.

2. Annual Report Dedication and Cover

**MOTION by Elaine Sopchak, SECOND by Lori Houghton, to approve the dedication to Willis Racht and cover of the village annual report for 2014 as presented. VOTING: unanimous (4-0); motion carried.**

**7. VILLAGE MANAGER'S REPORT**

1. Meeting Schedule

- February 10, 2015 @ 6:30 – Regular Trustees Meeting
- February 24, 2015 @ 6:30 – Regular Trustees Meeting
- March 10, 2015 @ 6:30 – Regular Trustees Meeting
- March 24, 2015 @ 6:30 – Regular Trustees Meeting
- April 14, 2015 @ 6:30 – Regular Trustees Meeting
- April 28, 2015 @ 6:30 – Regular Trustees Meeting

Special Meetings/Events:

- April 1, 2015 @ 6 PM – Village Community Supper
- April 1, 2015 @ 7 PM – Village Annual Meeting
- April 14, 2015 – Australian Ballot Voting

2. Personnel Report

- Larry St. Peter is resigning as of February 6, 2015 to work for the Town of Colchester.
- Recruitment and selection profile for the Library Director position is published and resumes have been received. The interview process will begin to fill the position by July 1, 2015.

3. Information on Potential Areas of Cost Saving and Q&A on Consolidated Services  
The information is posted on the town webpage and available to the public.

4. Budget Presentation

Max Levy will do a presentation on the town budget at the Trustees meeting on 2/10/15.

**DRAFT**

## **Press Release**

**From:** Village of Essex Junction

**Contact:** Pat Scheidel, Municipal Manager, 878-6944

**Date:**

### **Essex Junction Hires Permanent Library Director**

The Village of Essex Junction hired Wendy Hysko to serve as permanent Director of the Brownell Library effective July 1, 2015. Ms. Hysko has served as Interim Library Director since July 2014. The nationwide search for a permanent Library Director began in January 2015.

Ms. Hysko has been Assistant Director of the Brownell Library since 2009, which includes serving as Technology Coordinator. She successfully converted the Brownell Library to updated integrated software in 2010. She has been instrumental in creating infrastructure to ensure the Brownell Library could enhance their level of service with their collection being available online.

Ms. Hysko has a Master's of Science in Library and Information Science from Simmons College in Boston, MA. She was Library Director of Warren Memorial Library in Westbrook, Maine from 2006-2009, and has a total of 17 years of experience working in libraries in New England. Ms. Hysko is President of the Green Mountain Library Consortium Board of Directors.

Municipal Manager Pat Scheidel said, "Ms. Hysko is an exceptional librarian and is technologically current. Wendy is a successful manager with the leadership skills necessary to ensure a bright future for the Brownell Library."



# Main Street Sidewalk Extension Scoping Study

The Village of Essex Junction is sponsoring the first of several public work sessions on extending the sidewalks along the northwest Side of Main Street between Educational Drive and Athens Drive.

**May 26, 6:30 PM**  
**Lincoln Hall**

**during the Board of Trustees Meeting**

**Come learn about existing conditions, talk about the issues and discuss where it makes sense to put a new sidewalk on Main Street.**



To view the existing conditions report, please visit the Broadreach Planning & Design website: [www.broadreachpd.com](http://www.broadreachpd.com) and go to *Projects/Current* and then *Essex Junction Main Street* Information will be available after May 11, 2015.

To leave comments about the project, please email Broadreach Planning & Design [bikeped@gmavt.net](mailto:bikeped@gmavt.net)



**Getting you where you need to go!**

TO: Pat Scheidel, Essex Town Manager  
 Marti Powers, CCTA Commissioner  
 FROM: Jon Moore, CCTA Planning Manager  
 Meredith Birkett, CCTA Director of Service Development  
 RE: CCTA Service Change Proposal  
 DATE: May 13, 2015

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CCTA is proposing changes to the #1E Williston-Essex service to better match service levels to usage and also proposes to reallocate resources to implement Sunday service on the #2 Essex Junction route.

**Current 1E Service:**

The Williston-Essex (#1E) route operates between Wal-Mart and Amtrak via Maple Tree Place and VT Route 2A as a service extension of select Williston (#1) buses that start and end in downtown Burlington. The #1E route operates every 30 minutes during weekday morning and evening rush hours and every hour during the middle of the day.

The #1E route averages 103 daily weekday boardings and 5.3 boardings per revenue hour, which is substantially lower than the CCTA system-wide average of 27.3 boardings per revenue hour.

**Service Change Proposal:**

Based on the low ridership productivity noted above, CCTA is proposing to reduce the weekday rush hour service frequency of the #1E route to hourly service operated by an independent bus from the Williston (#1) route. This would result in a decrease of daily weekday #1E trips from 18 to 13. See below for a proposed #1E schedule; please note that actual trip times will be determined by public comments.

<i>To Essex Junction</i>			<i>To Williston</i>		
Wal-Mart	Maple Tree Place	Amtrak	Amtrak	Maple Tree Place	Wal-Mart
-	-	-	7:00 AM	7:12 AM	7:20 AM
7:30 AM	7:35 AM	7:50 AM	8:00 AM	8:12 AM	8:20 AM
8:30 AM	8:35 AM	8:50 AM	9:00 AM	9:12 AM	9:20 AM
9:30 AM	9:35 AM	9:50 AM	10:00 AM	10:12 AM	10:20 AM
10:30 AM	10:35 AM	10:50 AM	11:00 AM	11:12 AM	11:20 AM
11:30 AM	11:35 AM	11:50 AM	12:00 PM	12:12 PM	12:20 PM
12:30 PM	12:35 PM	12:50 PM	1:00 PM	1:12 PM	1:20 PM
1:30 PM	1:35 PM	1:50 PM	2:00 PM	2:12 PM	2:20 PM
2:30 PM	2:35 PM	2:50 PM	3:00 PM	3:12 PM	3:20 PM
3:30 PM	3:35 PM	3:50 PM	4:00 PM	4:12 PM	4:20 PM
4:30 PM	4:35 PM	4:50 PM	5:00 PM	5:12 PM	5:20 PM
5:30 PM	5:35 PM	5:50 PM	6:00 PM	6:12 PM	6:20 PM
6:30 PM	6:35 PM	6:50 PM	7:00 PM	7:12 PM	7:20 PM

Transfers to the #1 route available at Wal-Mart  
 Transfers to the #2 & #4 routes available at Amtrak



CCTA is proposing to reallocate service hours from the #1E service reduction to provide Sunday service on the Essex Junction (#2) route which is the highest ridership route in the CCTA system. See below for a *draft* Sunday Essex Junction (#2) schedule. Sunday service on the #2 route is one of the most highly requested service additions CCTA receives and is projected to result in net ridership increase even with the proposed 1E service changes.

Draft Essex Junction (#2) Sunday Service

<b>To Essex Junction</b>					<b>To Burlington</b>				
<b>Cherry St.</b>	<b>UVM Med. Ctr.</b>	<b>Mill</b>	<b>Fort EA</b>	<b>Amtrak</b>	<b>Amtrak</b>	<b>Fort EA</b>	<b>Mill</b>	<b>UVM Med. Ctr.</b>	<b>Cherry St.</b>
8:00 AM	8:05 AM	8:12 AM	8:20 AM	8:30 AM	8:35 AM	8:43 AM	8:51 AM	8:57 AM	9:05 AM
9:15 AM	9:20 AM	9:27 AM	9:35 AM	9:45 AM	9:50 AM	9:58 AM	10:06 AM	10:12 AM	10:20 AM
10:30 AM	10:35 AM	10:42 AM	10:50 AM	11:00 AM	11:05 AM	11:13 AM	11:21 AM	11:27 AM	11:35 AM
11:45 AM	11:50 AM	11:57 AM	12:05 PM	12:15 PM	12:20 PM	12:28 PM	12:36 PM	12:42 PM	12:50 PM
1:00 PM	1:05 PM	1:12 PM	1:20 PM	1:30 PM	1:35 PM	1:43 PM	1:51 PM	1:57 PM	2:05 PM
2:15 PM	2:20 PM	2:27 PM	2:35 PM	2:45 PM	2:50 PM	2:58 PM	3:06 PM	3:12 PM	3:20 PM
3:30 PM	3:35 PM	3:42 PM	3:50 PM	4:00 PM	4:05 PM	4:13 PM	4:21 PM	4:27 PM	4:35 PM
4:45 PM	4:50 PM	4:57 PM	5:05 PM	5:15 PM	5:20 PM	5:28 PM	5:36 PM	5:42 PM	5:50 PM
6:00 PM	6:05 PM	6:12 PM	6:20 PM	6:30 PM	6:35 PM	6:43 PM	6:51 PM	6:57 PM	7:05 PM
7:45 PM	7:50 PM	7:57 PM	8:05 PM	8:15 PM	8:30 PM	8:38 PM	8:46 PM	8:52 PM	9:00 PM

The proposed service changes would offer the following benefits to Essex:

- 1) Essex residents would gain Sunday access to Winooski and Burlington through the Sunday #2 Essex Junction service.
- 2) Essex residents would gain Sunday access to South Burlington and Williston through the Sunday #1 Williston service, which they currently cannot connect to. Through the Sunday #1 Williston service, Essex residents will be able to access goods, services, and the airport seven days per week.
- 3) Essex businesses will be better positioned to recruit employees from Burlington, Winooski, South Burlington, and Williston with service to Essex seven days per week.
- 4) It is anticipated that the Sunday #2 Essex Junction service will meet the evening Amtrak train, which could increase the attractiveness of that service for Winooski and Burlington residents, including college students.

In addition to the enhanced access for Essex residents and businesses and the projected net increase of system-wide ridership, this service change proposal would provide the opportunity for CCTA to present the #1 and #1E bus route schedules in a clearer way to passengers. Operating the #1 and #1E routes with independent buses will allow the schedules to be displayed separately, which should be easier to read and could drive increased use of the services.

Through the reallocation of existing resources, the proposed service changes would not require new funding nor would they impact Essex's CCTA fixed route assessment. However, the addition of Sunday service on the #2 Essex Junction route will expand the geographic availability of ADA paratransit service on Sundays, which could generate a modest increase the paratransit portion of Essex's CCTA assessment.

**Service Change Timeline & Process:**

CCTA is proposing to implement the above service changes effective Monday, August 24, 2015 if deemed appropriate after receiving feedback from the Williston and Essex Select Boards and the public. Public hearings in Williston and Essex will be held before any service changes are made in August to give passengers a chance to comment on the service change proposal.

CCTA would be happy to answer any Select Board questions either through attendance at an upcoming meeting or through correspondence with the Town Manager. To maintain the above timeline CCTA would appreciate presenting to the Select Board before mid-June if this is requested.



Community Development Department

2 Lincoln Street  
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[www.essexjunction.org](http://www.essexjunction.org)

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## **MEMORANDUM**

**TO:** Pat Scheidel, Village Manager, Trustees  
**FROM:** Robin Pierce, Community Development Director *RJP*  
**DATE:** May 26, 2015  
**SUBJECT:** Authorization to sign Open Space and Nature Trail Agreements for Whitcomb Heights II

### **Issue**

The issue is whether or not the Trustees wish to enter into Open Space and Nature Trail Agreements with the property owners at Whitcomb Heights II.

### **Discussion**

The documents in question have been reviewed by Staff, modified, and placed on the Village web site for general review. One change not on the documents has been suggested; specifying that bicycles are not permitted in the Open Space. Perhaps it would be beneficial to state that, "No wheeled vehicles of any kind other than those used for maintenance of the Open Space and Nature Trail, and/or approved by the Village, are permitted on the property."

### **Cost**

At this point in time the cost is the time to review the documents by the Village attorney. The cost going forward is hard to quantify, but less than the cost of ownership.

### **Recommendation**

It is recommended that the Trustees exercise the option to enter into an Open Space Agreement (with suggested modifications) and Nature Trail Easement with the homeowners at Whitcomb Heights II and authorize the Village Manager to execute the Open Space and Nature Trail Agreements to protect the homeowners at Whitcomb Heights II and ensure the Open Space and trails are available to Village residents in perpetuity.

## OPEN SPACE AGREEMENT

**THIS AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_, 2015, between **SOUTH STREET ASSOCIATES, LLC** a Vermont limited liability company with a place of business in Essex Junction, Vermont (the “Declarant ”); and the **VILLAGE OF ESSEX JUNCTION**, a Vermont municipality situated in Chittenden County, Vermont (the Village”).

### *Recitals*

A. The Declarant is the owner of certain lands and premises in the Town of Essex which it acquired by (1) Administrator’s Deed of Albert A. Cicchetti, Administrator c.t.a., of the Estate of Kathryn T. Whitcomb, dated March 11, 2002, recorded in Volume 480, Page 906, of the Land Records of the Town of Essex; and (2) Administrator’s Deed of Albert A. Cicchetti, Administrator d.b.n, c.t.a., of the Estate of Robert M. Whitcomb, Sr., dated March 11, 2002, recorded in Volume 480, Page 903, of the Land Records of the Town of Essex.

B. The Declarant has commenced development of the lands and premises as a planned residential development consisting of up to 142 condominium units as shown and depicted on a plat entitled: “Whitcomb Heights II, Cascade and South Streets, Essex, Vermont Property Plat,” prepared by O’Leary & Burke Civil Associates, dated February 14, 2003, recorded in Map Side 398 of the Land Records of the Town of Essex (the “Plan”).

C. Declarant received final plan approval from the Village’s Planning Commission for the planned residential development by written decision, dated December 16, 1999.

D. The Declarant, in presenting its proposal to the Planning Commission, agreed that ownership of certain lands would be offered to the Village for public access and recreation in consideration for the final approval.

E. The Declarant and the Village recognize the value of retaining the rural character of those lands and preserving them in their natural, scenic and open condition and in so doing furthering their aesthetic and ecological value.

F. Title 10 V.S.A. Chapter 155 permits Vermont municipalities to acquire interest in land in the nature of conservation and open space easements.

G. The Village desires to acquire a conservation and open space easement regarding certain lands of the Declarant in furtherance of the purposes enumerated in 10 V.S.A. § 6301.

### *Terms and Provisions*

**NOW, THEREFORE**, in consideration of the Planning Commission’s approval of its planned residential development, the facts above recited, and of the mutual covenants, terms, conditions and restrictions herein contained, the Declarant and the Village agree as follows:

### **Section 1. Grant.**

Subject to the terms of the Agreement, the Declarant, as an absolute and unconditional transfer, does hereby freely give, grant and convey unto the Village, its successors and assigns forever, a conservation and open space easement or restriction (the "Easement") with respect to the lands and premises shown and depicted as "Open Space 1" (the "Burdened Parcel") on a plat entitled "Whitcomb II, Cascade and South Streets, Essex, Vermont, Property Plat," dated February 20, 2003, recorded in Map Slide 398 of the Land Records of the Town of Essex. The nature and scope of the Easement is as follows:

(a) The right of public view of the Burdened Parcel in its natural, scenic and open condition. The Open Space may be used by the public for passive recreational uses, and for educational purposes, limited solely to walking and nature study. There shall be no public access to the wetlands located on the Open Space. The public shall not remove or alter the existing terrain or vegetation.

(b) The right of the official representatives of the Village, in a reasonable manner and at reasonable times, to enter and inspect the Burdened Parcel.

**TO HAVE AND TO HOLD** the Easement unto the Village and its successors and assigns, forever.

### **Section 2. Negative Covenants by the Declarant.**

The Declarant covenants with the Village as follows:

(a) *No Improvements.* There shall be no construction or placing of any buildings or structures of any kind, temporary or permanent on the Burdened Parcel.

(b) *No Filling, etc.* There shall be no filling, excavating, dredging, mining or drilling, removal or topsoil, sand, gravel, rock, minerals or other materials, nor any building of roads or change in the topography of the Burdened Parcel in any manner.

(c) *Dumping, etc.* There shall be no dumping of ashes, trash, garbage or other unsightly or offensive material at the Burdened Parcel, and no changing of the topography of the Burdened Parcel through the placing of soil or other substance of materials such as landfill.

(d) *No Vehicles.* There shall be no operation of motorized vehicles on the Burdened Parcel including but not limited to: snowmobiles, dune buggies, motorcycles, trail bikes or all-terrain vehicles.

(e) *Environment.* There shall be no activities or uses on the Burdened Parcel which shall be detrimental or could be detrimental to drainage, flood control, water conservation, fish and wildlife or habitat preservation.

### **Section 3. Affirmative Covenants of the Declarant.**



The Declarant covenants with the Village as follows:

(a) *Taxes.* The Declarant and its successors and assigns shall pay any real estate taxes or other assessments levied by competent authorities on the Burdened Parcel and shall relieve the Village from responsibility for maintaining the Burdened Parcel.

(b) *Subsequent Conveyances.* The terms, conditions, restrictions, and purposes of this Agreement will be inserted by reference in any subsequent deed, or other legal instrument, by which the Declarant divest itself of either fee simple title or possessory interest in the Burdened Parcel or in any of the property forming a part of the development.

**Section 4. Limitation on Scope of Easement.**

Hunting and fishing at or from the Burdened Parcel are prohibited.

**Section 5. Enforcement.**

(a) The Village (and the Village alone) shall have the exclusive right to enforce by injunction or proceedings at law or in equity, the provisions of this Agreement.

(b) The Village acknowledges that the conveyance by this Open Space Agreement, together with the execution and delivery of a Nature Trail Easement Deed, of substantially even date hereof, satisfies and discharges the obligation of the Declarant to convey ownership of the areas described on the Grantee's approval, made on \_\_\_\_\_, 1999, of Whitcomb Height Phase II Parcel Four (Final Plan Approval); and

*General Provisions*

**Section 6. Recitals; Incorporation by Reference.**

The Recitals are an integral part of this Agreement and are incorporated herein by reference.

**Section 7. Governing Law.**

The grant herein is pursuant to the authority set forth in 10 V.S.A. ch. 155, as presently enacted and from time to time hereinafter amended, and that all of the provisions thereof shall be binding upon the Declarant and the Burdened Parcel.

**Section 8. Successors and Assigns.**

Each provision of this Agreement shall be binding on, and shall insure to the benefit, of the respective successors and assigns of the Declarant and the Village.

**Section 9. Partial Invalidity.**

If any part of this Agreement shall be decreed to be invalid by any court of competent jurisdiction, such decree shall not be interpreted so as to invalidate the remainder of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement.

**SOUTH STREET ASSOCIATES, LLC**

By: \_\_\_\_\_

**VILLAGE OF ESSEX JUNCTION**

By: \_\_\_\_\_

STATE OF VERMONT  
CHITTENDEN COUNTY, ss.

At Essex Junction, Vermont, this \_\_ day of \_\_\_\_\_, 2015,  
\_\_\_\_\_, duly authorized agent of **SOUTH STREET ASSOCIATES, LLC**, personally appeared, and he acknowledged this instrument, by him signed and sealed to be his free act and deed and the free act and deed of **SOUTH STREET ASSOCIATES, LLC**.

Before me, \_\_\_\_\_  
Notary Public

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

My commission expires: \_\_\_\_\_ 2/10/19

STATE OF VERMONT  
CHITTENDEN COUNTY, ss.

At Essex Junction, Vermont, this \_\_ day of \_\_\_\_\_, 2015,  
\_\_\_\_\_, duly authorized agent of **VILLAGE OF ESSEX JUNCTION**, personally appeared and he acknowledged this instrument by him signed and sealed, to be his free act and deed and the free act and deed of the **VILLAGE OF ESSEX JUNCTION**.

Before me, \_\_\_\_\_

Notary Public

Print Name:

\_\_\_\_\_

My commission expires: 2/10/19

27160\002

With Village  
attorney's comments  
in red.

## OPEN SPACE AGREEMENT

**THIS AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_, 2015, between **SOUTH STREET ASSOCIATES, LLC** a Vermont limited liability company with a place of business in Essex Junction, Vermont (the "Declarant "); and the **VILLAGE OF ESSEX JUNCTION**, a Vermont municipality situated in Chittenden County, Vermont (the Village”).

### *Recitals*

A. The Declarant is the owner of certain lands and premises in the Town of Essex which it acquired by (1) Administrator's Deed of Albert A. Cicchetti, Administrator c.t.a., of the Estate of Kathryn T. Whitcomb, dated March 11, 2002, recorded in Volume 480, Page 906, of the Land Records of the Town of Essex; and (2) Administrator's Deed of Albert A. Cicchetti, Administrator d.b.n, c.t.a., of the Estate of Robert M. Whitcomb, Sr., dated March 11, 2002, recorded in Volume 480, Page 903, of the Land Records of the Town of Essex.

B. The Declarant has commenced development of the lands and premises as a planned residential development consisting of up to 142 condominium units as shown and depicted on a plat entitled: "Whitcomb Heights II, Cascade and South Streets, Essex, Vermont Property Plat," prepared by O'Leary & Burke Civil Associates, dated February 14, 2003, recorded in Map Side 398 of the Land Records of the Town of Essex (the "Plan").

C. Declarant received final plan approval from the Village's Planning Commission for the planned residential development by written decision, dated December 16, 1999.

D. The Declarant, in presenting its proposal to the Planning Commission, agreed that ownership of certain lands would be offered to the Village for public access and recreation in consideration for the final approval.

E. The Declarant and the Village recognize the value of retaining the rural character of those lands and preserving them in their natural, scenic and open condition and in so doing furthering their aesthetic, ~~agricultural~~ and ecological value.

F. Title 10 V.S.A. Chapter 155 permits Vermont municipalities to acquire interest in land in the nature of conservation and open space easements.

G. The Village desires to acquire a conservation and open space easement regarding certain lands of the Declarant in furtherance of the purposes enumerated in 10 V.S.A. § 6301.

### *Terms and Provisions*

**NOW, THEREFORE**, in consideration of the Planning Commission's approval of its planned residential development, the facts above recited, and of the mutual covenants, terms, conditions and restrictions herein contained, the Declarant and the Village agree as follows:

### **Section 1. Grant.**

Subject to the terms of the Agreement, the Declarant, as an absolute and unconditional transfer, does hereby freely give, grant and convey unto the Village, its successors and assigns forever, a conservation and open space easement or restriction (the "Easement") with respect to the lands and premises shown and depicted as "Open Space 1" (the "Burdened Parcel") on a plat entitled "Whitcomb II, Cascade and South Streets, Essex, Vermont, Property Plat," dated February 20, 2003, recorded in Map Slide 398 of the Land Records of the Town of Essex. The nature and scope of the Easement is as follows:

(a) The right of public view of the Burdened Parcel in its natural, scenic and open condition. The Open Space may be used by the public for passive recreational uses, and for educational purposes, limited solely to walking and nature study. There shall be no public access to the wetlands located on the Open Space. The public shall not remove or alter the existing terrain or vegetation.

(b) The right of the official representatives of the Village, in a reasonable manner and at reasonable times, to enter and inspect the Burdened Parcel.

**TO HAVE AND TO HOLD** the Easement unto the Village and its successors and assigns, forever.

### **Section 2. Negative Covenants by the Declarant.**

The Declarant covenants with the Village as follows:

(a) *No Improvements.* There shall be no construction or placing of any buildings or structures of any kind, temporary or permanent on the Burdened Parcel.

(b) *No Filling, etc.* There shall be no filling, excavating, dredging, mining or drilling, removal or topsoil, sand, gravel, rock, minerals or other materials, nor any building of roads or change in the topography of the Burdened Parcel in any manner.

(c) *Dumping, etc.* There shall be no dumping of ashes, trash, garbage or other unsightly or offensive material at the Burdened Parcel, and no changing of the topography of the Burdened Parcel through the placing of soil or other substance of materials such as landfill.

(d) *No Vehicles.* There shall be no operation of motorized vehicles on the Burdened Parcel including but not limited to: snowmobiles, dune buggies, motorcycles, trail bikes or all-terrain vehicles.

(e) *Environment.* There shall be no activities or uses on the Burdened Parcel which shall be detrimental or could be detrimental to drainage, flood control, water conservation, fish and wildlife or habitat preservation.

### **Section 3. Affirmative Covenants of the Declarant.**

The Declarant covenants with the Village as follows:

(a) *Taxes.* The Declarant and its successors and assigns shall pay any real estate taxes or other assessments levied by competent authorities on the Burdened Parcel and shall relieve the Village from responsibility for maintaining the Burdened Parcel.

(b) *Subsequent Conveyances.* The terms, conditions, restrictions, and purposes of this Agreement will be inserted by reference in any subsequent deed, or other legal instrument, by which the Declarant divest itself of either fee simple title or possessory interest in the Burdened Parcel or in any of the property forming a part of the development.

**Section 4. Limitation on Scope of Easement.**

~~(a)~~

~~(b)~~

~~(ae)~~ ~~The Declarant may, in its discretion and from time to time, prohibit h~~unting and fishing at or from the Burdened Parcel are prohibited.

**Section 5. Enforcement.**

(a) The Village (and the Village alone) shall have the exclusive right to enforce by injunction or proceedings at law or in equity, the provisions of this Agreement.

(b) The Village acknowledges that ~~this the~~ conveyance by this Open Space Agreement, together with the execution and delivery of a Nature Trail Easement Deed, of substantially even date hereof, satisfies and discharges the obligation of the Declarant to convey ownership of the areas described on the Grantee's approval, made on \_\_\_\_\_, 1999, of Whitcomb Height Phase II Parcel Four (Final Plan Approval); and

***General Provisions***

**Section 6. Recitals; Incorporation by Reference.**

The Recitals are an integral part of this Agreement and are incorporated herein by reference.

**Section 7. Governing Law.**

The grant herein is pursuant to the authority set forth in 10 V.S.A. ch. 155, as presently enacted and from time to time hereinafter amended, and that all of the provisions thereof shall be binding upon the Declarant and the Burdened Parcel.

**Section 8. Successors and Assigns.**



Each provision of this Agreement shall be binding on, and shall insure to the benefit, of the respective successors and assigns of the Declarant and the Village.

**Section 9. Partial Invalidity.**

If any part of this Agreement shall be decreed to be invalid by any court of competent jurisdiction, such decree shall not be interpreted so as to invalidate the remainder of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement.

**SOUTH STREET ASSOCIATES, LLC**

By: \_\_\_\_\_

**VILLAGE OF ESSEX JUNCTION**

By: \_\_\_\_\_

STATE OF VERMONT  
CHITTENDEN COUNTY, ss.

At Essex Junction, Vermont, this \_\_ day of \_\_\_\_\_, 2015,  
\_\_\_\_\_, duly authorized agent of **SOUTH STREET ASSOCIATES, LLC**, personally appeared, and he acknowledged this instrument, by him signed and sealed to be his free act and deed and the free act and deed of **SOUTH STREET ASSOCIATES, LLC**.

Before me, \_\_\_\_\_  
Notary Public

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

My commission expires: 2/10/19

STATE OF VERMONT  
CHITTENDEN COUNTY, ss.

At Essex Junction, Vermont, this \_\_ day of \_\_\_\_\_, 2015,  
\_\_\_\_\_, duly authorized agent of **VILLAGE OF ESSEX JUNCTION**, personally appeared and he acknowledged this instrument

by him signed and sealed, to be his free act and deed and the free act and deed of the **VILLAGE OF ESSEX JUNCTION**.

Before me, \_\_\_\_\_  
Notary Public

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

My commission expires: 2/10/19

## NATURE TRAIL EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS: That **SOUTH STREET ASSOCIATES, LLC**, a Vermont limited liability company having a place of business in the Town of Essex, in the County of Chittenden and State of Vermont (the "Grantor"), in the consideration of TEN AND MORE DOLLARS paid to Grantor's full satisfaction by **VILLAGE OF ESSEX JUNCTION**, a Vermont municipality, located in the Town of Essex, in the County of Chittenden and State of Vermont (the "Grantee"), by these presents, does freely **GIVE, GRANT, SELL, CONVEY AND CONFIRM** unto the Grantee, and the Grantee's successors and assigns, forever, certain easements on lands of the Grantor in the Town of Essex, in the County of Chittenden, and State of Vermont, described as follows:

Being a strip of land, ten feet (10') in width, for use as a nature trail by pedestrians, located as follows:

Commencing on the southerly side of South Street in the Village of Essex Junction, at the Grantor's westerly boundary;

thence proceeding in a generally southerly and easterly direction through the Grantor's lands and premises to the westerly sideline of Dunbar Drive;

thence continuing southerly through the Grantor's lands and premises to the northerly sideline of Cascade Street in the Village of Essex Junction.

Said strip of land is shown and depicted as "Future Trail," located within the limits of the area designated as "Open Space 1" on a plat entitled "Whitcomb II, Cascade and South Streets, Essex, Vermont, Property Plat," dated February 14, 2003, recorded in Map Slide 398 in the Land Records of the Town of Essex.

The centerline of the trail shall be the centerline of the easement.

The easement shall be used by residents of the Village of Essex Junction as a nature trail by individuals walking on foot. The nature trail shall not be used for running or jogging. It is a condition of this conveyance that no bicycle, motorized traffic (including but not limited to motorcycles, dune buggies, trail bikes, all-terrain vehicles and snowmobiles) shall use the trail, except motorized vehicles used by the Grantee, or its agents designated for such purposes, for the purpose of maintaining or patrolling the trail.

The Grantee, its successors and assigns, shall (a) have the right to reconstruct, maintain and patrol the nature trail in its natural condition located within the easement described in this Nature Trail Easement Deed, including the right to install, maintain, repair and replace any necessary culvert or cut, at its or their sole cost, expense and risk and (b) shall patrol the easement area for the benefit of the residents of the Village of Essex Junction.

By recording of this easement deed, the Grantee agrees, for itself and its successors and assigns, as follows:

(a) any lands and premises of the Grantor lying outside the scope of this easement disturbed or affected by Grantee's exercise of the rights granted hereunder shall be restored to their condition prior to such entry at the Grantee's own cost expense and risk and within a reasonable time, and

(b) acknowledges that it will indemnify and hold the Grantor, and its successors and assigns, harmless, to the full limits of liability insurance that the Grantee customarily maintains, for any injury or damage resulting from the public use of the nature trail and easement area not attributable to acts of the Grantor; and

(c) acknowledges that this easement has been donated to the Grantee, at no cost to the Grantee, with the intent that Grantor shall receive the full benefit and protection of 19 V.S.A. Section 2309; and

(d) acknowledges that this conveyance, together with the execution and delivery of an Open Space Agreement, of substantially even date hereof, satisfies and discharges the obligation of the Grantor to convey ownership of the areas described on the Grantee's approval, made on \_\_\_\_\_, 1999, of Whitcomb Height Phase II Parcel Four (Final Plan Approval);

(e) agrees that the Grantor retains the right to have the area of the easement considered and included as a constituent part of the whole of the Whitcomb II lands and premises for purposes of calculating setbacks, lot coverage, density and similar requirements of zoning and land use ordinances.

The Grantor, its successors and assigns, shall have the right to make use of the surface of so much of its lands and premises as is encumbered hereby, such as shall not be inconsistent with the use of said easement, but specifically shall place no structure, landscaping or other improvement within said easement areas which shall prevent or interfere with the Grantee's ability to use said easement.

No person shall succeed to the rights of the Grantee under this Nature Trail Easement Deed, whether by deed or operation of law, unless the successor or assignee (1) is a Vermont municipality or Vermont governmental entity and (2) executes and delivers to the Grantor, or its successor assign, an instrument, in form suitable for recording in the Land Records of the Town of Essex, confirming that the successor or assign is and shall be bound by the terms of this Nature Trail Easement Deed.

Being a portion of the lands and premises conveyed to South Street Associates, LLC, by:

(1) Administrator's Deed of Albert A. Cicchetti, Administrator c.t.a., of the Estate of Kathryn T. Whitcomb, dated March 11, 2002, recorded in Volume 480, Page 906, of the Land Records of the Town of Essex; and (2) Administrator's Deed of Albert A. Cicchetti,

Administrator d.b.n, c.t.a., of the Estate of Robert M. Whitcomb, Sr., dated March 11, 2002, recorded in Volume 480, Page 903, of the Land Records of the Town of Essex.

Reference is hereby made to the above-referenced instruments, the records thereof, the references therein made, and their respective records and references, in further aid of this description.

**TO HAVE AND TO HOLD** the above described easement with all the privileges and appurtenances thereof, to the Grantee, and Grantee's successors and assigns, forever;

And the Grantor, for itself and its successors and assigns, does covenant with the Grantee, and the Grantee's successors and assigns, that until the ensealing of these presents it is the sole owner of the lands and premises, and has good right and title to convey the same in manner aforesaid, that they are **FREE FROM EVERY ENCUMBRANCE**, except as aforesaid, provided that such exception shall not reinstate any such rights or encumbrances previously extinguished by 27 V.S.A. § 601 through § 606; and the Grantor hereby engages to **WARRANT AND DEFEND** the same against all lawful claims whatever, except as aforesaid.

**IN WITNESS WHEREOF**, the Grantor has caused this instrument to be executed and acknowledged this \_\_\_ day of \_\_\_\_\_ A.D., 2015.

**SOUTH STREET ASSOCIATES, LLC**

By: \_\_\_\_\_  
Duly Authorized Agent

STATE OF VERMONT  
CHITTENDEN COUNTY, SS.

At Essex this \_\_\_ day of \_\_\_\_\_ 2015, \_\_\_\_\_, duly authorized agent of **SOUTH STREET ASSOCIATES, LLC** personally appeared, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of **SOUTH STREET ASSOCIATES, LLC**.

Before me, \_\_\_\_\_  
Notary Public

Print Name: \_\_\_\_\_  
My Commission Expires: 2/10/19

With Village  
Attorney's changes  
in red.

## NATURE TRAIL EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS: That **SOUTH STREET ASSOCIATES, LLC**, a Vermont limited liability company having a place of business in the Town of Essex, in the County of Chittenden and State of Vermont (the "Grantor"), in the consideration of TEN AND MORE DOLLARS paid to Grantor's full satisfaction by **VILLAGE OF ESSEX JUNCTION**, a Vermont municipality, located in the Town of Essex, in the County of Chittenden and State of Vermont (the "Grantee"), by these presents, does freely **GIVE, GRANT, SELL, CONVEY AND CONFIRM** unto the Grantee, and the Grantee's successors and assigns, forever, certain easements on lands of the Grantor in the Town of Essex, in the County of Chittenden, and State of Vermont, described as follows:

Being a strip of land, ten feet (10') in width, for use as a nature trail by pedestrians, located as follows:

Commencing on the southerly side of South Street in the Village of Essex Junction, at the Grantor's westerly boundary;

thence proceeding in a generally southerly and easterly direction through the Grantor's lands and premises to the westerly sideline of Dunbar Drive;

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Said strip of land is shown and depicted as "Future Trail," located within the limits of the area designated as "Open Space 1" on a plat entitled "Whitcomb II, Cascade and South Streets, Essex, Vermont, Property Plat," dated February 14, 2003, recorded in Map Slide 398 in the Land Records of the Town of Essex.

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The Grantee, its successors and assigns, shall (a) have the right to reconstruct, maintain and patrol the nature trail in its natural condition located within the easement described in this Nature Trail Easement Deed, including the right to install, maintain, repair and replace any necessary culvert or cut, at its or their sole cost, expense and risk and (b) shall patrol the easement area for the benefit of the residents of the Village of Essex Junction.



Administrator d.b.n, c.t.a., of the Estate of Robert M. Whitcomb, Sr., dated March 11, 2002, recorded in Volume 480, Page 903, of the Land Records of the Town of Essex.

Reference is hereby made to the above-referenced instruments, the records thereof, the references therein made, and their respective records and references, in further aid of this description.

**TO HAVE AND TO HOLD** the above described easement with all the privileges and appurtenances thereof, to the Grantee, and Grantee's successors and assigns, forever;

And the Grantor, for itself and its successors and assigns, does covenant with the Grantee, and the Grantee's successors and assigns, that until the ensealing of these presents it is the sole owner of the lands and premises, and has good right and title to convey the same in manner aforesaid, that they are **FREE FROM EVERY ENCUMBRANCE**, except as aforesaid, provided that such exception shall not reinstate any such rights or encumbrances previously extinguished by 27 V.S.A. § 601 through § 606; and the Grantor hereby engages to **WARRANT AND DEFEND** the same against all lawful claims whatever, except as aforesaid.

**IN WITNESS WHEREOF**, the Grantor has caused this instrument to be executed and acknowledged this \_\_\_ day of \_\_\_\_\_ A.D., 2015.

**SOUTH STREET ASSOCIATES, LLC**

By: \_\_\_\_\_  
Duly Authorized Agent

STATE OF VERMONT  
CHITTENDEN COUNTY, SS.

At Essex this \_\_\_ day of \_\_\_\_\_ 2015, \_\_\_\_\_, duly authorized agent of **SOUTH STREET ASSOCIATES, LLC** personally appeared, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of **SOUTH STREET ASSOCIATES, LLC**.

Before me, \_\_\_\_\_  
Notary Public

Print Name: \_\_\_\_\_  
My Commission Expires: 2/10/19



Community Development Department

2 Lincoln Street  
Essex Junction, VT 05452  
[www.essexjunction.org](http://www.essexjunction.org)

Office: (802) 878-6944  
Fax: (802) 878-6946

## **MEMORANDUM**

**TO:** Pat Scheidel, Village Manager, Trustees  
**FROM:** Robin Pierce, Community Development Director *RJP*  
**DATE:** May 26, 2015  
**SUBJECT:** New Name for portion of Jackson Street

### **Issue**

The issue is whether or not the Trustees wish to assign a new name to a portion of Jackson Street that does not comply with a new emergency system that the State of Vermont E911 Board is implementing.

### **Discussion**

Following up on previous Trustee discussions, numbering 1 through 5 is absolutely not acceptable because of the standard developed by the State E911 Board. The State E911 Board determines which numbers to use. They make the rules.

Hammond is the oldest owner name on the private drive. Hammond was a name there since the mid-1970's and owned three of the properties. Hammond Lane meets the E911 criteria. Therefore, Hammond Lane would be an appropriate designation for this location. The Trustees can certainly use suggested street names approved by E911 even if they are not on the approved list.

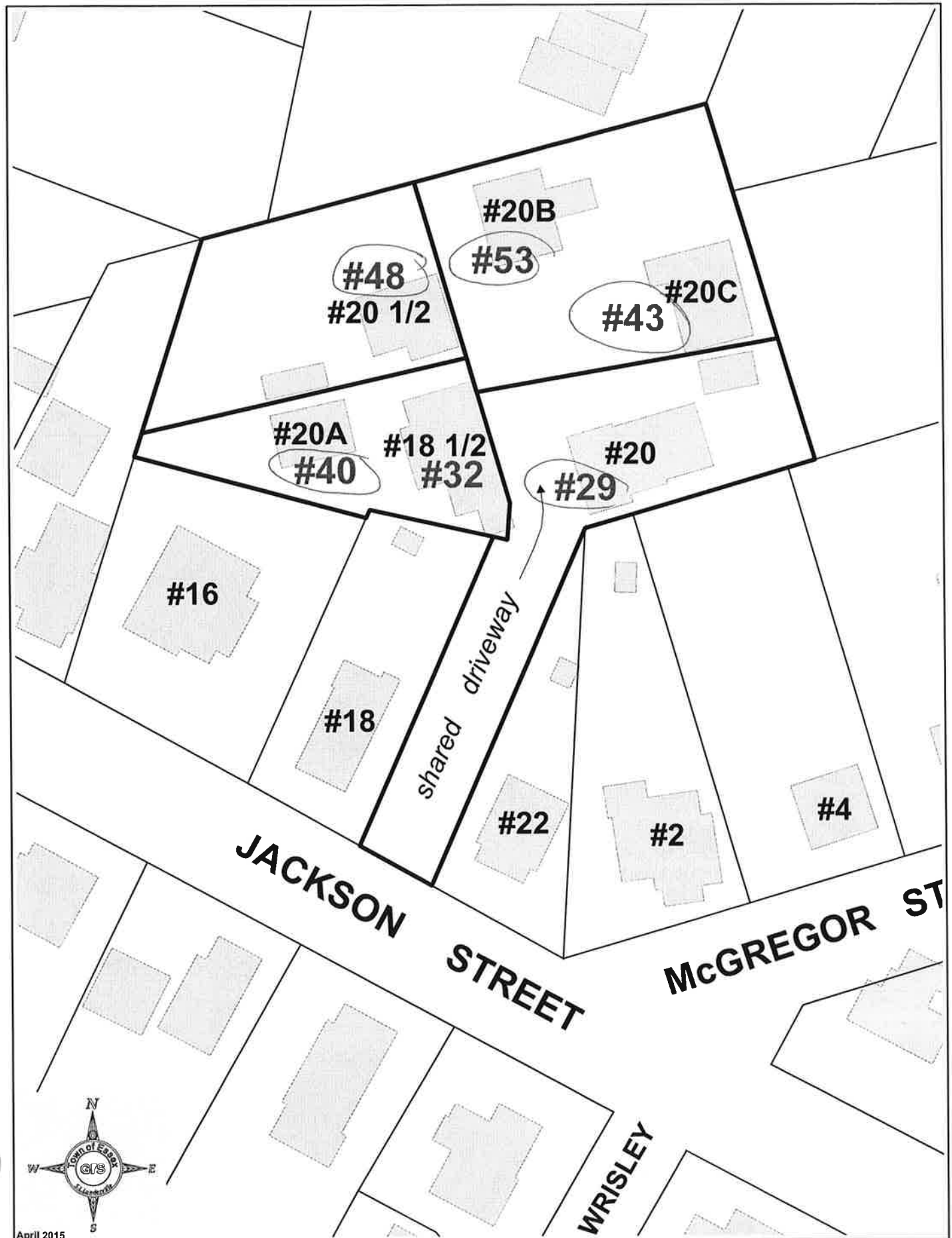
Staff has spoken with Mr. Scott Barnier, (attended the last Trustee meeting on the subject), who contacted several other residents on this section of road. Reluctantly they agreed that Hammond Lane was an appropriate name. Staff told them that the numbering system is not up for negotiation as the State decides this issue based on E911 protocol.

### **Cost**

No Village costs have been associated with this change.

### **Recommendation**

It is recommended that the Trustees select Hammond Lane as the new name for this location to comply with the new State E911 system and comply with the State E911 Board requirements for the numbering of Hammond Lane, thus improving efficiency of access to these properties in emergency situations and for postal deliveries.



April 2015



Community Development Department

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## **MEMORANDUM**

**TO:** Pat Scheidel, Village Manager, Trustees  
**FROM:** Robin Pierce, Community Development Director  
**DATE:** May 26, 2015  
**SUBJECT:** Multiuse Path from West Street to Pearl Street.

### **Issue**

The issue is whether or not the Trustees wish to approve a construction grant application to VTrans for a new Multiuse path from West Street to Pearl Street by the Bike/Walk Advisory Committee.

### **Discussion**

Residents within neighborhoods adjacent to West St. and Pearl St. currently employ a system of unofficial paths through the woods and across the freight rail running parallel to Pearl Street at numerous locations. This creates an unsafe situation for pedestrians crossing the tracks along the project area. People take these shortcuts in part because the nearest existing connections lie over a half mile apart.

In response to these issues, the Village Bike/Walk Advisory Committee worked with UVM students as part of their Capstone project to investigate the feasibility of the design and subsequent construction of a new multiuse path serving as a pedestrian connection between West Street and Pearl Street

The proposed solution is a paved multiuse path, including a bridge across an existing ravine, and is approximately 1,700 feet long. This will present residents with a safe and reliable alternative to the current network of unofficial trails crossing the train tracks. The selected location for the path would also allow easy access to nearby points of interest such as the dog park and community gardens. The proposed route will consolidate railroad crossings to a single location to ensure users are crossing the freight rail safely. Three distinct route alternatives were reviewed as part of the student's proposal and the one selected is highlighted in the attachment. The preferred alternative starts on the north-side of West Street opposite Hayden and exits onto the south-side of Pearl Street across from the Harley Davidson dealer and beside an existing bus stop. The additional pedestrian traffic at this point may also rise to the level that would permit a midblock crossing on Pearl Street, which is something some residents have been asking for.

The new multiuse path utilizes (in part) an old road crossing of the tracks that has been discontinued. Interestingly, the road width has been closed down to a pedestrian width by the use of boulders, permitting access to the tracks at this point.

A fence is proposed, running parallel with the tracks on the West St. side of the rail line, to give an early visual clue of restricted access and deter people from using unauthorized track crossings while encouraging use of the safer, maintained path, which is an impervious surface that is ADA compliant.

Jon Kaplan PE, VTrans Bicycle and Pedestrian Program Manager, has reviewed the report from the UVM students for this proposed project and stated that it met the standard for a scoping study (see attached email for confirmation of same.) This reduces the steps needed to get to the point where a construction grant can be applied for. This has saved the Village around \$50,000, which is an average cost for a Scoping Study. And the time needed to get from scoping study to grant application for construction funding could be a year.

### **Cost**

The UVM Students estimated the construction cost to be \$524,100. The Village Engineer added a 15% contingency making it \$602,715. To that he added about \$80,000 for the design and \$60,000 for inspection, for a total of \$742,715, plus the Village's Local Project Manager cost. There is a ten percent match (10%) in this round of grant applications for construction projects. Working on the estimates above, there would be a \$74,272 Village match requirement.

In addition, there would be ongoing maintenance costs that are currently estimated to be \$2,500 a year for snow removal and \$100 a year for repair.

### **Recommendation**

It is recommended that the Trustees approve a 2015 VTrans Bicycle and Pedestrian Program grant application by the Bike/Walk Advisory Committee that will be reviewed and approved by Staff prior to submittal and commit to a ten-percent match (10%) for same.



**Jon Kaplan, P.E.**  
**Bicycle and Pedestrian Program Manager**  
**State of Vermont**  
**Highway Division**  
**Municipal Assistance Bureau**  
 1 National Life Drive  
 Montpelier, VT 05633-5001  
[www.aot.state.vt.us](http://www.aot.state.vt.us)

[jon.kaplan@state.vt.us](mailto:jon.kaplan@state.vt.us)

*Agency of Transportation*

[phone] 802-828-0059  
 [fax] 802-828-5712  
 [ttd] 800-253-0191

**RECEIVED**  
**MAY 18 2015**  
*Village of Essex Junction*

**TO:** Interested Parties  
**FROM:** Jon Kaplan, Bicycle and Pedestrian Program Manager  
**DATE:** May 6, 2015  
**RE:** **2015 VTrans Bicycle and Pedestrian Program**

I am happy to announce that we are soliciting applications for projects this year through the Bicycle and Pedestrian Program. The intent of the VTrans Bicycle and Pedestrian Program is to improve access and safety for bicyclists and/or pedestrians through the planning, design and construction of infrastructure projects.

The Bike/Ped Program provides funding for either a scoping study or a design/construction project for the following facilities:

- Bicycle lanes (on-road facility delineated with pavement markings and signs)
- Shoulders (generally a minimum of 3-feet wide to accommodate bicyclists)
- Sidewalks
- Pedestrian crossing improvements, including median pedestrian refuge islands
- Pedestrian signals
- Improvements that address requirements of the Americans with Disabilities Act
- Shared-use paths (designed for use by both bicyclists and pedestrians)
- Pedestrian-scale lighting (not likely to rank highly as a standalone project, but eligible as a project component)

Projects may be combinations of any of the above facilities.

Projects with the following emphasis will be considered favorably:

- Facilities that address a documented safety concern such as a high crash location
- Connectivity within overall bicycle and pedestrian networks
- Proximity and access to and within village centers and downtown areas
- Facilities that serve multiple uses e.g. access to businesses, residences and schools

An addition to this year's program is a "small projects" category that is funded with state dollars only. The intent of these projects is to implement necessary safety improvements like signs, pavement markings, crossing enhancements or on-road bike facilities through striping. These projects may be bid out or done by local forces. This category is not to be used to match federal funds on a larger project.

For a copy of the VTrans 2015 Bicycle and Pedestrian Program Guide and Application, visit the VTrans website: <http://vtrans.vermont.gov/>, and look under the Spotlight heading or go to <http://vtransengineering.vermont.gov/bureaus/mab/local-projects/bike-ped>. You may also obtain a copy or ask questions about the program or application process by contacting me by phone at (802)828-0059 or email [jon.kaplan@state.vt.us](mailto:jon.kaplan@state.vt.us).

As in previous years, there will be pre-application training sessions provided to potential applicants. It is strongly recommended that an official representative of the applicant attend one of these sessions. This year, the sessions will be provided as a webinar and attendees will log on to vtrans.webex.com. The two sessions are scheduled on Wednesday May 27, 1:00 PM to 3:00 PM and Thursday, May 28, 6:00 PM to 8:00 PM. You can participate in the training from any computer connected to the internet.

This year, it is preferred to submit applications in electronic format as Adobe .pdf files. Hard copy applications will still be accepted. Complete applications are **due by 1:00 PM on July 17, 2015**.

I strongly urge you to work with your Regional Planning Commission. These organizations are invaluable resources and can help you refine your project.

The Vermont Agency of Transportation is committed to this program and working with applicants to complete successful projects. This is not a block grant but rather a reimbursement program. Successful applicants will be expected to enter into a grant agreement with VTTrans that will lay out respective responsibilities as all projects must be developed in accordance with applicable federal and state rules and regulations.

We look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Kaplan".

Jon Kaplan, P.E.  
Bicycle and Pedestrian Program Manager  
Municipal Assistance Bureau

Robin – Although the format is a little different, this is a pretty thorough report and I would accept this as a scoping study for this proposed path if the Town decides to submit an application for construction funding.

\*\*\*\*\*

**Jon Kaplan, P.E.**  
**Bicycle and Pedestrian Program Manager**  
Municipal Assistance Bureau, Highway Division  
VT Agency of Transportation  
1 National Life Drive  
Montpelier, VT 05633-5001  
Ph: 802.828.0059  
Fax: 802.828.5712

VTrans Bicycle and Pedestrian Program  
Click [Here](#)

VT Safe Routes to School Web site  
[www.SafeRoutesVT.org](http://www.SafeRoutesVT.org)



Before printing this e-mail think if it is necessary. Think Green!

**From:** Robin Pierce [<mailto:robin@essexjunction.org>]  
**Sent:** Friday, May 15, 2015 8:27 AM  
**To:** Darby Mayville; Kaplan, Jon  
**Subject:** RE: VTrans Bike/Ped Grants

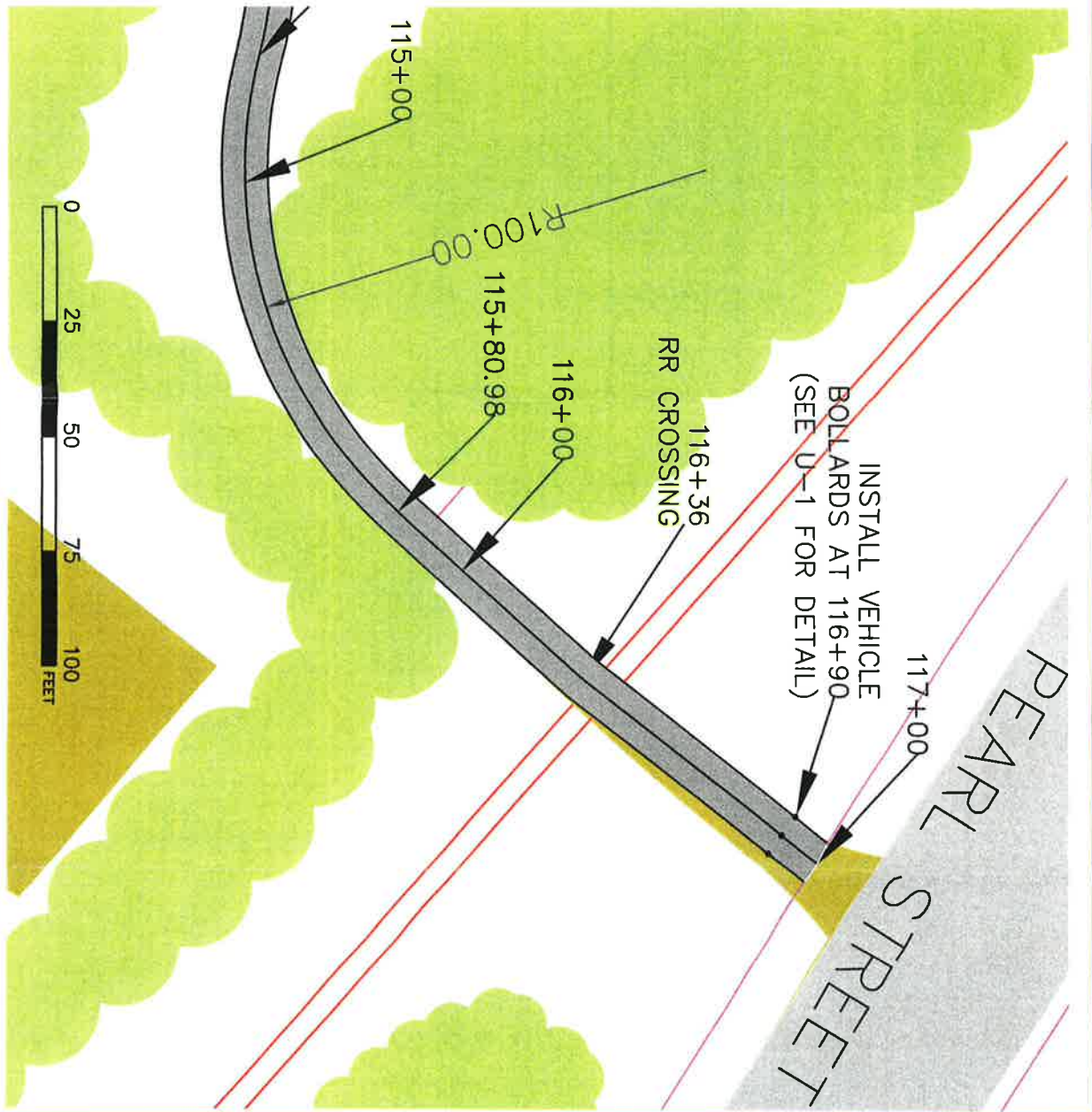
Hi Jon,

Please let me know if you feel the UVM student Capstone Study rises to the level of a Scoping Study for the purposes of this project so I can convey it to the Essex Junction Bike and Ped Committee as they are the ones advocating for this grant.

Thank you,

Robin.





<p>Capstone Project          Project: Essex Junction          Multi-Use Path          CE 175          5/8/14</p>	<p>PATH SECTION 5</p>	<p>Drawn by: Torrey Adair          Checked: Michael Keach          Tim Tabor          Ryan Spangenberg          Caleb Kernan</p>	<p>P-6          p. 6 of 6</p>
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## **MEMORANDUM**

To: Village of Essex Junction Trustees; Pat Scheidel, Municipal Manager  
From: Lauren Morrissette, Finance Director/Assistant Manager. *LM*  
Date: May 26, 2015  
Re: FYE 2015 Audit

### **Issue:**

The issue is whether the Trustees will approve a proposal from Sullivan & Powers Co. to perform the audit of the Village FYE 2015 Financial Statements

### **Discussion:**

The Village has employed the same auditor for many years and had intended to go out to bid for auditor for the audit of the current fiscal year (FYE2015). However, the Town and Village are on the brink of combining financial services. Not only will this effort require extra work from the staff to put the departments together but the end result of combined departmental functions will change the way the auditor will perform the audit. It would seem to be prudent to wait to go out to bid until after the departments are combined and in their new configuration. During the combination many processes and internal controls will be evaluated and changed for the better. It is staff's intention to solicit bids for the audit of the combined services department in February 2016 for the audit of FYE 2016.

### **Cost:**

The cost of the contract is \$14,800, an increase of 2% over last year's contract.

### **Recommendation:**

Staff recommends the Village Trustees approve the contract with Sullivan Power & Company for the FYE2015 Audit.

RECEIVED

MAY 08 2015

# Sullivan, Powers & Co., P.C.

Certified Public Accountants

Village of Essex Junction

77 Barre Street  
P.O. Box 947  
Montpelier, VT 05601  
802/223-2352  
www.sullivanpowers.com

Fred Duplessis, CPA  
Richard J. Brigham, CPA  
Chad A. Hewitt, CPA  
Wendy C. Gilwee, CPA  
VT Lic. #92-000180

May 1, 2015

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

This letter is to confirm our understanding of the terms and objectives of our engagement.

## SCOPE OF SERVICES

We are prepared to perform an audit of the financial statements of the Village of Essex Junction, Vermont as of and for the year then ended June 30, 2015. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Village of Essex Junction, Vermont as of and for the year ended June 30, 2015.

Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Village of Essex Junction, Vermont's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Village of Essex Junction, Vermont's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited.

1. Management's Discussion and Analysis.

We have also been engaged to report on supplementary information other than RSI that accompanies the Village of Essex Junction, Vermont's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole.

1. Schedule of Expenditures of Federal Awards

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information.

1. Combining Balance Sheet – Nonmajor Governmental Funds.
2. Combining Statement of Revenues, Expenditures and Changes in Fund Balances – Nonmajor Governmental Funds.
3. Combining Statement of Fiduciary Net Position – Fiduciary Funds – Agency Funds.
4. Statement of Revenue and Expenses – Budget (Non GAAP Budgetary Basis) and Actual – Water Fund.
5. Statement of Revenue and Expenses – Budget (Non GAAP Budgetary Basis) and Actual – Sanitation Fund.
6. Statement of Revenue and Expenses – Budget (Non GAAP Budgetary Basis) and Actual – Wastewater Fund.

AUDIT OBJECTIVES

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to previously when considered in relation to the financial statements as a whole. The objective also includes reporting on:

- Internal control related to the financial statements and compliance with laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with "Government Auditing Standards".
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations".

The "Government Auditing Standards" report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that the purpose of the report is solely to describe the scope of testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the Village's internal control over financial reporting or on compliance, and that the report is an integral part of an audit performed in accordance with "Government Auditing Standards" in considering the Village's internal control and compliance. The OMB Circular A-133 report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in "Government Auditing Standards", issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Board of Trustees of the Village of Essex Junction, Vermont. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinion on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

If circumstances occur related to the condition of your records, the availability of sufficient, appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements caused by error, fraudulent financial reporting, or misappropriation of assets, which in our professional judgment prevent us from completing the audit or forming an opinion on the financial statements, we retain the right to take any course of action permitted by professional standards, including declining to express an opinion or issue a report, or withdrawing from the engagement.

#### MANAGEMENT RESPONSIBILITIES

Management is responsible for the financial statements, schedule of expenditures of federal awards, and all accompanying information as well as all representations contained therein. Management is also responsible for identifying all federal awards received and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal awards, and related notes. These nonaudit services do not constitute an audit under "Government Auditing Standards" and such services will not be conducted in accordance with "Government Auditing Standards". You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal awards, related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.



Management is responsible for (1) establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management is reliable and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, additional information that we may request for the purpose of the audit, and unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving management, employees who have significant roles in internal control, and others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan for our review. The summary schedule of prior audit findings should be available for our review when we arrive to begin the audit.

You are responsible for the preparation of the schedule of expenditures of federal awards in conformity with OMB Circular A-133. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon or make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that you are responsible for the schedule of expenditures of federal awards in accordance with OMB Circular A-133; that you believe the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with OMB Circular A-133; that the methods of measurement or presentation have not changed from those used in the prior period (or if they have changed, the reasons for such changes); and you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles (GAAP). You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that you are responsible for the supplementary information in accordance with GAAP; that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; that the methods of measurement or presentation have not changed from those used in the prior period (or if they have changed, the reasons for such changes); and you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

With regard to using the auditor's report, you understand that you must obtain our prior written consent to reproduce or use our report in bond offering official statements or other documents. With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

### AUDIT PROCEDURES – GENERAL

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, "Government Auditing Standards" do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and "Government Auditing Standards". In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We may request written representations from your attorneys as part of the engagement and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts and grant agreements; and other responsibilities required by generally accepted auditing standards.

### AUDIT PROCEDURES – INTERNAL CONTROL

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to "Government Auditing Standards".



As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, "Government Auditing Standards" and OMB Circular A-133.

#### AUDIT PROCEDURES – COMPLIANCE

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Village of Essex Junction, Vermont's compliance with provisions of applicable laws, regulations, contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to "Government Auditing Standards".

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the "OMB Circular A-133 Compliance Supplement" for the types of compliance requirements that could have a direct and material effect on each of the Village of Essex Junction, Vermont's major programs. The purpose of these procedures will be to express an opinion on the Village of Essex Junction, Vermont's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

#### AUDIT ADMINISTRATION

Chad Hewitt, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditor's reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

We will provide copies of our reports to the Village of Essex Junction, Vermont; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is our property and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of our personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

In the event we are required to respond to a subpoena, court order or other legal process for the production of documents and/or testimony relative to information we obtained and/or prepared during the course of this engagement, you agree to compensate us for the time we expend in connection with such response, and to reimburse us for all of our out-of-pocket costs incurred in that regard.

In the event that we are or may be obligated to pay any cost, settlement, judgment, fine, penalty, or similar award or sanction as a result of a claim, investigation, or other proceeding instituted by any third party, then to the extent that such obligation is or may be a direct or indirect result of your intentional or knowing misrepresentation or provision to us of inaccurate or incomplete information in connection with this engagement, and not any failure on our part to comply with professional standards, you agree to indemnify us, defend us, and hold us harmless as against such obligations.

This engagement letter is contractual in nature, and includes all of the relevant terms that will govern the engagement for which it has been prepared. The terms of this letter supersede any prior oral or written representations or commitments by or between the parties. Any material changes or additions to the terms set forth in this letter will only become effective if evidenced by a written amendment to this letter, signed by all of the parties.

Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

#### FEE ARRANGEMENTS

Based upon our knowledge of your accounting system and our understanding of the requirements, we have determined that the audit of the financial statements can be performed for a fee of \$14,800 provided that the books are closed and reconciled and our to do list is completed prior to our commencing fieldwork.

Our fee for the single audit, if required, will be based on the time of the individuals performing these services at our standard hourly rates plus out-of-pocket expenses.

Fees for any other accounting services we provide will be billed based on the time of the individuals performing these services at our standard hourly rates plus out-of-pocket expenses.

Our procedure is to bill on a monthly progress basis for work performed to date. Accounts are due and payable upon receipt. A finance charge of one percent (1%) per month will be charged on balances over thirty (30) days.

GENERAL CONDITIONS

We are prepared to commence work as soon as formally engaged. A draft of the audit report will be submitted for your review prior to its issuance. We will issue the final reports within one (1) week of your approval of the draft report.

The audit documentation for this engagement will be retained for five (5) years after the report release date or for any additional period requested by a federal awarding agency or pass-through entity. If we are aware that a federal awarding agency, pass-through entity or auditee is contesting an audit finding, we will contact the party contesting the audit finding for guidance prior to destroying the audit documentation.

If the terms are acceptable to you and the services are in accordance with your requirements, please sign in the space provided and return an executed copy of this letter to us.

Respectfully submitted,

*Sullivan, Powers & Company*  
*by: Fred Duplessis, CPA*  
SULLIVAN, POWERS & CO  
Certified Public Accountants

We understand that the purpose of this is to clarify the services to be performed by you and the fee arrangements. We hereby confirm to you that we agree to the contents of this letter.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_



Patrick Scheidel  
Municipal Manager  
[PatS@essexjunction.org](mailto:PatS@essexjunction.org)

2 Lincoln Street  
Essex Junction, VT 05452  
[www.essexjunction.org](http://www.essexjunction.org)

Office: (802) 878-6944  
Fax: (802) 878-6946

## **MEMORANDUM**

**TO:** Village Trustees  
**FROM:** Pat Scheidel, Municipal Manager  
**DATE:** May 26, 2015  
**SUBJECT:** Reappointments to CCRPC and Transportation Advisory Committee

### **Issue**

The issue is whether or not the Trustees reappoint representatives to the Chittenden County Regional Planning Commission through June 30, 2017.

### **Discussion**

All current representatives and alternates on the CCRPC Board and TAC have agreed to be reappointed for another two-year term.

### **Cost**

There is no cost associated with this issue.

### **Recommendation**

It is recommended that the Trustees reappoint the following representatives to the CCRPC for a two-year term July 1, 2015 through June 30, 2017:

CCRPC Representative:	Dan Kerin
CCRPC Alternate:	Andrew Brown
CCRPC 2 <sup>nd</sup> Alternate:	Jeffrey Carr
TAC Representative:	Robin Pierce



April 27, 2015

RECEIVED

APR 30 2015

Village of Essex Junction

Ms. Patrick Scheidel  
Village of Essex Junction Village Manager  
2 Lincoln Street  
Essex Junction, VT 05452

Dear Ms. Scheidel: *Pat*

According to the bylaws of the Chittenden County Regional Planning Commission, "The term of the representatives and alternates will be for two years beginning July 1<sup>st</sup>. Communities whose beginning letter falls between A-K shall appoint a representative in even numbered fiscal years.

We are requesting that you have your legislative body take action to appoint/reappoint a representative and an alternate to the CCRPC for a term of two years beginning July 1, 2015 through June 30, 2017. The CCRPC supports diversity and equity in our representation, and we encourage municipalities to consider CCRPC Board members and alternates that represent our increasingly diverse populations.

We ask that you complete the enclosed letter of appointment and return it to us in the enclosed self-addressed envelope (or scan and email to us – [bferenc@ccrpcvt.org](mailto:bferenc@ccrpcvt.org)) by June 15, 2015.

Thank you for your assistance in this matter.

Sincerely,

Bernadette Ferenc  
Transportation Business Manager

Attachment

cc: CCRPC Representative: Dan Kerin  
CCRPC Alternate: Andrew Brown  
2<sup>nd</sup> alternate: Jeffrey Carr



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

110 West Canal Street, Suite 202  
Winooski, VT 05404-2109  
802-846-4490  
[www.ccrpcvt.org](http://www.ccrpcvt.org)

**RECEIVED**

**MAY 11 2015**

*Village of Essex Junction*

May 7, 2015

Mr. Patrick Scheidel  
Essex Junction Villae Manager  
2 Lincoln St.  
Essex Junction, Vt 05452

Dear Pat:

The CCRPC bylaws provide for several standing committees including a Transportation Advisory Committee (TAC). The TAC oversees the CCRPC's transportation activities and policy development as specifically described in item 1-11 of Article XI – Committees; D. Transportation Advisory Committee (copy attached).

The terms of TAC members will be for two years beginning July 1<sup>st</sup>. Communities who beginning letter falls between A-K shall appoint a representative to serve beginning in even numbered fiscal years.

We would ask you to please have your legislative body take action to appoint/reappoint a representative and alternate to the TAC for a term of two years beginning July 1, 2015 through June 30, 2017 (FY2016 & 2017).

We ask that you complete the enclosed letter of appointment and return it to us in the self-addressed envelope or scan and email to me at [bferenc@ccrpcvt.org](mailto:bferenc@ccrpcvt.org) by June 15, 2015. Thank you for your assistance in this matter.

Sincerely,

Bernadette Ferenc  
Transportation Business Manager

Attachments

cc: TAC Representative: Robin Pierce  
TAC Alternate: vacant




Community Development Department

2 Lincoln Street  
Essex Junction, VT 05452  
[www.essexjunction.org](http://www.essexjunction.org)

Office: (802) 878-6944  
Fax: (802) 878-6946

## **MEMORANDUM**

**TO:** Pat Scheidel, Village Manager  
**FROM:** Robin Pierce, Community Development Director   
**DATE:** May 26, 2015  
**SUBJECT:** Assistance with LDC Update.

### **Issue**

The issue is whether or not to approve funds to enable the Community Development Department to engage a temporary consultant to assist with the update to the LDC.

### **Discussion**

The LDC needs to be reviewed and rewritten or updated every five years. The last time we undertook a major rewrite of the LDC. This time we need to undertake an update. We had hoped to engage someone from the Chittenden County regional Planning Commission, (CCRPC). Unfortunately their staff is completely booked with other Municipalities. We have been extremely fortunate in the last four years with the amount of staff time and funding we have received from the CCRPC so it is understandable that other municipalities should be the CCRPC focus this year. With the Community Development Department being understaffed at the moment, and an extended work load with new committee appointments such as Hazard Mitigation, and inclusion on project committees for; the Train Station, Multiuse Path, the Pearl Street Missing Link and the Connector Road we need additional assistance. I suggest a recent UVM engineering graduate, Will Hayden, as a temporary consultant to assist with the rewrite. Will graduated Magna Cum Laude with a 3.96 GPA. (Will's resume attached). He has an excellent work ethic and is meticulous. The Community Development Department budgeted \$5,000 for this task and I propose that we make Will Hayden an offer to work with Community Development Staff and the Planning Commission to complete the LDC update for a \$5,000 fixed sum.

### **Cost**

No additional Village costs are associated with this proposal; the funds are already part of the Community Development Department budget: No additional benefits over and above the \$5,000 will accrue to Will Hayden as part of this arrangement.

### **Recommendation**

It is recommended that the Municipal Manager approve the temporary personnel arrangement with Will Hayden for the purpose of updating the LDC for the sum of \$5,000.

# William McKendree Hayden

william.m.hayden@gmail.com

182 Depot Road  
Burlington, VT 05401  
(802) 338-0323

---

## EDUCATION

**University of Vermont, Burlington, VT**  
Bachelor of Science, Environmental Engineering  
Cumulative GPA 3.96

Graduated Magna Cum Laude, Spring 2013

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## RELATED EXPERIENCE

**Senior Capstone Project – Design a Multiuse Trail Along State Park Road** Spring 2013

- Partnered with local stakeholders such as Charlotte Town, Trails Committee, and CCRPC
- Designed a safe, accessible route that connects two otherwise isolated trail systems
- Communicated effectively with highly technical and non-technical audiences
- Provided multiple realistic alternatives, that met local codes, in order to offer flexibility

**Transportation Systems Term Project** Fall 2012

- Identified and addressed safety concerns for users of all modes of transportation
- Studied traffic patterns within the North Winooski/North Union couplet for Burlington DPW
- Documented existing infrastructure and shortcomings regarding Complete Streets

**Belize Foundation for Research and Environmental Education (BFREE)** Spring 2009

- Designed a proposal for an individual senior project interning at the BFREE compound
- Researched existing solar power systems on the BFREE property
- Designed and began construction of a solar hot water heating system for bunkhouse showers

**Information Technology, Governors Institute of Vermont** Summer 2007

- Studied advanced techniques in electronic design and web entrepreneurship
  - Explored a variety of computer program applications
  - Acquired a knowledge base of object oriented programming
- 

## LEADERSHIP

**Captain, UVM Club Sports Men's Ultimate Frisbee and GMDA Winter League**

- Coordinated team communication and organization for practices, events, and tournaments

**Captain, Vermont Commons School Soccer, Basketball & Ultimate Frisbee**

- Recognized with Leadership Award for Soccer and Commitment Award for Basketball
- 

## RELATED COURSES:

Sustainable Transportation Planning, Engineering Systems Modeling, Environmental Systems, Transportation Systems, Technical Writing.

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## AWARDS AND RECOGNITION

**Tau Beta Pi – Vermont Alpha Chapter**

Inducted Fall 2012

**UVM Junior Award in Civil and Environmental Engineering**

Awarded Spring 2012

**Deans List, University of Vermont and Elon University**

Fall 2009-Spring 2013

**National Honor Society**

Member of Vermont Commons School Chapter





## **MEMORANDUM**

**TO:** Village Trustees  
**FROM:** Pat Scheidel, Municipal Manager  
**DATE:** May 26, 2015  
**SUBJECT:** Trustees Meeting Schedule

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

**June 2, 3-5 PM – Annual Employee Appreciation Party**

**June 9 at 6:30 – Regular Trustees Meeting**

- FYE 16 Water Rates Public Hearing

**June 23 at 6:30 – Regular Trustees Meeting**

- FYE 16 Public Hearing and Set Water/Sewer/Sanitation Rates

**July 14 at 6:30 – Regular Trustees Meeting**

- Public Input for Main Street Sidewalk Scoping Study

**July 18 from 5-10 PM – Block Party & Street Dance**

**July 28 at 6:30 – Regular Trustees Meeting**

- Set FYE 16 Tax Rate

**August 11 at 6:30 – Regular Trustees Meeting**

**August 25 at 6:30 – Regular Trustees Meeting**

**September 8 at 6:30 – Regular Trustees Meeting**

- Public Input on Main Street Sidewalk Scoping Study

**VILLAGE OF ESSEX JUNCTION  
CAPITAL PROGRAM REVIEW COMMITTEE  
MINUTES OF MEETING  
May 5, 2015**

**MEMBERS PRESENT:** Andrew Brown (Chairman); Rick Hamlin [left at 6 pm], David Nistico [arrived 5:55 PM], Amber Thibeault, Kevin Collins.  
**ADMINISTRATION:** Lauren Morrisseau, Finance Director & Assistant Village Manager.  
**OTHERS PRESENT:** None.

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**1. CALL TO ORDER**

Chairman Andrew Brown called the meeting to order at 5:30 PM.

**2. AGENDA**

There were no changes to the agenda.

**MOTION by Andrew Brown, SECOND by Rick Hamlin, to approve the agenda as presented. VOTING: unanimous (4-0) [David Nistico not present for vote]; motion carried.**

**3. PUBLIC COMMENTS**

None.

**4. WELCOME NEW MEMBERS**

Newly appointed members, Amber Thibeault and Kevin Collins, were introduced and welcomed to the committee. The role of the Capital Program Review Committee in ranking capital projects and making a recommendation to the Trustees was explained. It was noted the capital project book contains a preliminary scope of work, cost estimate and ranking for each capital project.

**5. REVIEW RATING RUBRIC**

Andrew Brown explained the ranking criteria, noting the following:

- *Safety & Health* – This criterion has the highest maximum points and looks at how a project improves the health and/or safety of the community.
- *Mandates* – It is unusual for the village to have a mandate for a project.
- *Community Support* – Public support or opposition to a project can influence the ranking in this criterion.
- *Financing Source*- This criterion looks at how much money will come out of the General Fund for the project (i.e. the cost to the taxpayer) versus grants and other sources of funding.
- *Timing & Linkages* – This criterion looks at whether money can be saved by linking the project to other projects.
- *Positive Economic Impact* – This criterion looks at how the project directly or indirectly increases the tax base.

- *Cost of Deferral* – This criterion looks at the cost in the long run if the project is deferred.
- *Efficiencies* – This criterion looks at whether the project increases efficiencies and potential savings.
- *Service Improvements*- This criterion measures whether there is an improvement to the quality of life in the community by the project. A new sidewalk would be a service improvement.
- *Alignment with Village Priorities* – This criterion looks at how the project lines up with existing plans and priorities in the village, such as those noted in the village comprehensive plan or the bike/walk plan.
- *Other* – this criterion would consider any item that may weigh significantly.
- The committee ranks each project using the rubric and then adds the project to the capital project book. A list of priority projects is compiled for recommendation to the Trustees for inclusion in the five year capital plan.

Kevin Collins observed it appears points garnered in the top criteria could outweigh the lower criteria. Mr. Collins cited the points under Community Support for the Hillcrest sidewalk project which helped get a higher ranking of the project, and questioned how residents from other parts of the village benefit. Dave Nistico explained safety and community support weighed heavily because of the number of children going through the schools in the area. The residents of Hillcrest given more time would have distributed information about the sidewalk request out to the community as a whole and it is certain the rest of the village would support the project.

## 6. REVIEW EXISTING CAPITAL PLAN

The capital plan shows projects that have already been prioritized (ranked) and where the projects fall on the five year timeline of the capital plan. Funding for projects is also listed (General Fund, grants, state, federal money). Any project with a cost estimate of at least \$10,000 is ranked by the Capital Program Review Committee as a capital project for inclusion in the capital plan. Clarification is needed on whether the cost of a consultant of at least \$10,000 qualifies for inclusion as a capital project.

Kevin Collins asked about the rolling stock plan and enterprise funds. Lauren Morrisseau said staff handles the rolling stock schedule (20 year timeframe). Enterprise funds cover any water or waste water (sanitation) projects. Andrew Brown said he would like to see at some point funding for capital projects handled in the same manner as the rolling stock.

## 7. APPROVE MINUTES

*April 7, 2015*

**MOTION by Rick Hamlin, SECOND by Andrew Brown, to approve the minutes of 4/7/15 as written. VOTING: 3 ayes, 2 abstentions (Amber Thibeault, Kevin Collins); motion carried.**

## 8. NEXT MEETING/AGENDA

Next meeting: June 2, 2015 at 5:30 PM

Agenda: Project DDD – Hillcrest sidewalk and where this fits in the five year capital plan

**9. ADJOURNMENT**

**MOTION by Andrew Brown, SECOND by Amber Thibeault, to adjourn the meeting. VOTING: unanimous (4-0) [Rick Hamlin not present for vote]; motion carried.**

The meeting was adjourned at 6:22 PM.

*RScty: MERiordan*

**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
May 12, 2015**

**BOARD OF TRUSTEES:** George Tyler (Village President); Dan Kerin, Andrew Brown, Elaine Sopchak, Lori Houghton.  
**ADMINISTRATION:** Lauren Morrisseau, Assistant Manager & Finance Director; Robin Pierce, Development Director. (Patrick Scheidel, Municipal Manager, was absent.)  
**OTHERS PRESENT** Scott Barnier.

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[Note: Minutes are in the order of the published agenda.]

**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.

Lauren Morrisseau mentioned Don Weston is patching large potholes on Maple Street. Public Works will patch large holes in the village starting on the main arteries followed by the side streets. People should alert the Village Office (call or use See-Click-Fix) of any large holes to be filled.

**2. AGENDA ADDITIONS/CHANGES**

None.

**3. GUESTS, PRESENTATIONS, PUBLIC HEARINGS**

1. Comments from Public on Items Not on Agenda  
There were no comments from the public at this time.

**4. OLD BUSINESS**

1. Bid Affirmation for 2015 Paving  
It was clarified the paving bid went through the town process and was awarded per the town's purchasing policy. Rick Jones participated in the bid award.

**MOTION by George Tyler, second by Dan Kerin, to affirm the award of the 2015 paving bid to ECI for \$168,178.50. VOTING: unanimous (5-0); motion carried.**

2. Next Steps re: Essex Governance Group (EGG) Report

There was discussion of the EGG further pursuing recommendations C&D in the report rather than creating a separate task force, and the need for the town to be just as involved as the village. A joint meeting with the Essex Selectboard to discuss the matter further was suggested. Dan Kerin said he does not want to lose momentum. The Selectboard could be asked to give a general sense of what they would like to see and the village could work on specifics. George Tyler recounted two years ago the Trustees embarked on a process to have closer ties, cooperation, collaboration, and shared services with the

town. The village has done a lot. The most complicated issue is community development and planning. A temporary framework has been put in place with some shared services and a three year test period, and at some point a decision will be needed on which path to take. The Selectboard and Trustees will be discussing the voting process, annual meeting, how to approve budgets, and could end up meeting the EGG group recommendations head on. Perhaps the EGG group could hold for a while or research voting models in a merged community and independent voting communities. The EGG group should be looking at all that is happening, particularly in community development and planning, and try to integrate that into their work, but before proceeding there needs to be a consensus of support from the Selectboard.

**MOTION by Elaine Sopchak, SECOND by Lori Houghton, to table the task force the Board of Trustees created during the May 4, 2105 joint meeting with the Essex Selectboard until the Trustees have another joint meeting with the Selectboard on the topic of the EGG recommendations with the intention of the joint meeting occurring prior to July 31, 2015. VOTING: unanimous (5-0); motion carried.**

George Tyler will work with Max Levy to set up a joint meeting.

3. Next Steps re: Design Five Corners Report from Julie Campoli

Robin Pierce stated many of the suggestions in the report from Julie Campoli are in the municipal plan and will be incorporated into the plan update. Lori Houghton stressed the need to inform developers of the concepts in the report so they realize what the community wants to see. Elaine Sopchak cautioned against developers interpreting the report as another instance of people getting together and telling them what they can do with their land, but rather seeing the report as the bigger vision for the village.

Robin Pierce also noted work on the designated village center district, train station, “missing link” on Pearl Street, connector road, and overlay of the neighborhood designation over the village center which will help attract development. Developers are looking for opportunities and people who welcome them in sharing the vision for the village.

George Tyler mentioned showing the municipal plan and the Campoli report to organizations outside the state looking to develop property and invest in a northwestern Vermont community. Robin Pierce said the connector road will provide that type of opportunity. There are six acres of land that can be (re)developed. George Tyler suggested exploring opportunities for tax incentives or other incentives for developers. Having a designated village center district and neighborhood designation helps, noted Mr. Pierce.

Lori Houghton asked if there is anything in the short term that can be done out of the suggestions by Julie Campoli, such as closing Main Street or short portions of other streets for events or using parking lots for temporary set up of tables and chairs for social gathering space. Bike/Walk Committee, the police, and business owners should be

involved in the planning. Dan Kerin suggested the block party might be an opportunity to try closing Main Street.

A joint meeting with the Trustees, Julie Campoli, and the Planning Commission will be scheduled to discuss the Design Five Corners report.

## 5. NEW BUSINESS

### 1. Assign New Street Name for Portion of Jackson Street

Robin Pierce reported the naming of the access road and renumbering of the residences off Jackson Street are due to E-911 requirements to locate the properties faster. The suggested road name is “Willow Lane”. A street sign will be posted out by the main street. The house numbers are computer generated and based on the distance of the house from the start of the access road.

Scott Barnier, Jackson Street, noted the new name and numbering will require changing all the mailing information and vehicle registrations for his home business. Mr. Barnier suggested the house numbering for the five residences be 1, 2, 3, 4, 5, rather than the proposed numbers. Also, one of the structures that is numbered on the proposal is a garage, not a house. A suggested name for the access road which is actually a private drive could be “Old Farmhouse Court” or “Farmhouse Lane” since the first house is an old farmhouse.

Robin Pierce will ask Shannon Lunderville, E-911 Coordinator, about numbering the houses 1, 2, 3, 4, 5 and the process for naming the access road. The Trustees will add the item to the May 26, 2015 meeting agenda.

### 2. Approved Shared Town/Village Bank Account

Lauren Morrisseau explained work continues on combining finance departments with the town including a shared bank account. The financial software can track the money for each entity. Staff is working on an agreement for the shared accounts. Lori Houghton asked what happens if the finance departments need to be separated because the decision has been made that the municipal manager model is not working for the village. Lauren Morrisseau said the software maintains different sets of funds so the accounts can be separated if necessary. The benefit of a shared account is financial functions (payroll, A/P, filing taxes, W-2s, 1099s) can be done once or in one place. Also, there will be more depth with staff so more than one person can run payroll or A/P. There will be cross training of village and town staff.

**MOTION by Elaine Sopchak, SECOND by Dan Kerin, to approve sharing a cash account with the Town of Essex. VOTING: unanimous (5-0); motion carried.**

### 3. Approve Write-Off of Uncollectable Accounts Receivables

Lauren Morrisseau reported there are two developers who withdrew their development applications and have not paid their outstanding balances for fees. Recourse is small claims court or to write off the amounts as uncollectable. There was brief discussion of

estimating engineering fees for development proposals in advance to be paid with the application fee or charging a flat fee upfront.

**MOTION by Dan Kerin, SECOND by Lori Houghton, to write off as uncollectable the balances of invoices #7515 (\$390) and #7618 (\$585) plus accumulated interest.**

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

## **6. MUNICIPAL MANAGER'S REPORT**

### **1. Meeting Schedule – Regular Trustees Meetings @ 6:30 PM**

- May 26, 2015
- June 9, 2015
- June 23, 2015
- July 14, 2015
- July 28, 2015
- August 11, 2015
- August 25, 2015
- September 8, 2015

#### Special Meetings/Events:

- May 23, 2015 @ 10 AM – Memorial Day Parade
- July 18, 2015 @ 5 PM – Block Party & Street Dance

### **2. Water Breaks**

The cost of the water flow from the water break on Maple Street this past winter is \$65,000. The cost of the work on water breaks alone was \$107,000.

### **3. Village Newsletter**

Ideas/articles from the public for the newsletter should be submitted to the Village Office.

## **7. TRUSTEES COMMENTS/CONCERNS & READING FILE**

### **1. Board Member Comments**

- George Tyler said he will invite the Selectboard to a Trustees meeting for the next joint meeting.
- George Tyler noted the next Trustees meeting will begin at 6 PM with two interviews/appointments.
- Lori Houghton publicly thanked the Bike/Walk Committee for the great job on the bike rodeo event.
- Lori Houghton stated the crosswalks are in need of repainting. Dan Kerin added the vehicle lane markings on Park Street at Five Corners need to be restriped. Lauren Morrisseau will ask Rick Jones for an update on the restriping/painting schedule.
- Andrew Brown asked about the scoping study on Main Street. Lauren Morrisseau explained a scoping study must be done for the grants for sidewalk on Main Street.
- Andrew Brown confirmed per the letter from IBM that the company will continue to meet the conditions of their hazardous waste permit.



- Andrew Brown suggested to save energy and decrease heat generation from lighting half of the lights in the meeting room should be turned off during meetings if possible.

## 2. Reading File

- Minutes
  - Planning Commission 4/2/15
  - Capital Program Review Committee 4/7/15
  - Block Party Committee 4/27/15
  - Bike/Walk Advisory Committee 4/28/15
- Public Notice: Modification of IBM's Waste Management System
- Resignation: Paula DeMichele from Tree Advisory Committee
- Public Comment Notice: Solid Waste Management Facility Certification

## 8. CONSENT AGENDA

**MOTION by Andrew Brown, SECOND by Lori Houghton, to approve the consent agenda as follows:**

1. **Approve Minutes of Previous Meeting 4/28/15 with the change on the top of Page 7 of the words “exceeded” to “depleted” and “consultant” to “consultants”.**
2. **Approve Minutes of Joint Meeting with Essex Selectboard 5/4/15**
3. **Approve Warrants Check #10051390 to Check #10051481 totaling \$123,620.91.**
4. **Approve Street Closings for Summit Street Block Party 7/12/15.**

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

## 9. ADJOURNMENT

**MOTION by Dan Kerin, SECOND by Andrew Brown, to adjourn the meeting.**

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

The meeting was adjourned at 8:05 PM.

*RScty: M.E.Riordan*

TOWN OF ESSEX  
JOINT MEETING WITH VILLAGE BOARD OF TRUSTEES  
SELECTBOARD MINUTES  
May 4, 2015

SELECTBOARD: Max Levy, Chair; Irene Wrenner, Vice Chair; Brad Luck, Michael Plageman, Andrew Watts.

TRUSTEES: George Tyler, Village President; Dan Kerin, Vice President; Elaine Sopchak; Lori Houghton; Andrew Brown.

OTHERS PRESENT: Pat Scheidel, Town Manager; Brendan Keleher, Assistant Town Manager; Doug Fisher, Director of Administrative Services; Dennis Lutz, Public Works Director; Greg Duggan, Town Planner; Dana Hanley, Community Development Director; Sharon Kelley, Zoning Administrator; James Jutras, Village Water Quality Superintendent; Lauren Morrissette, Village Assistant Manager/Finance/MIS; Ariana McBride, Consultant (by Skype); Alan Nye, CSWD Representative; Tom Moreau, CSWD General Manager; Harris Abbott, Joint Stormwater Committee Member; Ron Lawrence; Vanessa Zerillo; Linda McKenna; Deb McAdoo.

Mr. Levy called the Selectboard (SB) meeting to order at 7:30 p.m.

Mr. Tyler called the Board of Trustees meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

Mr. Levy invited those present to join him in reciting the "Pledge of Allegiance."

PUBLIC TO BE HEARD

There were no comments from the public.

Mr. Plageman gave an update on the 81 Main Street Renovations Project. He explained that the staff has suggested they relocate during the renovations to speed up the project. There are a number of buildings with available space for the short term. In this way, the contractor has full access to 81 Main Street to make the project go more quickly and less expensively if they do not have to work around employees. This idea is being reviewed to make sure it doesn't take away any savings or quality of services during the renovations. The only departments that would remain in the building during this time would be Parks and Recreation and the Town Clerk. He reported that he sent an e-mail updating members that the intent is for bids to get out by the middle of May for work to begin in June. Mr. Levy asked about the timeline for deciding on whether staff will relocate during the renovations. Mr. Plageman stated that it was being discussed now and would be fleshed out in May. He confirmed for Mr. Levy that the end time for the project was projected to be by November.

Ms. Wrenner highlighted two local Essex Teens, Ms. Mallory Stultz (daughter of Saramichelle Stultz, Recording Secretary) and Mr. Martin Deutsch, who were recognized in the Burlington Free Press as Academic All-Stars. She commented that there were many outstanding students at Essex High School, and it was great to see them recognized in the newspaper.

AGENDA ADDITIONS/CHANGES

50  
51 Mr. Scheidel explained that he had spoken with the Village Engineer about a more simple solution to  
52 managing the traffic problem than changing the Motor Vehicle Ordinance. The Village Trustees agreed  
53 with Mr. Scheidel's recommendation to strike 4.e. Approve Amendment to Motor Vehicle Ordinance in  
54 the Village Agenda.

55  
56 Mr. Scheidel reported the following addition to the Town Agenda: a document about Essex, Vermont  
57 Scope of Work: Remaining Essex's Planning Governance dated April 1, 2015 and prepared by the  
58 consultants, Ms. Delia Clark and Ms. Ariana McBride.

59  
60 **APPROVAL OF AGENDA**

61  
62 **MICHAEL PLAGEMAN MOVED AND IRENE WRENNER SECONDED A MOTION TO**  
63 **APPROVE THE AMENDED AGENDA. THE MOTION PASSED 5-0.**

64  
65 **BUSINESS**

66  
67 **Chittenden Solid Waste District Budget Presentation-Tom Moreau and Alan Nye**

68  
69 Mr. Tom Moreau, General Manager, Chittenden Solid Waste District (CSWD), and Mr. Alan Nye, the  
70 Essex Representative on the CSWD Board, presented the FYE 2016 CSWD Budget Proposal. Mr.  
71 Moreau reviewed the Major Assumptions for Revenues and Expenditures for the budget and some of  
72 the highlights. He also reviewed the highlights of the FYE 2016 CSWD Capital Program Budget to the  
73 members.

74  
75 With regard to Revenues, Solid Waste Management Fee, the rate will remain at \$27 per ton, generating  
76 \$2,970,000 of revenue. The total number of tons subject to this fee for FYE 2016 is budgeted at  
77 110,000 tons, reduced from FYE 2015 estimate of 112,000 tons. This results in a \$54,000 decrease in  
78 the budgeted revenues for FYE 2016 as compared to FYE 2015. The Tipping fee revenues for FYE  
79 2016 are budgeted \$465,600 higher than FYE 2015 due to a planned increase in tipping rates at the  
80 Materials Recovery Facility (MRF).

81  
82 With regard to Expenditures, CSWD had an increased budget of \$293,943 or 4.8%. However, of that  
83 increase, \$243,000 of it is a one-time expenditure due to Mr. Moreau's retirement and an overlap of  
84 eight weeks for the General Manager position. He reviewed other one-time expenses related to  
85 temporary positions and public education outreach to help implement Act 148 (Vermont's Universal  
86 Recycling Law). Without those one-time increases, the percentage increase would be 2.1%, which is  
87 fairly normal. He added that, in addition to the ongoing programs and services that CSWD provides,  
88 the following studies are planned for FYE 2016: a. an analysis of alternatives to process wastewater  
89 bio-solids in the future; b. residential waste composition study; and c. residential food scrap collections  
90 programs-pilot collection program and grants to haulers.

91  
92 With regard to the Tire & Appliance Roundup, which was eliminated in FYE 2014, Mr. Levy asked  
93 what happens to those materials if they were not collected. Mr. Nye explained that he has been an  
94 adversary of the Tire and Appliance Roundup for a long time because he pays the dealer to dispose of  
95 his tires. The public looks for other places to rid of tires without having to pay. Some drop them off  
96 during Green Up Day and others take them to different landfills. He knew that there have been an  
97 increase of tires along the roads since eliminating this program in FYE 2014, however he didn't think  
98 he should be paying for somebody else to dispose of their tires for free. Mr. Moreau agreed that there

99 has been an increase of about 10% to 15% of tires during Green Up Day, which is unfortunate.  
100 Although there are more tires, CSWD has not seen appliances. Mr. Nye and Mr. Moreau discussed  
101 action that has been taken at the State level as far as legislation for this issue, but as is typical, these  
102 mandates are unfunded mandates. Mr. Nye noted that there is a lot of money spent on advertising with  
103 new legislation, and he is really concerned about other Vermont counties that don't have the funding  
104 stream or ability to enforce legislation as does Chittenden County. Mr. Levy pointed out that  
105 advertising is up 66% and asked if that was a one-time expenditure. Mr. Nye agreed, but expressed that  
106 he would work hard to advocate that the State provide monetary support for advertising in the future.  
107 Mr. Moreau commented that Vermont is in the top echelon for the recovery of materials in the waste  
108 stream and spends a lot of money on advertising and is currently at a 70% capture rate. The best  
109 communities, such as Portland, have 85% capture rate. The idea of zero waste is wonderful, but  
110 impractical. He added that CSWD has a very good metrics to see if advertising works.

111  
112 With regard to salaries, Mr. Nye pointed out that the 1.3% increase in salaries is based on the Northern  
113 New England Consumer Price Index, which is a good system that keeps those increases under control.  
114 Mr. Levy noticed a 10% increase in health insurance. Mr. Moreau explained that CSWD knows the  
115 costs for health insurance from July to December, but not for January to July, so the increase is  
116 estimation.

117  
118 With regard to the Capital Budget, Mr. Moreau explained that the biggest amount of funding is going  
119 towards the MRF and to glass. He explained the history of glass waste and a process for a new glass  
120 processing system for the MRF. The next biggest amount in the budget is for building refurbishments  
121 and site improvements to various drop-off centers. Mr. Nye spoke about the economics of owning  
122 versus leasing drop-off center sites.

123  
124 Mr. Levy noticed that CSWD doesn't have Vehicles listed in the Capital Budget. Mr. Moreau explained  
125 that lately, CSWD has been leasing out vehicles, and it has worked out well.

126  
127 Ms. Wrenner asked Mr. Moreau for an update on the old Williston Landfill proposal project. Mr.  
128 Moreau explained that, in 2007, there had been high, medium and low projections for waste. Currently,  
129 CSWD was 8% lower than the lowest projection from 2007 and would have had to pay. Therefore, it  
130 had been a good move to put that project off and to focus, instead, on minimizing the waste stream.  
131 Currently, CSWD was developing a 5-year strategic plan and was looking into waste conversion  
132 technologies. Waste conversion technologies, which include taking trash and converting it to fuels, is  
133 common in Europe and Asia, but not in the United States. CSWD is also considering mixed waste  
134 processing, which is another technology, and will be watching Sherbrooke, Canada as a model to see if  
135 they can capture more than 85% of the waste stream. Mr. Moreau felt that it was premature to consider  
136 a landfill because it might not be worth a cost of \$90 million dollars. With the Williston Landfill  
137 proposal, he pointed out that CSWD would have had to pay a steep premium to make sure the bonds  
138 were paid off. Therefore, he was glad that CSWD did not go down that path and that, in the strategic  
139 plan, the staff recommends keeping the current path since they were doing a good job.

140  
141 **IRENE WRENNER MOVED AND MICHAEL PLAGEMAN SECONDED A MOTION TO**  
142 **ACCEPT THE FYE 2016 CHITTENDEN SOLID WASTE DISTRICT BUDGET PROPOSAL.**  
143 **THE MOTION PASSED 5-0.**

144  
145 **Planning/Zoning Consultants Presentation-Greg Duggan/Consultants**

146  
147 Mr. Duggan introduced the issue of whether the SB and Trustees should move forward with the Essex

148 Planning Governance project (EPG), which will consist of a community-wide discussion about the best  
149 planning and zoning structure for the future of Essex. Mr. Duggan provided background to the issue.  
150 He explained that the Heart & Soul of Essex project showed that Essex residents care deeply about  
151 planning, zoning and development issues. Thoughtful Growth emerged as one of the community's top  
152 six values. Another of the values, Community Connections, called for "unified planning between  
153 village and town governments." The proposed Essex Planning Governance project seeks to further  
154 explore the community's desire to address thoughtful growth and unified planning.  
155

156 Currently, the Village and the Town outside the Village each has a planning commission and a zoning  
157 board of adjustment. The EPG project aims to explore the current governance structure, consider  
158 alternatives and make recommendations to the SB and Trustees of how Essex can best plan as one  
159 community. The Town has included \$16,000 in the FYE 2016 budget for this project that was approved  
160 in March by the voters. Mr. Duggan introduced Ms. Ariana McBride, consultant, who would speak  
161 about the scope of work and work plan in more detail. He explained that she and Ms. Delia Clark, the  
162 other consultant, have met with the steering committee, which consists of Mr. Levy, Mr. Tyler, Mr.  
163 Scheidel, Mr. Fisher and Mr. Keleher. The steering committee will continue to work with the  
164 consultants to guide the design of the project.  
165

166 Ms. McBride reviewed the three "E's" of the project, which were Exploration: a shared community  
167 vision, Education: to educate the broader community and Engagement: promoting communication and  
168 being transparent. She reviewed the key roles for the following five groups for this project: the  
169 community, the working group, the steering committee, the SB and Trustees and the consultants. The  
170 community provides input on desires for planning governance and principles to guide governance  
171 options. The Working Group dives into details and trade-offs of governance options and makes a  
172 recommendation to SB and Trustees. The steering committee guides the project design and the  
173 implementation and it manages consultants. The SB and Trustees make the final decision about project  
174 recommendations, and the consultants facilitate public process, design governance options, support  
175 project communications and produce the final report. Ms. McBride reviewed the proposed timeline for  
176 2Q15-2016. The project planning would occur in April through June and the working group sessions  
177 would occur in June through August. In September, there would be the first Community Workshop. In  
178 September and December, there would be focus sessions to determine preferred alternatives, and in  
179 January there would be the second Community Workshop to help form the final report for February.  
180

181 Mr. Tyler asked who Ms. McBride envisioned for the steering group and for the working group,  
182 including the size of each group. Ms. McBride stated that the Steering Committee consists of Mr. Levy,  
183 Mr. Tyler, Mr. Scheidel, Mr. Fisher and Mr. Keleher. This group will guide the project design and help  
184 with press releases and the nuts and bolts of the process and will ensure that the consultants stay on  
185 task. The working group is people who are looking at different options and what would be the best fit  
186 for Essex. There would be four really intensive focus group sessions, and their input would ultimately  
187 drive the final report. Therefore, that group would have to be prepared and ready to engage at each  
188 session.  
189

190 Mr. Tyler was concerned with how the technical information from staff and State and Regional partners  
191 regarding planning will be transcribed and imposed in this process and whether that would happen  
192 through the working group or the steering group. Ms. McBride stated that some of the early research  
193 from staff could be used and that there are different ways to meet that goal. The working group needs to  
194 have those people on it, and ideally, it would have members from the zoning boards and the planning  
195 commissions from both communities to ensure that the knowledge is in the room for those  
196 conversations. While she agreed with having that expertise, it was important to balance it with other

197 perspectives as well, such as citizen activists. Mr. Tyler thought that they wanted to keep the group at a  
 198 relatively workable size and wondered how to get that expertise, but also include members of the  
 199 public. Ms. McBride explained that she and Ms. Clark felt that it was more important to have the right  
 200 folks in the room and the right representation whether it was 8 people or 25 people. She and Ms. Clark  
 201 can design an agenda that will work with whatever number, as long as all the members are committed  
 202 to all four of the sessions. Consistency in attendance aids in the evolution of the conversations and was  
 203 more important than having an exact number of members.

204  
 205 Ms. Wrenner, with regard to “local partners in the scope of work” under Working Group Formation &  
 206 Orientation, asked who those local partners would be. Ms. McBride explained that this question would  
 207 be more for the Steering Committee. Mr. Duggan added that the Regional Planning Commission (RPC)  
 208 would be a partner as well as a diverse group of people for the working group. He stated that any  
 209 suggestions from the boards are welcome. Mr. Tyler thought that the Regional Planning Commission is  
 210 clearly a local partner and would play a role at some point in the process regarding transitioning to  
 211 another planning approach, and Mr. Duggan agreed. Mr. Levy assumed that the State statute defined  
 212 that there needed to be either a planning commission with a development review board (DRB) or a  
 213 planning commission and with a zoning board of adjustment (ZBA). Mr. Duggan understood the statute  
 214 as presented by Mr. Levy and agreed that one of those combinations could serve the function for both  
 215 municipalities. Mr. Scheidel believed that some legal advice of the strength and weaknesses of the two  
 216 would need to occur, which would hopefully be part of the education piece along the way.

217  
 218 Ms. Houghton asked about the goals for the two community workshops on either end of the focus  
 219 groups. Ms. McBride explained that the first workshop is particularly important because the goal would  
 220 be to determine a shared Essex vision, to be educated about current planning governance, and to engage  
 221 in a conversation about how people would like to see planning governance improved. It would also  
 222 introduce people to the project process and illustrate ways they can be involved. The input gathered  
 223 from the workshop would be used in the process and a set of principles would be developed to guide  
 224 how the planning governance should change. The consultants would work with the steering committee  
 225 to insure that the input from the community leads to a productive community-wide conversation. The  
 226 second workshop's goal would be to present the Focus Group's recommendations, get feedback and  
 227 discuss next steps in trying to make the information about processes as accessible as possible.

228  
 229 Mr. Watts asked about the best way for communication to occur back to the SB during the process. Ms.  
 230 McBride explained that information would be offered on the project website and proactively  
 231 communicated in a variety of ways to the public through front porch forum, the newspaper, etc. The  
 232 steering committee could play an important role for providing updates and reporting back to the SB. As  
 233 far as when, specific intervals of time can be determined. The consultants could also be on-call. If the  
 234 boards decide on a particular way for this information to get reported, the consultants could work with  
 235 the steering committee to make that happen.

236  
 237 Mr. Tyler thought that having a member of the SB and a member of the Trustees included in the  
 238 working group would provide a government perspective on the working group and a way for reports to  
 239 get directly back to the boards. He gave the example of how communication worked well when there  
 240 was a member from both boards on the Police Facility Task Force. Ms. McBride added that every town  
 241 has different versions of this process, and it depends on what would work best for Essex. Some  
 242 working groups don't want town officials working with them while with others feel it is absolutely  
 243 essential. She would defer to Essex and stated that it would depend on the history and culture of Essex.

244  
 245 Mr. Levy wondered if the first thing to answer would be whether the community wants a DRB or a

246 ZBA with its planning commission. Mr. Duggan felt that it would be part of the process as there are  
247 different scenarios and options to consider for either path, and Ms. McBride agreed. She expected that  
248 both of those options would be discussed.  
249

250 **MICHAEL PLAGEMAN MOVED AND IRENE WRENNER SECONDED A MOTION THAT**  
251 **THE SELECTBOARD MOVE FORWARD WITH THE PLANNING GOVERNANCE**  
252 **PROJECT. THE MOTION PASSED 5-0.**  
253

254 **DAN KERIN MOVED AND LORI HOUGHTON SECONDED A MOTION THAT THE**  
255 **TRUSTEES MOVE FORWARD WITH THE PLANNING GOVERNANCE PROJECT.**  
256

257 Mr. Tyler wanted this effort to succeed and felt that it would succeed if it starts with a really good  
258 understanding of how things work now and how they could work so that the community ends up with a  
259 recommendation that is actionable and appealing to both boards. He was still concerned with the  
260 structure of the working group and felt that it had to be very narrowly focused on specifics, such as  
261 rules and regulations, state statutes, RPC requirements, etc. He understood that public input was critical  
262 as well, but wanted to ensure that the focus is on what the real possibilities are for restructuring and  
263 transitioning of planning processes. Mr. Kerin had those same concerns. He saw that both communities  
264 could be dueling each other for funding sources and grants for projects as they emerged as one  
265 planning board. Mr. Tyler asked if there was one planning process, would the RPC still see the  
266 community as two separate chartered municipalities. He stated that these were the technical concerns  
267 and questions that needed to be addressed in the beginning of the process because it would be pointless  
268 if they had to go back and rework it after the fact. Mr. Levy thought that the steering committee would  
269 ensure that happens, and Mr. Tyler agreed, but thought that the committee wouldn't be able to answer  
270 the questions. Mr. Levy thought that the role of the Steering Committee was to make sure to get those  
271 answers up front. Mr. Brown stated that, at the same time, if board members are not official members  
272 of the steering committee, they could still provide oversight and be there to make sure that those issues  
273 are being addressed. Mr. Duggan confirmed for Mr. Tyler that all of these meetings would be open,  
274 public meetings. Mr. Kerin wondered if there should be an option down the road that is built into this  
275 process as a way to have a formal review to determine whether to continue the effort or not, similarly to  
276 the shared manager process. Ms. Houghton understood that the motions on the table tonight were to  
277 move forward with the project. However, she also understood that the documents being presented  
278 tonight could be changed and that the members of both boards could have input to address Mr. Tyler's  
279 concern. She thought that there are some key people with key skill sets that have to be involved in the  
280 working committee so she wanted to clarify that the members still have input on how this process is  
281 presented. Mr. Duggan confirmed for Ms. Houghton that everything presented tonight is a draft. Mr.  
282 Levy and Ms. Houghton agreed that the community has expressed that it wants one planning  
283 governance and that the necessary structure needs to be put in place up front so the process will be  
284 successful. Ms. Houghton believed that the public still needs to be engaged, but at some level, she felt  
285 that the working group needed people from the planning department and people with the skill sets for  
286 this to be a success. Mr. Luck agreed that a base level of people needed to be in the room, but it scares  
287 him when Mr. Tyler says "that's it." Mr. Tyler clarified that he was not saying "that's it." Mr. Luck  
288 stated that he heard the consultants say that they could take up to 25 people on the working group, so,  
289 along with key players in the room, if others want to be included, he would welcome them. He felt that  
290 the SB has had a history of limiting that opportunity for others to be involved by saying that it doesn't  
291 want too many people on a committee because it gets confusing. However, that is not what he is  
292 hearing from the consultants. Therefore, he hoped that the members would continue to make an  
293 opportunity for anyone who is interested to be on the working group.  
294

305 Ms. Houghton asked, what are the next steps after this approval? Ms. McBride replied that the  
306 immediate steps would be for the consultants to do preliminary research and gather all the technical  
307 materials in order to design the project. Second, would be to get a communications plan started and to  
308 determine how the boards would select members for the working group. She agreed with a comment  
309 regarding having the right type of information up front as being important. She also suggested creating  
310 a development box for this project to help determine what is feasible and what is not and why and  
311 potential costs for different options. This would provide documentation to support recommendations  
312 and the rationale that requires any kind of change that might be proposed. The other thing that is  
313 important to understand is that the consultants anticipate doing a process of confidential conversations  
314 in hopes that people feel comfortable expressing their concerns. This would then be summarized in a  
315 report.

316 Mr. Scheidel knew that one of the next steps would be to formalize an agreement between the  
317 consultants and the community, and Ms. McBride agreed. Mr. Scheidel added that at some point, he  
318 would need authorization from the SB to execute an agreement between the Town and consultants.

319 **THE MOTION PASSED 5-0.**

320 Mr. Plageman didn't remember hearing any formal schedule of reports back to the SB and to the  
321 Trustees as the process moves forward. Mr. Duggan suggested that the members talk about putting a  
322 member of the SB and a member of Trustees on the working group who would report back to their  
323 respective boards. He stated that all of the meetings will be open and reports and summaries would be  
324 posted on-line. A schedule could be worked out and he would also provide updates. Mr. Plageman  
325 thought that reports back to the boards was a critical piece to the process, and he also agreed with Mr.  
326 Tyler that how this process begins will be critical as well. He hoped that a schedule of reporting back to  
327 the SB would be built into the contract between the Town and the consultants. Ms. McBride confirmed  
328 for Mr. Levy that information on the process would be posted on a link off of both the existing Town  
329 and Village websites.

330 Mr. Jason Starr asked, in the Heart and Soul process, where does it say or where did the members get  
331 the idea that the community wanted to go down this road, and how broad of a sentiment was that? Mr.  
332 Duggan stated that the Heart and Soul community conversations came up with six key values, and one  
333 of them was thoughtful Growth throughout the community. Thoughtful Growth was also the value that  
334 was listed as one that needed most attention right away at the community workshop, during which 200  
335 residents were in attendance. He added that another one of the values, Community Connections, called  
336 for "unified planning between village and town governments," which was a description directly from  
337 the Heart and Soul summary report.

338 Mr. Scheidel asked how the members would like to address the contract between the Town and the  
339 consultants.

340 **IRENE WRENNER MOVED AND BRAD LUCK SECONDED A MOTION TO AUTHORIZE**  
341 **THE TOWN MANAGER TO EXECUTE A CONTRACT BETWEEN THE TOWN OF ESSEX**  
342 **AND CONSULTANTS. THE MOTION PASSED 5-0.**

343 Ms. Houghton asked if that draft contract would go before the Steering Committee so that the Trustees  
could see it as well. Mr. Tyler suggested that the draft be placed on the Village Meeting Consent  
Agenda for an upcoming meeting.



Essex Governance Group Discussion-Pat Scheidel

345 Mr. Scheidel introduced the issue of whether the SB will discuss the presentation and recommendations  
346 made by the Essex Governance Group (EGG) concerning civic engagement and governance. He  
347 confirmed for Mr. Levy that this would be a deliberative session between the boards regarding the  
348 EGG's four recommendations. Mr. Scheidel added that he was going to be looking for a sense of  
349 priorities of what the members want done because there is a lot of work involved with these  
350 recommendations. Mr. Levy understood that Mr. Scheidel would like to know which recommendations  
351 they supported and those they did not support. Mr. Scheidel suggested maximizing the resources of  
352 staff, such as working on communication through the EPG project, which would be focusing on  
353 communication. That would be a good time to see what works for communication and what does not  
354 work.  
355

356 Mr. Tyler referred to Ms. Sopchak to give a summary of the Trustee's discussion last week on the EGG  
357 report. Ms. Sopchak stated that both boards received the EGG report and accepted it. There were four  
358 recommendations in the report, which were the following: A. Launch Proactive Communication  
359 Program; B. Empower Neighborhoods; C. Switch to Enhanced Town Meeting/Australian Ballot Hybrid;  
360 and D. Institute Same-Day Voting. The EGG recommended taking these recommendations as a "suite"  
361 of recommendations and not individually. Ms. Sopchak stated that she took part in the entire EGG  
362 process as did Mr. Levy and Ms. Wrenner. She stated that the entire package of recommendations is  
363 necessary to achieve the kind of clear and transparent communication, open access to voting, and the  
364 educational component that our community needs to be responsive citizens. That being said, she didn't  
365 necessarily feel that the four recommendations could be handled simultaneously. She expressed that it  
366 was very important for them to get started right away on recommendation A and referred members to  
367 the appendix of the EGG report, which gave an example of a Communication Tool Kit created by the  
368 municipal staff from Portland, Oregon. This tool kit gives a spectrum of how to respond to the public  
369 based on the level of importance of activity being undertaken, and it itemizes the tools that the staff can  
370 use to do those communication pieces. She stated that it is a very useful and comprehensive way to  
371 ensure and measure proper communications with the community and that you are giving them enough  
372 information at any point in time based on the level of importance of the activity. She highly  
373 recommended looking at that tool kit and considering a facilitation process where staff from the Village  
374 and Town could work together to develop their own tool kit. She strongly recommended beginning  
375 work on this immediately. Mr. Luck reported that the Heart and Soul Group is working on getting  
376 money from the Orton Foundation to hire consultants to do the work suggested by Ms. Sopchak. He  
377 hoped that there would be an update on that funding in the next few weeks. Ms. Sopchak thought that  
378 was great and added that it is so much more meaningful if the ideas grow here.  
379

380  
381 With regard to recommendation B, she liked everything outlined in the EGP and thought an aspect of  
382 that process could involve neighborhood assemblies. She thought that there were two ways to divide up  
383 the communities for neighborhood assemblies, which were by zones or by Front Porch Forum  
384 neighborhoods. This would be a great way to test out that process, refine it and make it the first step to  
385 incorporating this system on a regular basis in these decisions. She added that one of the Heart and  
386 Soul outcomes was that residents wanted input in the planning of their community so this would be a  
387 great door to implementing that outcome. With regard to recommendations C and D, Ms. Sopchak  
388 stated that they were long-term projects that involve enormous intricately, interwoven aspects of all the  
389 machinery of our municipalities. They involve Charter changes, legal input and voting changes, and it's  
390 going to take a while to make that work. She fully supported the recommendation of a hybrid model  
391 and eventually getting to same-day voting. However, because there is so much going on right now with  
392 the study on the consolidation of school districts and the EPG project, the Village and Town staffs don't

393 have the capacity to take on such a big project as changing our voting habits. At the same time, the  
394 boards can't lose sight of it. As they consolidate from department to department, they need to remember  
395 these four recommendations and think of them in a very thoughtful and unhurried way. She is not sure  
396 how long it would take for recommendations C and D and whether it would be three years, five years  
397 or six years, but she thought that they were in it for the long haul. She noted that the EGG did an  
398 amazing amount of research and came to a really big understanding about how complex this system is  
399 and how it is going to take some time to happen. She hoped that the SB agrees with the findings of the  
400 EGG and is interested in implementing them, but in a wise way.

401  
402 Mr. Tyler stated that he had some significant criticisms of the EGG report. He felt that there was a  
403 really big disconnect between the survey results that were reported and the recommendations, and he  
404 didn't see the connection between the two. He understood that the EGG was not tasked with doing a  
405 statistically significant survey of the Town and Village; however, 10% of 460 people surveyed said that  
406 they were confused about multiple votes and that it was a barrier to voting. He did not see how that  
407 translates into the recommendation to have same-day voting. He stated that, personally, he was in favor  
408 of same-day voting and in fact, a few years ago there was a charter change in the Village in order to  
409 coincide with the school budget vote as a way to move towards same-day voting. Nevertheless, he was  
410 in agreement with Ms. Sopchak about recommendation D as he did not know how high of a priority it  
411 was with the workload on staff right now. Mr. Tyler would like to see some of these questions fleshed  
412 out a bit more before saying that the community has spoken. Ms. Sopchak pointed out that both boards  
413 were vetting everything on the Heart and Soul process, which had excellent turn-out, and it was the  
414 same process for the EGG. Mr. Tyler stated "when you throw the statistic in there, you say hit me, so  
415 that is what I am doing." He found it interesting that when asked open-ended questions about what was  
416 on peoples' minds, the most consistent answer on the survey was an interest in merger and/or more  
417 collaboration between the Town and the Village, which is exactly what the boards are doing.

418  
419 Ms. Wrenner, with regard to same-day voting, was struck that, when she sat at the Village meeting a  
420 month ago and the article came up as to when the next Village Meeting would be, not one person raised  
421 a hand about making it closer to Town Meeting or to have it on the same night. Perhaps it was a  
422 different group than those who responded to the survey, but she was hoping that somebody would raise  
423 that issue so that they could have a community conversation about it. However, that didn't happen.  
424 People went the same old way, which is fine if that is what they want. However, she then hears that  
425 people want same-day voting, so she questions who is showing up where, saying what. Ms. Wrenner  
426 got very different messages during the Village Meeting than what she got from reading the EGG report.  
427 Mr. Tyler agreed that there was not clear, consistent consensus in the report.

428  
429 Mr. Watts commented that tonight was the first he had heard that Orton is working on anything related  
430 to communication to the Town. He stated that the SB did some proactive communication before Town  
431 Meeting, but he wasn't sure if the Village did as well. Ms. Sopchak agreed that the Trustees did a lot of  
432 outreach initially and that there was a bigger article on the warning and turn out is bigger when that  
433 happens. Mr. Watts handed out a lot of material to residents, and he wondered if the members thought it  
434 helped. In his opinion, it was very one-way as people were running to an event while the members  
435 handed out information. He noticed more confusion about being a Village resident and not  
436 understanding about being a Town resident as well. He stated that there was very little two-way  
437 communication, and even when their phone numbers were included on the information, he didn't  
438 receive any calls. He also commented that when they had the public meeting for the repurposing of the  
439 police facility money, members of the public felt that the information was getting to them too late and  
440 asked why they hadn't heard about the issue before. However, in reality, the Town had been talking  
441 about that issue for six months. Therefore, Mr. Watts didn't know if the members were doing something

442 wrong in communicating their big ticket items or whether it was completely the onus of residents to  
443 look at the Town website to read about what is happening. Ms. Sopchak thought that having a  
444 Communication Tool Kit could help with that problem. She noted that there is a balance between what  
445 the municipality is required to do, which they do to the letter, but then there is the civic responsibility  
446 of going to find that information. She added that a lot of people don't realize that they can find that  
447 information on the websites or in the classified section of the Essex Reporter. She agreed that there is  
448 some hand holding that needs to happen, but that there could also be some additional outreach. Mr.  
449 Levy added, or simple solutions, such as press releases.

450  
451 Mr. Kerin believed that the outreach that was done for the repurposing of the bonds for the 81 Main  
452 Street Renovation project, as well as the public works consolidation, was important and successful. He  
453 gave the police facility outreach as an example of successful outreach. Mr. Kerin reported how he had  
454 suggested moving outside the confines of meetings at the municipal offices to places such as parks or  
455 public venues so they can go out to the people. The Village Trustees had one meeting at Maple Street  
456 Park about three years ago, and he would like to see more of that because he felt that it was one way to  
457 get new engaged citizens. All too often only a few people attend their meetings, so it was something to  
458 think about.

459  
460 Ms. Sopchak wanted to point out one aspect of the Hybrid Town Meeting/Australian Ballot proposal,  
461 which is that it would enhance Town Meeting in general. Members have talked a lot about making  
462 Town Meeting more accessible and interesting to residents without changing the voting, such as having  
463 straw polls, non-binding referendums, discussion topics, etc. Another idea was to have it be Essex  
464 Democracy Day with a community project. She felt that there were some low-hanging fruit to make  
465 Town Meeting more entertaining and interactive for people, and this could be done with some elbow  
466 grease, not changing the Charter. Mr. Levy felt that the Town has taken some baby steps like mirroring  
467 the Village Meeting and adding a Public To Be Heard to Town Meeting. Ms. Sopchak agreed and felt  
468 that there would be more successes if the boards continued along that path.

469  
470 Mr. Luck clarified that Heart and Soul, based on the EGG report, is talking to Orton and then will  
471 return to the boards with a proposal. Mr. Luck thought that the recommendations come from the survey  
472 and the community forum. With regard to same-day voting, although it wasn't the top barrier, there  
473 were four tables out of 60 people that spent several hours talking about how they believe that same-day  
474 voting was one of their top ideas. Another table's top idea was to simplify governance/  
475 communication/education, so he would agree that with the survey results, same-day voting didn't rise to  
476 the top, but simplifying things and making things easier certainly seems to be an on-going theme. He  
477 would argue that same-day voting is a bad thing. Mr. Tyler clarified that he was not saying that same-  
478 day voting was a bad thing at all. He was in favor of it, but he is not sure that what he read in the  
479 survey identifies it as a big barrier to voting. He stated that he didn't mean to be critical of the EGG  
480 report, but was trying to make a connection between the recommendations and the "guts" of the report.  
481 He commented that all six tables expressed some trepidation of one or more of the new decision-  
482 making models discussed. The hybrid model raised the most apprehension about implementation with  
483 representative town meeting a close second. Clearly any changes should be made with caution and with  
484 confusion and upheaval kept to a minimum. Therefore, there's a lot of concern and trepidation about  
485 doing anything to the existing structure, and he wondered how that correlates to the recommendation  
486 that they change the existing structure. He stated that the Trustees thought that these are good ideas, but  
487 he interprets that the EGG report was telling them that there is a lot more work to be done before they  
488 just "take the recommendations and run with them." He didn't think there was a really clear, strong  
489 consistent message coming out of the findings.

490

491 Ms. Houghton thought that communication was broken, and if Heart and Soul does not come forward  
492 to be able to help them with this, she thought that both boards had to put it as a priority because the  
493 public is telling them it is an issue and the members were talking about it enough. To say that they are  
494 doing things here and there is great, but she thought that they needed a process or a tool kit that outlines  
495 different scenarios.

496  
497 Mr. Brown understood that there are some trepidations given the work load for staff. At the same time,  
498 he pointed out the EGG members in the audience and assumed that they would be willing to do more of  
499 the leg work for this issue. He was also in favor of using the neighborhood conversations during the  
500 EPG and would hope that during the process there would be some new people engaged and new ideas  
501 generated. At the same time, if the goal of the EGG group was to help improve civic engagement in  
502 governance, then it wouldn't make sense to do the exact same thing and expect a different outcome. He  
503 thought that this could be a great way to try something new, and the worst case scenario outside of a  
504 lawsuit, is that they have fewer people show up for a meeting. At that point, they could just go back to  
505 the old ways of doing things. He didn't think that they had to go down too far of a path to find that out,  
506 and he believed that the recommendations were very encouraging. He would love to see  
507 recommendations A and B happen sooner than later, which could help with some of the work for  
508 recommendations C and D. Mr. Levy agreed that this report identified some real gaps, particularly in  
509 communication. He thought that the boards had to address recommendation A before any big change  
510 like a charter change. He stated that they can't do recommendations C and D without having that  
511 communication with the community first to make sure that they are going in the right direction. Even if  
512 the members don't think communication is broken, the people think it is broken, and there are  
513 opportunities to fix it that he hoped wouldn't cost a lot of staff time or dollars. He thought that the  
514 boards had to get input or get communication fixed before addressing the other big items.

515  
516 Mr. Kerin felt that, other than putting a big loud speaker at a few key locations in town, they only hear  
517 from a certain population of citizens. The vast majority of the population is not saying anything and  
518 short of "leading the horse to water, you can't force them to drink." He gave the example from Mr.  
519 Moreau of how even the best communities can only capture 70% or 80% of waste and were never  
520 going to get to 100%. Mr. Kerin understood that they could always try to improve, but he wondered  
521 how to measure success. He asked what is the rubric to say that it is working and what constitutes  
522 success and whether you've done enough. Mr. Levy thought that Mr. Kerin's question was a good  
523 question and felt that the members would need to identify those metrics to see if they are making a  
524 difference and doing something meaningful.

525  
526 Ms. Wrenner knew of virtual shareholder meetings that were being held at places like bike paths. She  
527 stated that there is technology to allow them to do all kinds of things that they may have never dreamed  
528 of doing. She understood that some people don't have Internet access or cable. However, there were  
529 things that they could do to make sure that more people could participate, such as voting on-line or  
530 hearing the meeting in real time.

531  
532 It was confirmed for Mr. Watts that the recommendation was not for Representative Town Meeting. He  
533 felt that the Town already had empowering neighborhoods because any group could talk with the SB,  
534 such as when his neighborhood was opposed to a cell tower. He thought that, to some degree, when  
535 issues impact people immediately, people do try to take action even if they might not feel effective.  
536 With regard to the hybrid model and having at least the 10-year median of attendees, Mr. Watts asked,  
537 what is that number? Mr. Scheidel didn't know, and Mr. Watts asked if it was a fixed 10-year median or  
538 a rolling 10 years. He was concerned that if there is one person short, there would only be one  
539 information meeting. Mr. Levy clarified that the EGG's intent with the hybrid model was to make sure

540 that the number of people attending Town Meeting did not fall below the critical mass. A 10-year  
541 average was proposed arbitrarily in order to prevent a loss of participation at Town Meeting and a  
542 budget being adjusted by just a few people.  
543

544 Mr. Luck thought that recommendation A is in the works as far as Heart and Soul finding some funding  
545 from Orton and then the boards proceeding with that effort on its own. He thought that  
546 recommendation B was going to be partially incorporated into the EGP process by the consultants, who  
547 are well aware of the EGG report. He thought that the boards would get some initial results from that  
548 work as to whether there is interest or not for neighborhood assemblies and how those could be  
549 structured in the community. However, he hasn't heard about recommendations C and D and whether  
550 they have a decision regarding those recommendations. He has heard that it would be a lot of work and  
551 take a lot of time and that it would take technical ability that the staff doesn't have time to do. Mr. Luck  
552 felt that the boards needed to come up with some sort of conclusion for recommendations C and D as to  
553 whether they envision moving forward with them or not. He thought that there was an interest in  
554 understanding the next steps and he thought they owed a decision about the next steps to the EGG who  
555 did all the work last fall and got a report to the boards last February. He noted that this has been  
556 discussed a couple of times, and members have not given their opinions about the recommendations.  
557 Mr. Levy felt that this was the first time the boards were having this discussion in a joint session. Mr.  
558 Tyler didn't think that there was any recommendation that the boards felt that they were not going to do,  
559 were not interested in or didn't think was a good idea. He heard that the boards were saying that they  
560 could do recommendations A and B right now. However, for recommendation D, for example, he  
561 wondered what would happen if they moved forward with it and then along the way, the schools  
562 decided to merge. He suggested waiting to see what the schools do because there is no sense in having  
563 same-day voting for municipal budgets and then having three different school budget votes. If the  
564 community is going to have same-day voting, then he suggested it be community wide, including the  
565 schools. Ms. Sopchak agreed with waiting to see what the school districts decide. Mr. Brown didn't  
566 think they had to wait to get the process started. The boards have already picked dates for next year for  
567 their perspective annual meetings so same-day voting was already going to be a 3-year process. Mr.  
568 Tyler and Mr. Brown deliberated over the timing of changes that would need to occur for same-day  
569 voting, and Mr. Brown was in favor of working on it now. Mr. Tyler thought that there was a lot of  
570 complexity related to the school district and the Australian Ballot part of the process so that it might  
571 behoove the boards to wait and see what the school boards decide. Mr. Luck felt that Mr. Tyler was  
572 saying that it is too complicated and hard for the boards to figure out, but Mr. Tyler disagreed. Mr. Luck  
573 stated that if the decision was made just by the members, he didn't think it would ever get figured out  
574 because these decisions are not made through governing groups. He commented that knowing staff is  
575 busy with other tasks, he would be curious to hear from the EGG members who were present tonight.  
576 Mr. Levy stated that this meeting was just for deliberating between the board members.  
577

578 Mr. Tyler asked if any other Trustees had anything to add. Ms. Houghton agreed with Mr. Luck and felt  
579 that the board members needed to make a decision on whether they want to move forward with the  
580 recommendations. She agreed that the boards should not be making decisions on how it should be done.  
581 She suggested that they agree that this is important to the community and that it may start a year from  
582 now, but at least they would have the next steps in place. Ms. Sopchak believed that recommendations  
583 C and D are complicated and that the boards need to wait. The next step to her logically, would be to  
584 start researching and finding a subcommittee of people who can give the boards correct information  
585 and report back to the boards. There are members of the EGG who Ms. Sopchak suspected would be  
586 interested in taking part in that committee. Mr. Tyler was not sure if there were complicated legal issues  
587 involved as well. Mr. Scheidel commented that he was not at any of the EGG meetings, but he  
588 remembered a member, Mr. Ron Lawrence, saying that with same-day voting the presupposition is that

589 Australian Ballot voting would be on the same day as schools. Otherwise, they wind up with the system  
590 that they currently have. Therefore, in order to get to same-day voting, the community needs one  
591 methodology of voting. He agreed with Mr. Tyler that there are a number of legal questions for this  
592 issue and whether the community wants to change from Town Meeting voting for municipal budgets  
593 and Australian Ballot voting for school budgets. He suggested that same-day voting for all entities is  
594 probably the best bang for the buck because the majority of the budget (80%) is education. He was  
595 hoping that the members could decide on what they could and couldn't do right now and then decide on  
596 how to do what they can't do right away. Ms. Houghton thought that the boards could make a decision  
597 that they want to know more about these recommendations and how they would look like with the legal  
598 ramifications.

599  
600 Mr. Levy felt that both boards agreed with recommendation A, and he asked the Town Manager to  
601 evaluate the current communication methodologies and any potential improvements to these  
602 methodologies with reference to the EGG report for review by the members. Mr. Scheidel agreed that  
603 he could complete that task for June. Mr. Levy felt that one of the values from Heart and Soul was for  
604 the Town and the Village to work more closely together, which is what the Unified Manager position is  
605 enabling, and Mr. Tyler agreed. Mr. Tyler pointed out that one thing that the boards did not learn from  
606 the EGG report is what they are doing that is not working and whether the people who gave input about  
607 communication were aware of all the resources that are currently available. He also didn't know if the  
608 comments were directed towards the Village governance or the Town governance so it would be good  
609 to say, here is all that we are doing now. Ms. Sopchak agreed with the next steps for recommendations  
610 A and B and felt strongly that a group be appointed for continued research and to report back to the SB  
611 regarding recommendations C and D. Mr. Tyler thought that how to achieve same-day voting is largely  
612 a technical question and that staff would have those answers. He was not in favor of a separate group  
613 wading their way through the system as it would take them months to learn something that the staff  
614 already knows. He thought that when there is time later on, staff could address what needs to be done.  
615 Mr. Plageman agreed and stated that there was a time to get the public involved with this process, but  
616 that it was not right now. He thought that a committee would get really cumbersome really quickly and  
617 that there was a series of steps that the staff could itemize for the members. Mr. Tyler commented that  
618 the public would need to call Mr. Scheidel who would need to call the lawyers.

619  
620 Mr. Luck completely disagreed with Mr. Plageman and Mr. Tyler. He felt that there are some very  
621 intelligent members of the public who are a lot smarter than a lot of the members in a lot of ways and  
622 who are very interested in this topic if the boards would empower them with that role. The boards have  
623 said that staff is very busy so to only allow staff to delve into this issue simply means that it is not  
624 going to happen for a long time. He didn't understand why the boards wouldn't appoint a task force or  
625 working group, as suggested by Ms. Sopchak, and task them with reporting back to the SB in six  
626 months or three months. If they are not able to report back with good information, then the boards "go  
627 back to the drawing board." However, if they are able to report back with good information, then the  
628 boards have good information, and Ms. Houghton agreed. Mr. Kerin agreed that there are many people  
629 in the community who are much more knowledgeable in different aspects of government. However he  
630 was concerned with how the boards vet that quality and felt that it would slow the process down. He  
631 commented that Mr. Tyler's proposal is to bring it to staff and if someone from the public wants to  
632 weigh in, they can do that just like with everything else. He didn't think they had to create another  
633 committee to slow this process down instead of moving it forward.

634  
635 Mr. Levy summarized that recommendation A has been directed to staff and that recommendation B  
636 will be a part of the EPG. Then there is a suggestion to address recommendations C and D through staff  
637 or through a task force. He saw that step as a way to evaluate whether those recommendations are the

638 right thing for the community. Ms. Sopchak heard Mr. Levy saying that they still need to evaluate  
639 whether recommendations C and D are the right things for the community, but the EGG has already  
640 made those recommendation as the right ones for the community. Mr. Levy thought that the members  
641 should question the recommendations and determine whether they want to put in all this effort and  
642 whether the whole community is "on board." He knew that they had this great sampling with the EGG  
643 report and that there was a lot of good work done, but he pointed out that recommendations C and D  
644 are a big deal with a lot of change. He thought that it was worth the effort to pursue recommendations  
645 A and B and determine whether the larger community agrees with recommendations C and D. Ms.  
646 Sopchak asked whether Mr. Levy was recommending coming up with a proposal to go to the  
647 community first before setting out to do research on recommendations C and D. Mr. Tyler suggested  
648 tasking Mr. Scheidel with listing the current community's communication methodologies, in reference  
649 to the EGG report, and then determining ways to improve upon those methodologies. Then at some  
650 point later in the summer, the SB and Trustees, along with the EGG, could reconvene for another  
651 meeting as a first step. He added that if Heart and Soul was going to be contributing as well, then they  
652 could be a part of the process as well.  
653

654 Mr. Luck thought that Mr. Levy and Mr. Tyler were missing the point because it is not about  
655 communication and putting out the message. It is about public engagement and how the municipalities  
656 are engaging people and gathering their input. It is about having meetings where people are and using a  
657 different public engagement policy as in the Portland Tool Kit. He didn't think that staff had the time or  
658 expertise to evaluate a public engagement protocol, which is a new, specialized phenomenon. He  
659 agreed with Ms. Houghton that the boards should have someone else come in and evaluate the  
660 community's communication and look at how we are doing and how we can do it better. Ms. Houghton  
661 added that we already know many of the ways that the Town and Village get the word out, so that data  
662 doesn't help. Mr. Tyler asked what if there is a recommendation from staff to invest dollars on a new  
663 on-line methodology and participation doesn't increase? He asked, what is the goal? Ms. Sopchak  
664 replied that the goal is more public engagement, more people attending, more people e-mailing them  
665 with comments and more people being a part of this process. She knew that this slows things down and  
666 makes things messy, but that is also what the boards are here to foster. Mr. Tyler argued that people can  
667 e-mail the members now, but they don't. He asked, why are they not e-mailing them now? Ms.  
668 Houghton agreed that it was one of the things they have to answer, but that is not where she would like  
669 staff spending their time when Heart and Soul might come forward with a proposal. She agreed that  
670 communication is important, and she would like to hear more about a timeline about whether an  
671 engagement protocol could happen in six months and whether it would cost a lot of money. If it was  
672 going to cost more money, then she suggested holding on as they've waited this long to focus on things  
673 that will matter. Mr. Tyler stated that the Village spends \$90,000 on communication right now. Ms.  
674 Houghton clarified that she was not suggesting spending more money, but doing other things such as  
675 setting a policy for when information goes out so people know when to check the website, or having a  
676 better website and perhaps cutting that \$90,000 down to \$30,000, but yet the public says we are doing  
677 an awesome job getting the word out. She stated that people in this room did not have the expertise to  
678 answer this question. Mr. Kerin wondered when the boards would know that they've accomplished  
679 what they set out to do. He felt they weren't the only boards having this problem and that it was a  
680 problem throughout the country. He didn't think that it was necessarily apathy, but that people are busy  
681 with their lives. He recalled one of the biggest turnouts for a meeting was a recreation meeting to  
682 support having a baseball field. He didn't think that the boards were doing anything wrong with  
683 communication, but that it was the nature of the beast. He thought that as things evolve,  
684 communications change, so he agreed with putting information on-line. However, there needs to be  
685 some kind of rubric or metric to determine success because they could be "chasing their tails" with this  
686 issue.

7  
688 Mr. Levy suggested wrapping up this discussion. Mr. Luck asked if the boards could hear from the  
689 public who had been present in the audience for a long time. Mr. Levy told Mr. Luck that he had  
690 spoken to the EGG members prior to the meeting that this was a discussion between the members  
691 tonight. Mr. Luck thought that there was always a time after a topic for public to be heard. Mr. Levy  
692 didn't think that the members had concluded their discussion yet. Mr. Scheidel, with regard to the EPG,  
693 saw it as a golden opportunity to communicate and educate citizens. Many times he has heard that  
694 people are unhappy about development projects or buildings going on in the neighborhood. There are  
695 certain developments allowed and not allowed by law, and people need to understand why things  
696 happen. Civic engagement is gathering information, but the information doesn't work too much if it is  
697 uninformed information. He is looking forward to this process as a way to educate people and agreed  
698 with finding out about civic engagement protocols since Portland and California have been doing it  
699 actively for six or seven years. He was happy to come up with a list for the members of communication  
700 methodologies, but also agreed that he is not an expert on civic engagement. Mr. Levy thought that  
701 getting something on paper to look at with the EGG report in mind would be a good way to see what  
702 they could do with the low-hanging fruit for two-way communication. Mr. Scheidel was looking for  
703 whether the boards wanted to move forward with the recommendations given in the EGG report. More  
704 specifically, what recommendations they want to do and when. Then, how to do them is another  
705 discussion.

706  
707 Mr. Tyler thought that there were a lot of different conversations going on tonight, and he didn't think  
708 there was even fundamental agreement. He had thought this topic was about budgets and now they are  
709 talking about planning and zoning and people being unhappy about planning projects and  
710 communication methodologies. He thought that this topic was a bigger discussion than what was on the  
711 Agenda so he felt that they need to continue this discussion at another meeting. He didn't think they  
712 could come to conclusions tonight. He wondered what they could achieve now so they could declare a  
713 small victory and move on. Mr. Luck thought that this happened a lot with the SB and wondered what  
714 would change between now and the next meeting to help them make a different decision. Mr. Tyler  
715 stated that they need to plan to have a meeting where this issue is the only Agenda topic, and members  
716 are prepared with all of their questions and can get to some point where they are all in agreement. Mr.  
717 Luck felt that they had already had an extensive conversation and were at a point to make a motion. Mr.  
718 Tyler asked, what would be the motion?

719  
720 **BRAD LUCK MOVED AND MICHAEL PLAGEMAN SECONDED A MOTION THAT THE**  
721 **SELECTBOARD CREATE A TASK FORCE TO CONTINUE THE EXPLORATION OF THE**  
722 **ESSEX GOVERNANCE GROUP RECOMMENDATIONS C AND D.**

723  
724 Mr. Levy asked about recommendations A and B. Mr. Luck replied that recommendation A would be  
725 addressed separately through Heart and Soul with consultants and recommendation B would initially be  
726 addressed with the work happening with the consultants through EPG. Mr. Luck confirmed his motion  
727 for Mr. Levy. Mr. Plageman stated that he would second the motion for the purpose of discussion. He  
728 still had more questions about the task force and was not ready to jump in and have staff put together a  
729 task force without some kind of definition. He was not sure at this point what the members would  
730 direct to the staff. Mr. Levy agreed with Mr. Tyler that the boards need a separate meeting to discuss  
731 just this item.

732  
733 **THE MOTION FAILED 1-4 (Max Levy, Irene Wrenner, Michael Plageman and Andrew Watts**  
734 **opposed).**

735



736 Mr. Tyler saw that the Trustees wanted to make the same motion, but he pointed out that the SB was  
737 not yet in favor of this motion.

738  
739 **ANDREW BROWN MOVED AND LORI HOUGHTON SECONDED A MOTION THAT THE**  
740 **TRUSTEES CREATE A TASK FORCE TO CONTINUE THE EXPLORATION OF THE**  
741 **ESSEX GOVERNANCE GROUP RECOMMENDATIONS C AND D.**

742  
743 Mr. Tyler pointed out that he thought that the Trustees would be condemning a group of people by  
744 having a task force, and it would have nothing to do with how intelligent they are. There are specifics  
745 in the Village and School charters that prohibit things like same-day voting right now. He thought those  
746 could be identified quickly by staff, but that this motion would have a group of people going through a  
747 lot of information to identify those very specific facts in our charters and policies that staff can get to  
748 right away. Ms. Sopchak suggested having an engaged citizen take an hour of their day to interview the  
749 staff who know the answers to these questions. Mr. Tyler agreed, but argued that it was not the motion.  
750 Ms. Sopchak replied that the task force is an opportunity for more community engagement and for the  
751 community members to get to know staff members and gather information on something they are  
752 interested in. This process might develop more positive relationships with staff sharing information  
753 they already know. Mr. Brown argued that he could have said the same thing about the Village Capital  
754 Review Committee when a committee of citizens were tasked to recreate a process that was working  
755 with the Village staff. The Village Capital Review Committee did that because they were passionate  
756 about it. Having seen the EGG come to the Trustees two or three times, Mr. Brown sees a similar  
757 passion. He did not see this motion as condemning a group of citizens, but sees the Trustees giving  
758 citizens an opportunity to do something to further their passion and further their interests. He thought  
759 that the Trustees would end up with a great report and would also be engaging the community and  
760 allowing them the freedom to do something they want to do. Mr. Tyler stated that Mr. Brown had  
761 convinced him. Mr. Tyler clarified that he was not condemning people, but thought that the citizens  
762 were going to spend a lot of time, and he would rather see their time go into something more  
763 constructive. However, if the Trustees think it is a good thing to do for the Trustees, not for the High  
764 School or Essex Town School District, then he would support it. Mr. Kerin thought that the task force  
765 wasn't going to get them a product that the Trustees couldn't get from somebody else. He felt that the  
766 task force would occupy somebody's time and that there were other more productive things that  
767 interested people could do.

768  
769 **THE MOTION PASSED 4-1 (Dan Kerin opposed).**

770  
771 Mr. Scheidel asked for clarification on the tasks involved with the motion. Mr. Tyler stated that the  
772 Trustees are going to create or ask for volunteers for a subcommittee that is going to look into how the  
773 Village would achieve recommendations C and D. Mr. Brown understood the motion to be that the  
774 Trustees would work with the SB to develop a committee. Mr. Tyler pointed out that the SB voted its  
775 motion down. Mr. Brown didn't think they could take this further until the SB agreed. Mr. Kerin agreed  
776 and felt that the Trustees should wait until the SB supports creating a task force, and then he would  
777 agree. Mr. Tyler suggested putting a topic on the next Trustees Meeting Agenda to discuss what this  
778 motion means for the Village. He thought that they were talking about having Mr. Scheidel appoint a  
779 group to look into recommendations C and D and how to go about doing that, which is not a decision to  
780 make right now, but at the next Trustee meeting.

781  
782 Mr. Levy asked if there could be a joint meeting in the future to discuss what the task force would look  
783 like and the mission statement for the group. Mr. Luck pointed out that it was a Village Task Force  
784 because the SB doesn't want a task Force. Mr. Tyler clarified that at the next Trustee Meeting, the

785 Trustees would figure out how to appoint a subcommittee to look at recommendations C and D and ask  
 786 staff questions and look at charters and policies to identify impediments or problems with having a  
 787 hybrid model and same-day voting, and members agreed. He thought that the Trustees could do that on  
 788 its own and report back to the SB. Mr. Luck was not concerned about what the Trustees were doing, but  
 789 was more concerned about the SB's inaction and lack of clarity on the next steps. Mr. Levy proposed  
 790 that Mr. Luck come up with more detail about what it is he wants citizens to do on a task force and its  
 791 mission statement. Right now, the idea is too nebulous for him to support it. Mr. Plageman asked Mr.  
 792 Levy if he would consider a motion that would empower the members of the EGG to be the task force.  
 793 It would be very close to what the Trustees have approved, but would be a middle ground. On one hand,  
 794 he didn't agree with a task force "right out of the gate," but on the other hand, he didn't want this issue  
 795 to sit. He stated that Mr. Brown made a point that the EGG brought a passion to this topic, and Mr.  
 796 Levy agreed that they did a lot of good work. Therefore, Mr. Plageman suggested asking them if they  
 797 want to take it a step further to research this information and report back at a joint meeting with the  
 798 Trustees and SB. Then if they recommend a bigger task force with the community at large, we would  
 799 have new information to make that decision.

800  
 801 **MICHAEL PLAGEMAN MOVED THAT THE SELECTBOARD DIRECT STAFF TO**  
 802 **APPROACH MEMBERS OF THE ESSEX GOVERNANCE GROUP FOR THE PURPOSES OF**  
 803 **GATHERING INFORMATION ABOUT THE ESSEX GOVERNANCE GROUP**  
 804 **RECOMMENDATIONS C AND D TO PRESENT TO A JOINT MEETING OF THE**  
 805 **SELECTBOARD AND TRUSTEES.**

806  
 807 Members and staff further deliberated on this motion. Mr. Scheidel did not think it would mean extra  
 808 work for the staff because all the information about charters and so forth is on-line. Ms. Houghton  
 809 wondered if the problem was semantics and using the word "task force." She thought she could speak  
 810 for the Trustees that they were envisioning asking the EGG members. Mr. Tyler pointed out that if it is  
 811 a committee, then members of the public could not be excluded, and Ms. Houghton agreed. Mr.  
 812 Plageman explained that he suggested his motion because of the language that was used in the Trustee's  
 813 motion. He thought that going to the EGG members was a more tightly defined scope. Mr. Scheidel  
 814 stated that when the Village used "task force" in its motion, it set another meaning to include people  
 815 external to those already on the EGG. Mr. Brown clarified that the intent of his motion was essentially  
 816 the same as what was being discussed right now. Mr. Levy did not want to have the SB and Trustees  
 817 going off in different directions. Mr. Luck wanted action from the SB tonight and felt that the details  
 818 were for later. He wanted to get consensus of where the SB was going with this issue. Mr. Luck was in  
 819 favor of the task force, including the public, with an intent to move forward with the recommendations.

820  
 821 Mr. Scheidel asked Mr. Luck what he felt the EGG members would collect for information, and Mr.  
 822 Luck replied that it would be all of the details and answers to the questions that were asked tonight,  
 823 such as what is the timeline, who do we need to talk to, how do we change the charters, etc. Some of  
 824 those pieces the staff knows and some need to be asked to legal counsel. Mr. Luck thought that it was  
 825 going to take some work and that the EGG members present tonight could read charters and call  
 826 lawyers and secretaries of state and figure things out. He didn't see the SB having a huge leg up on  
 827 those EGG members. Mr. Levy didn't want the SB and Trustees going in different directions. Mr. Luck  
 828 agreed that if the SB was creating a second group to the Trustee's then that didn't make any sense to  
 829 him. Mr. Brown thought that the Trustees and the SB were going along the same path. Ms. Houghton  
 830 confirmed for Mr. Plageman that she did not make the motion. Mr. Brown had made the motion. Ms.  
 831 Houghton stated that her concern was that the boards were making two separate groups, and they had  
 832 agreed not to have separate groups. Mr. Tyler thought that Mr. Plageman's motion was trying to achieve  
 833 gathering information about whether there are specific charter policy impediments to having a same-

835 day vote in Essex Junction and Essex Town. He believed that the boards need someone to put this  
 836 information all together into a clean package, which shows whether it could be achievable or not. He  
 837 thought that the task group approved by the Trustees could do that and then the Trustees could meet  
 838 with the SB and present that information. He understood this was a small step, but it would identify any  
 839 specific barriers that would have to be addressed to get to same-day voting. Mr. Plageman agreed with  
 840 Mr. Tyler, but was trying to avoid a larger step in the process right now. There is a lot of information  
 841 that needed to be gathered first and then plenty of time for the public at large to weigh in so he was in  
 842 favor of his motion as a smaller step and as a middle ground between the boards. Mr. Tyler felt that the  
 843 Trustees could provide that information for the SB, but that the boards should meet again later this  
 844 summer with just this issue on the agenda and an earlier start time. Mr. Brown wondered if the Trustees  
 845 could appoint non-Village residents on the task force. Mr. Tyler felt this was possible because the  
 846 Village already has people who don't live in the Village on Village boards.

847 Mr. Levy confirmed for Mr. Luck that the next step was to have another joint meeting with just this  
 848 issue on the agenda. He stated that this process is going to need baby steps and that the boards are not  
 849 going to take quantum leaps.

850  
 851 Mr. Ron Lawrence wanted to thank the boards because despite this long discussion, he thought there  
 852 was some action taken through Heart and Soul. The EGG volunteers would be “knocking on their  
 853 doors” because they saw it as something that could be done fairly expediently and that they already had  
 854 answers to some of the questions raised tonight.

855  
 856 **THE MOTION FAILED FOR A LACK OF A SECOND TO THE MOTION.**

857  
 858 **Joint Stormwater Discussion-Dennis Lutz**

859  
 860 Mr. Lutz and Mr. Jutras introduced the issue of whether or not the SB and Trustees will authorize the  
 861 staff to initiate land acquisition/utilization discussions with private parties with respect to the Flow  
 862 Restoration Plans under development for Indian/Sunderland Brooks and the private landowners'  
 863 expired stormwater permits. The Stream Flow Restoration plans (FRP) for Indian Brook and  
 864 Sunderland Brook are close to final completion. Draft copies of the two reports were provided recently  
 865 to the Joint Stormwater Coordinating Committee, and there are some minor edits to be made.  
 866 Concurrently, staff is starting the process of meeting with stormwater expired permit holders in  
 867 compliance with the stormwater expired permits ordinance/requirements passed by both Boards last  
 868 year. There are certain stormwater projects identified as high priority in the FRP that are proposed for  
 869 future construction. Some of these require acquiring land or easements from the private sector property  
 870 owners with expired permits. It is important for the Town and Village to obtain preliminary  
 871 concurrence with landowners on specific sites before the FRP's are filed with the State. It's a win-win  
 872 for the Town and some of the private parties involved. It is understood that these early discussions with  
 873 landowners are preliminary. The results of all negotiations will be shared with the Manager and both  
 874 Boards before any final agreements are made. Mr. Jutras added that part of this issue was related to the  
 875 priorities established by the FRP. Having that flexibility will provide the biggest bang for the buck for  
 876 the communities. Unfunded mandates from both the State and the Federal governments are being issue  
 877 and having that flexibility to work together for consistency in the application is important. He and Mr.  
 878 Lutz have discussed both of them going to the meetings so that there is consistency in messaging and  
 879 setting guidelines to carry this forward in a parallel way that has the best interest of both communities  
 880 in mind.

881  
 882 Members and Trustees agreed with the staff request for Executive Session to discuss the implications of

883 the Flow Restoration Study preliminary results with selected Type 2 and Type 3 Expired Stormwater  
884 permit holders regarding the potential for land acquisition/utilization by the Town and Village.  
885

886 **Spring/Summer/Fall 2015 Work List-Dennis Lutz**  
887

888 Mr. Lutz introduced the issue for the SB and Trustees to receive input on Town work projects planned  
889 or underway during the next six months, some of which cross municipal jurisdictions, and provide  
890 feedback regarding the work plan. Mr. Lutz reviewed his memorandum dated April 15, 2015 to the  
891 Municipal Manager, the SB and the Trustees regarding the Spring/Summer/Fall 2015 Work List. This  
892 list is available on the Town website. With regard to providing a report to the Trustees and SB on a  
893 merged public works department, he described the process of first understanding what goes on in the  
894 Town and what goes on in the Village or what doesn't go on in each community. There are things that  
895 are done much better in the Village, and things that are done much better in the Town, and those will  
896 come out. This is the only way to get to the answer about whether a combined department is a good  
897 idea or bad idea. In his opinion, if you want a well-managed community, you need one centralized  
898 public works department. However, the final decision will be up to the Trustees and the SB. He  
899 explained that this work plan is always changing as things get done or projects change.  
900

901 With regard to the Winter Operations Plan, Mr. Lutz stated that there are going to be some questions to  
902 ask the Trustees to incorporate the Village into the Plan, since the Village does not have one. The intent  
903 is to have one document for both communities that staff, SB members and Trustees can refer to as a  
904 community policy.  
905

906 Mr. Tyler commented that the Trustees and the SB have a shared 3-year commitment between their  
907 respective public works departments. He assumed that the Trustees and SB would have to make a  
908 decision well before the three years ends and wondered if they would get these kinds of reports along  
909 the way to help them make a decision. Mr. Lutz agreed that he would continue to provide reports of  
910 what needs to be done, what consultants would be needed, and at some point, what would be needed if  
911 the departments were to combine. He stated that it would take up to three to five years of working  
912 together to get one system that is efficient and really works. This report is an introduction, and he  
913 welcomed feedback. Members were comfortable with providing input to Mr. Lutz through e-mail  
914 regarding the work list.  
915

916 **Award of Paving Bids-Dennis Lutz**  
917

918 Mr. Lutz introduced the issue and discussed his memorandum dated April 20, 2015 to the Municipal  
919 Manager, the SB and Trustees regarding the Award of Paving Bids. Mr. Lutz explained that the Town  
920 has historically bid its paving differently than the Village. The Town bid has been organized for a  
921 detailed price per ton and quantity on each project with award going to the lowest overall bidder. The  
922 Village has historically bid a list of roads with an upper budget limit to be spent and has asked the  
923 bidders to provide a cost per ton to accomplish the work. The bid this year for the Town and in the  
924 Village on all the bid projects, except Allen Martin Drive, was at a price of \$66.50 per ton for the low  
925 bidder. The Allen Martin Drive/Sand Hill Road projects are even lower at \$60.40 per ton. At a bid price  
926 of \$66.50 per ton for comparable roads, the costs are lower by almost 9% in the Village over last year  
927 and by 4% in the Town. He explained that it would be a mistake to suggest that by just adding quantity,  
928 the communities were able to effect better prices because there are too many other variables, such as  
929 price of oil and location of projects. However, the bid prices are lower for both communities and in his  
930 opinion, the joint paving bid should be continued in the future. He believed that the savings were real,  
931 and both communities benefitted from this approach. He explained that when the Town comes in lower

932 than expected and it has some money left, then he tries to add a small street with the intent of getting as  
933 much done for the best price as possible. He confirmed for Mr. Levy that he planned to compare prices  
934 with those that were given to other communities. If prices given to the Town and Village were low  
935 compared to other communities then the process they followed is the right process.

936  
937 Mr. Tyler confirmed with the Trustee members that they struck the motor vehicle ordinance from the  
938 agenda so that it didn't need to be discussed.

939  
940 **Authorization to Open Bank Accounts-Doug Fisher**

941  
942 Mr. Fisher introduced the issue of authorization from the SB to open the necessary bank accounts at  
943 either People's United Bank or the Merchants Bank, for the Town's operating accounts. He explained  
944 that as part of the on-going task of combining service delivery in the Finance and Administrative areas  
945 of the Town and Village, staff is looking at combining bank accounts to simplify the process. The  
946 accounting software in use by the Town, and soon to be in use by the Village, can handle the allocation  
947 of funds between the two entities just as it currently does between the various funds of the Town and  
948 Village. Staff is in the process of evaluating the People's United Bank and the Merchants Bank with a  
949 set of criteria and will be making a final decision soon. This authorization is being sought to allow the  
950 Town to effect the necessary changes when the final decision is made. In order to open the necessary  
951 accounts, the Bank requires a resolution be adopted by the SB authorizing the accounts.

952  
953 Mr. Levy asked about the potential downside for this scenario. Mr. Fisher replied that he would report  
954 back to the SB and Trustees about which bank is chosen, and he confirmed for Mr. Levy that there will  
955 be an agreement between the Town and the Village about how to handle the funds before the account is  
956 open.

957  
958 **IRENE WRENNER MOVED AND ANDREW WATTS SECONDED A MOTION TO**  
959 **AUTHORIZE MANAGEMENT TO OPEN THE NECESSARY BANK ACCOUNTS AT**  
960 **PEOPLE'S UNITED BANK OR THE MERCHANTS BANK AND AUTHORIZE THE CHAIR**  
961 **TO SIGN THE REQUIRED RESOLUTION.**

962  
963 Ms. Wrenner commented that in case both banks come up as equal on the list of criteria, she offered  
964 that the Merchants Bank has been a Vermont bank for 166 years and does business locally, whereas the  
965 Peoples United is a much bigger bank. She recommended keeping the Town and Village money as local  
966 as possible.

967  
968 **THE MOTION PASSED 5-0.**

969  
970 **Kids to Park Day Resolution-Pat Scheidel**

971  
972 Mr. Scheidel introduced the issue of whether or not the SB will sign the proclamation regarding  
973 National Kids to Parks Day through the National Park Trust. He agreed with Mr. Levy that there was no  
974 cost associated with this pledge. Ms. Wrenner suggested changing the language in the fourth  
975 "WHEREAS" to the following: "WHEREAS, we should encourage children to lead a more active  
976 lifestyle in order to keep fit" and members agreed. Mr. Scheidel confirmed for Mr. Levy that the Kids  
977 to Park Day was on Saturday, May 16, 2015.

978  
979 **IRENE WRENNER MOVED AND ANDREW WATTS SECONDED A MOTION TO APPROVE**  
980 **AND SIGN THE PROCLAMATION TO PARTICIPATE IN NATIONAL KIDS TO PARKS DAY**

AS AMENDED. THE MOTION PASSED 5-0.

Mr. Watts read the following resolution as amended into the record:

**A Proclamation  
Kids to Parks Day: Saturday, May 16, 2015**

**WHEREAS**, May 16<sup>th</sup>, 2015 is the fifth Kids to Parks Day organized and launched by the National Park Trust; and

**WHEREAS**, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America’s parks; and

**WHEREAS**, it is important to introduce a new generation to our nation’s parks because of the decline in Park attendance over the last decades; and

**WHEREAS**, we should encourage children to lead a more active lifestyle to stay fit and healthy; and

**WHEREAS**, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

**WHEREAS**, Kids to Parks Day will broaden children’s appreciation for nature and the outdoors; now therefore be it

**RESOLVED** that the Selectboard of the Town of Essex hereby proclaim to participate in Kids to Parks Day. We urge residents of the Town of Essex to make time May 16<sup>th</sup>, 2015 to take the children in their lives to a neighborhood, state or national park.

Dated this 18<sup>th</sup> day of May 2015.  
Town of Essex Selectboard.##

**Minutes: April 20, 2015**

**IRENE WRENNER MOVED AND ANDREW WATTS SECONDED A MOTION TO APPROVE THE MINUTES OF APRIL 20, 2015 WITH THE FOLLOWING CORRECTIONS:**

Line 168: After “Crosby” add “;”. Line 187 and 190: Replace “Harley” with “Harlie”. Line 213: Replace “Bouchard's” with “Bouchards”. Line 227: Replace “its” with “his”. Line 229: Replace “its” with “their”. Line 231: Put quotes around “Fight or flight”. Line 294: After “is the” add “first-on-the-list”. Line 312: Replace “5” with “3”. Line 348: Strike “vote of the”. Line 362: Strike extra space before “municipal”.

**THE MOTION PASSED 5-0.**

**CONSENT AGENDA**

**IRENE WRENNER MOVED AND ANDREW WATTS SECONDED A MOTION TO APPROVE THE CONSENT AGENDA WITH SELECTBOARD MEMBER COMMENTS. THE MOTION PASSED 5-0.**

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**CONSENT AGENDA**

Check Warrants: April 16 & 23, 2015

Planning Commission – April 9, 2015

**Ms. Wrenner pointed out that on page 2 of the minutes, the Planning Commissioners listed two areas of focus, which were affordable housing and energy savings.**

**Memos**

To CCRPC Member Municipalities from Bernadette Ferenc, re Notice of Public Hearing to Review FY2016 Unified Planning Work Program & Proposed Major Transportation Improvement (TIP) Amendment ([www.ccrpcvt.org/workplan](http://www.ccrpcvt.org/workplan)).

To Town of Essex, Village of Essex Junction Board of Trustees, Orton Family Foundation from Heart and Soul (Liz Subin) re August 2014 Update; October 15, 2014 Update on the Future Voting in Essex

**THE MOTION PASSED 5-0.**

**The Village Trustees agreed to not discuss their consent agenda change.**

**ANDREW WATTS MOVED AND IRENE WRENNER SECONDED A MOTION THAT THE SELECTBOARD MAKE A SPECIFIC FINDING THAT THE PREMATURE PUBLIC KNOWLEDGE OF THE TOWN'S DISCUSSION REGARDING REAL ESTATE CONTRACTS, INCLUDING THE TOWN'S NEGOTIATING STRATEGY IN CONNECTION THEREWITH, WOULD CLEARLY PLACE THE TOWN OF ESSEX AT A SUBSTANTIAL DISADVANTAGE. THE MOTION PASSED 5-0.**

**DAN KERIN MOVED AND LORI HOUGHTON SECONDED A MOTION TO ENTER EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING POSSIBLE LAND ACQUISITION TO INCLUDE THE TOWN MANAGER, ASSISTANT TOWN MANAGER, TOWN FINANCE DIRECTOR, TOWN PUBLIC WORKS DIRECTOR, TOWN PLANNER, VILLAGE WATER QUALITY SUPERINTENDENT, VILLAGE ASSISTANT MANAGER AND HARRIS ABBOT.**

**ANDREW WATTS MOVED AND MICHAEL PLAGEMAN SECONDED A MOTION THAT THE SELECTBOARD ENTER EXECUTIVE SESSION TO DISCUSS REAL ESTATE CONTRACTS PURSUANT TO 1 V.S.A. SECTION 313 (A)(1)(B) TO INCLUDE THE TOWN MANAGER, ASSISTANT TOWN MANAGER, TOWN FINANCE DIRECTOR, TOWN PUBLIC WORKS DIRECTOR, TOWN PLANNER, VILLAGE WATER QUALITY SUPERINTENDENT, VILLAGE ASSISTANT MANAGER AND HARRIS ABBOT. THE MOTION PASSED 5-0.**

Mr. Tyler pointed out that the reason for entering Executive Session is pertinent to the information presented by Mr. Lutz earlier in the meeting and is that the law requires a discussion on this issue to be held in Executive Session.

**THE MOTION PASSED 5-0.**

**IRENE WRENNER MOVED AND MICHAEL PLAGEMAN SECONDED A MOTION TO EXIT EXECUTIVE SESSION AT 11:20 P.M. THE MOTION PASSED.**

**SELECTBOARD**

**MAY 4, 2015**

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**GEORGE TYLER MOVED AND DAN KERIN SECONDED A MOTION TO EXIT EXECUTIVE SESSION AT 11:20 P.M. THE MOTION PASSED.**

**BRAD LUCK MOVED AND IRENE WRENNER SECONDED A MOTION TO ADJOURN AT 11:21 P.M. THE MOTION PASSED 5-0.**

**GEORGE TYLER MOVED AND ANDREW BROWN SECONDED A MOTION TO ADJOURN AT 11:21 P.M. THE MOTION PASSED 5-0.**

**Respectfully submitted,**

Saramichelle Stultz  
Recording Secretary

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

(See minutes of this date for corrections, if any).

\_\_\_\_\_

Andrew J. Watts, Clerk, Selectboard

(THESE MINUTES ARE SUBJECT TO CHANGE AT THE NEXT SELECTBOARD MEETING)



# Check Register Report

BL 5/26/15

Date: 05/22/2015

Time: 2:20 pm

Page: 1

Village of Essex Junction

BANK:

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>Checks</b>							
10051482	05/15/2015	Printed		05530	COSTCO COLCHESTER #314	SUPPLIES-FIRE	280.22
10051483	05/14/2015	Printed		10725	SAFELITE WINDSHIELD WORLD	SIDE CAR WINDOW REPLACE-WWTF	314.90
10051484	05/26/2015	Printed		10508	ADVANCED DISPOSAL	GRIT DISPOSAL-WWTF	269.15
10051485	05/26/2015	Printed		10290	ALDRICH + ELLIOT, PC	COGEN UPGRADE-WWTF	3,133.72
10051487	05/26/2015	Printed		00382	AMAZON.COM CREDIT	CIRCULATION MATERIALS-LIBRARY	1,073.87
10051488	05/26/2015	Printed		10655	AQUAFIX (THE BUGMAN)	FILTER FLY CONTROL-WWTF -	5,019.22
10051489	05/26/2015	Printed		9429	AQUARIUS LANDSCAPE INC.	SPRING CLEAN & OPENING	293.69
10051490	05/26/2015	Printed		9847	AUTOZONE, INC	SUPPLIES-VARIOUS	50.46
10051491	05/26/2015	Printed		1655	BLUE CROSS BLUE SHIELD OF VT	HEALTH PREMIUM-ALL DEPTS	30,674.55
10051493	05/26/2015	Printed		10249	BLUETARP FINANCIAL INC.	SUPPLIES-VARIOUS	244.07
10051495	05/26/2015	Printed		10600	BRODART #2	CIRCULA MATERIALS-LIB & IENDS	664.00
10051496	05/26/2015	Printed		0455	CANON SOLUTIONS AMERICA	COPIES-LIBRARY/AD	166.19
10051497	05/26/2015	Printed		9743	CARQUEST AUTO PARTS	SUPPLIES-VARIOUS	212.86
10051498	05/26/2015	Printed		10633	CCI SOLUTIONS	2 RING CASES-LIBRARY	113.46
10051499	05/26/2015	Printed		0490	CENTRAL VERMONT PROPERTIES	PIPE CROSSING ROW-WTR/SAN	100.00
10051500	05/26/2015	Printed		0500	CHAMPLAIN WATER DISTRICT	APRIL WATER USAGE-WATER	239,850.83
10051501	05/26/2015	Printed		0525	CHITTENDEN SOLID WASTE DISTRIC	FEES-WWTF	148.77
10051502	05/26/2015	Printed		10353	CIVES CORP	PARTS-STREET	52.42
10051503	05/26/2015	Printed		9788	COMCAST	CABLE TV-FIRE	13.59
10051504	05/26/2015	Printed		05898	CRYSTAL ROCK BOTTLED WATER	BOTTLED WATER-LH/STREET	67.05
10051505	05/26/2015	Printed		10401	DE LAGE LANDEN FINANCIAL INC	COPIER LEASE-ADMIN	249.52
10051506	05/26/2015	Printed		10657	MARY K. DENNISON	PROGRAM SUPPLIES-LIBRARY	4.45
10051507	05/26/2015	Printed		1690	DEPOT HOME & GARDEN	STRAW BALES-STREET	85.56
10051508	05/26/2015	Printed		0644	DUBOIS & KING INC.	CRES CONN ENG SERV-	2,054.59
10051509	05/26/2015	Printed		0700	EAST COAST PRINTERS	UNIFORMS-STREET	796.98
10051510	05/26/2015	Printed		50041	EBSCO	CIRCULATION MATERIALS-LIBRARY	4.20
10051511	05/26/2015	Printed		10576	ECOPIXEL LLC	WEB SERVICES-ADMIN	99.00
10051512	05/26/2015	Printed		0710	ENDYNE, INC.	BATCH CERTIFICATES-WWTF	616.00
10051513	05/26/2015	Printed		0780	ESSEX EQUIPMENT SALES	PARTS/TRIMMER HEAD-VARIOUS	658.22
10051514	05/26/2015	Printed		9473	TODD J. FARRELL	PRUNING CEDER HEDGE-STREET	845.00
10051515	05/26/2015	Printed		1935	FERGUSON WATERWORKS #590	VALVE BOXES-WATER	3,025.74
10051516	05/26/2015	Printed		0836	FLAG SHOP OF VT	FLAGS & GRAPHICS-STREET/FIRE	1,343.24
10051517	05/26/2015	Printed		0899	GAUTHIER TRUCKING CO., INC	RUBBISH REMOVAL-STREET	384.34
10051518	05/26/2015	Printed		9366	GEMPLER'S	UNIFORM ACCESSORIES-WATER	219.60
10051519	05/26/2015	Printed		9726	GOT THAT RENTAL SALES, INC	SAFETY EQUIPMENT-WWTF	76.28
10051520	05/26/2015	Printed		24511	GRAINGER	BRASS SHAFT-FIRE	57.35
10051521	05/26/2015	Printed		10598	GREEN MOUNTAIN POWER CORP #2	ELELCTRICITY - VARIOUS	8,818.71
10051522	05/26/2015	Printed		1035	DONALD L. HAMLIN	ENG SERVICES-VARIOUS	18,926.25
10051523	05/26/2015	Printed		1031	HANNAFORD BROTHERS CO.	TRAINING SUPPLIES-FIRE	53.41
10051524	05/26/2015	Printed		10658	HORSFORD GARDEN CENTER	TREES-STREET	1,306.00
10051525	05/26/2015	Printed		9625	INGRAM LIBRARY SERVICES	CIRC MATERIALS-LIBRARY	112.49
10051526	05/26/2015	Printed		2041	S. D. IRELAND CONCRETE	CEMENT-STREET	425.75
10051527	05/26/2015	Printed		1208	RICK JONES	UNIFORM PANTS-STREET	140.00
10051528	05/26/2015	Printed		1208	JAMES JUTRAS	MILEAGE/PARKING REIMB-WWTF	157.10
10051529	05/26/2015	Printed		1210	JAMES JUTRAS	LONGEVITY AWARD/25 YRS-ADM	75.00
10051530	05/26/2015	Printed		9454	LENNY'S SHOE & APP	BOOTS-WWTF	960.00
10051531	05/26/2015	Printed		1332	LENNYS SHOE AND APPAREL	BOOTS/PANTS-SANI	433.00
10051532	05/26/2015	Printed		1353	LIMOGE & SONS GARAGE DOORS INC	CABLE REPAIR-FIRE	107.85
10051533	05/26/2015	Printed		10646	LINCOLN NATIONAL LIFE INSURANC	PREMIUM-ALL DEPTS	1,132.27
10051534	05/26/2015	Printed		10130	LOWE'S BUSINESS ACCOUNT	SUPPLIES-STREET	256.26

Check Register Report

BL 5/26/15

Date: 05/22/2015

Time: 2:20 pm

Page: 2

Village of Essex Junction

BANK:

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>Checks</b>							
10051535	05/26/2015	Printed		10695	SHANE LUMBRA	TREE PRUNING ON RRAV-STREET	455.00
10051536	05/26/2015	Printed		13631	LYNN PUBLICATIONS	LEGAL NOTICES-AD/COM DEV	500.75
10051537	05/26/2015	Printed		10432	CHELSEA MANDIGO	MILEAGE REIMB-WWTF	94.07
10051538	05/26/2015	Printed		1460	MAPLEHURST FLORIST	DM FLOWERS-ADMIN	56.90
10051539	05/26/2015	Printed		10155	W.B. MASON CO. INC	SUPPLIES-VARIOUS	636.69
10051540	05/26/2015	Printed		1000	SUSAN J. MCNAMARA-HILL	30 YEARS LONGEVITY AWARD-AD	100.00
10051541	05/26/2015	Printed		9970	MIDWEST TAPE	CIRCULA MATERIALS-LIB	14.99
10051542	05/26/2015	Printed		9971	MILTON PUBLIC LIBRARY	NON-RETURNED BOOKS-LIBRARY	68.92
10051543	05/26/2015	Printed		1516	MILTON RENTAL & SALES INC	PARTS & LIFT RENTAL-WW/ST	1,574.38
10051544	05/26/2015	Printed		1636	NEW ENGLAND MUNICIPAL	CB NOZZLE-ST/SAN/WW/WTR	250.18
10051545	05/26/2015	Printed		9564	ELIZABETH PIERCE	MILEAGE REIMB-LIBRARY	33.24
10051546	05/26/2015	Printed		1789	PIKE INDUSTRIES, INC.	ASPHALT-STREET	273.00
10051547	05/26/2015	Printed		1781	PIONEER MOTORS & DRIVES, INC.	CLARIFIER DRIVE-WWTF	426.57
10051548	05/26/2015	Printed		10235	PRATT & SMITH INC	MOTOR RECON & SERVICES-WW/SANI	15,235.65
10051549	05/26/2015	Printed		9230	RONNIE PREAVY	WELDING REPAIR-ST/SANIT/WW/WTR	65.00
10051550	05/26/2015	Printed		1780	EVERETT J. PRESCOTT, INC.	SERVICE SADDLES-WATER	2,571.11
10051551	05/26/2015	Printed		10727	QUALITY METAL PRODUCTS	CUT ALUMINUM GATE-WWTF	50.00
10051552	05/26/2015	Printed		10078	R.M. PRECISION AUTO INC	REPLACE SAFETY GLASS-ST	247.81
10051553	05/26/2015	Printed		9587	RANGER ASPHALT & CONCRETE PROC	TOPSOIL-STREET	400.00
10051554	05/26/2015	Printed		1955	REYNOLDS & SON, INC.	HOUSTON W/ TUFF SHIELD-FIRE	1,273.47
10051555	05/26/2015	Printed		2047	SCOTT + PARTNERS	LH ARCHITECTURAL SERV-CAP	1,950.00
10051556	05/26/2015	Printed		2075	SHELBURNE MUSEUM, INC.	BROWNELL MEMBERSHIP-LIBRARY	75.00
10051557	05/26/2015	Printed		2093	SLACK CHEMICAL COMPANY INC.	CHEMICAL DRUM-WWTF	1,687.24
10051558	05/26/2015	Printed		2115	SOUTHWORTH-MILTON, INC.	SKID STEER DOOR ASSEMBL-STREET	217.98
10051559	05/26/2015	Printed		21153	SOVERNET COMMUNICATIONS	PH/INTERNET-VARIOUS	306.01
10051560	05/26/2015	Printed		2124	STAPLES ADVANTAGE	SUPPLIES-LIBRARY	41.13
10051561	05/26/2015	Printed		0545	THE TECH GROUP	REMOTE & MNGED SERV-AD/COM DEV	1,149.00
10051562	05/26/2015	Printed		10726	UNTAPPED LLC	SYRUP PACKETS-FIRE	28.80
10051563	05/26/2015	Printed		2338	USA BLUE BOOK	GLOVES/FIELD WORK-WWTF	207.25
10051564	05/26/2015	Printed		10070	VANASSE HANGEN BRUSTLIN INC	MULTI-USE PATH DESIGN-CAPR	2,996.62
10051565	05/26/2015	Printed		23931	VERMONT MECHANICAL INC.	HEATER REPAIR-STREET	120.00
10051566	05/26/2015	Printed		2374	VERMONT TROPHY & ENGRAVING	UNIFORM PLAQUE-FIRE	189.00
10051567	05/26/2015	Printed		10202	STATE OF VERMONT (VTRANS)	PARK&SOUTH/BRICK&RTE15-STR	901.99
10051568	05/26/2015	Printed		2361	STATE OF VERMONT	PERMIT FEE FLOW BASED-WWTF	5,411.00
10051569	05/26/2015	Printed		1000206	VILLAGE OF ESSEX JCT.	WATER & SEWER-STREET	73.72
10051570	05/26/2015	Printed		2380	VLCT PACIF, INC.	SEWER BACK-UP CLAIM-SANI	1,000.00
10051571	05/26/2015	Printed		2258	VTGFOA	WORKSHOP REG-ADM	150.00
10051572	05/26/2015	Printed		0811	F.W. WEBB COMPANY	ANOX MIXERS-WWTF	217.78
10051573	05/26/2015	Printed		10319	WILLISTON WORKWEAR	HIGH VIS UNIFORM-STR/WTR	279.90
10051574	05/26/2015	Printed		25261	MATTHEW WITTEN	APRIL PERFORMS-LIBRARY	200.00

Total Checks: 90

Checks Total (excluding void checks):

367,697.33

Total Payments: 90

Bank Total (excluding void checks):

367,697.33

Total Payments: 90

Grand Total (excluding void checks):

367,697.33