

DONALD L. HAMLIN
CONSULTING ENGINEERS, INC.
ENGINEERS AND LAND SURVEYORS

Please reply to:

P.O. Box 9
Essex Junction
Vermont 05453

136 Pearl Street
Essex Junction, Vermont

Tel. (802) 878-3956
Fax (802) 878-2679
www.dlhce.com

December 19, 2019

Mr. Ricky V. Jones, Public Works Superintendent
Village of Essex Junction
2 Lincoln Street
Essex Junction, VT 05452

Re: Densmore Drive Culverts

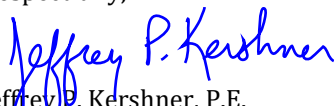
Dear Mr. Jones:

We are writing as a follow-up to the recent work performed on the two culverts beneath Densmore Drive adjacent to the entrance to Sherwood Square. The purpose of this work was to repair the recent sinkhole and restore flow capacity in these twin culverts by removing visibly damaged end sections. During the work, we observed extensive deterioration to the bottom and sides of each culvert, which has led to the structural failure of both culverts. Based on the field observations and condition of the culverts, we recommended that the road be closed at the culvert crossing. In response, the Village made the decision to close the road and placed concrete barriers across the road, until such time as the culverts can be replaced.

While the recent work performed was able to provide a slight improvement in the flow capacity of these culverts, the increase was very minimal. We remain concerned that these culverts, in their damaged condition, are no longer able to convey the flows experienced in the Indian Brook during heavier rainfall events and those anticipated during the spring runoff period. Visual inspection has confirmed that the cross sectional area of these culverts is significantly blocked. This situation may lead to flooding and damage to both public and private properties. In an effort to provide additional flow capacity for higher flows and reduce the potential for uncontrolled flooding and property damage, we recommend that a portion of the roadway be removed over the culverts and a wide, flat bottomed channel be formed to convey flows in excess of the capacity of the culverts in a more controlled manner. We recommend that the width of the proposed channel be at least as wide as the existing brook channel, preferably slightly wider. The proposed channel should be lined with appropriately sized stone to provide a stable bottom and sides and reduce erosion in the channel. It is our understanding that there are existing utilities along the roadway at the culvert crossing that will need to be protected, which may limit the depth of the proposed channel.

Please do not hesitate to contact us if you have any questions or would like to discuss these matters further.

Respectfully,


Jeffrey P. Kershner, P.E.
President

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WASTEWATER COLLECTION AND TREATMENT
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LABORATORY ANALYSIS
(WATER AND WASTE WATER)
LAND SURVEYING
SOLID WASTE MANAGEMENT



Vermont Incorporated Villages: A Vanishing Institution

As the number of village governments continues to decline, it is important to recognize that they have been—and remain—an integral part of the structure of local governmental units in Vermont. In addition, many of them have served as the setting for several aspects of growth within the state, particularly its economic development.

By EDWARD T. HOWE

On October 30, 2003, village and town voters in separate meetings in Bradford (Orange County) approved the merger of their two local governments. Under terms of the proposal, the incorporated village of Bradford—created in 1891 with broad functional and regulatory powers—ceased to exist as of December 1, 2004.¹ Shortly before the Bradford voters went to the polls, the incorporated village of Milton (created in 1905 in Chittenden County) dissolved in April 2003.² These recent dissolutions are the latest in a long trend that has seen the disappearance of almost one-half of the total number of incorporated villages ever created in the State of Vermont. As a result of this decline, only forty village governments currently remain in existence.

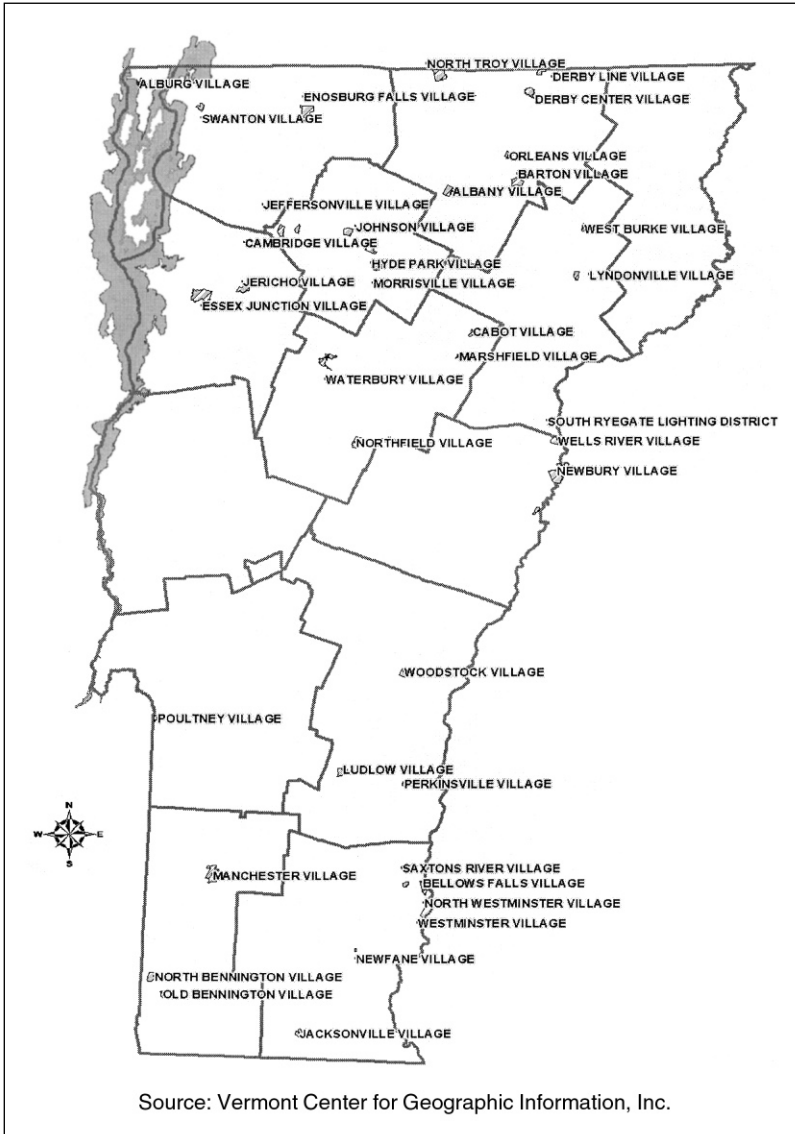
The disappearance of these incorporated villages and their predecessors represents a loss of a unique form of local government for both Vermont and the New England region. Several other New England

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EDWARD T. HOWE is Professor of Economics at Siena College in Loudonville, New York. He is the author of numerous journal articles on state and local government issues.

Vermont History 73 (Winter/Spring 2005): 16–39.

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Vermont Incorporated Villages, 2004.

states do have some form of village government. However, boroughs (except Naugatuck) in Connecticut, village corporations in Maine, and village districts in New Hampshire generally provide more limited functional services within respective town areas. Massachusetts and Rhode Island, on the other hand, never created borough or village governments. Outside New England, incorporated villages currently exist in eighteen states across the country. For instance, neighboring New York State has had these local governmental entities since the end of the eighteenth century.³

Towns have traditionally served as the basic unit of organized local government in Vermont since the first town (Bennington) was chartered in the future state in 1749. Given that town governments would not, or could not afford to, offer certain public services in densely populated areas, a new governmental unit—the incorporated village—was created in the early nineteenth century. The formation of incorporated villages continued throughout the nineteenth and twentieth centuries, though by the 1930s village incorporations had become a rare event. By the mid-twentieth century the process of incorporating villages had ceased, but a new phase in the history of these villages was becoming more evident: mergers with towns.

As the number of village governments continues to decline, it is important to recognize that they have been—and remain—an integral part of the structure of local governmental units in Vermont. In addition, many of them have served as the setting for several aspects of growth within the state, particularly its economic development. Accordingly, this article examines the origins, powers, heyday, demise, and possibilities for the future existence of the remaining incorporated villages.

Table 1 shows that the structure of local government in Vermont in 2004 consisted of fourteen counties, nine cities, 237 organized towns, forty incorporated villages, five unorganized towns (Averill, Ferdinand, and Lewis in Essex County; Glastenbury in Bennington County; and Somerset in Windham County), three gores or irregular parcels of land that were left after towns were surveyed (Avery's Gore and Warren's Gore in Essex County and Buel's Gore in Chittenden County), and one grant (Warner's Grant in Essex County). In addition, there were 112 special districts, excluding school districts, that operated either within a town (e.g., fire or water district) or on a regional level (e.g., solid waste district).

The county governments do not have major functional responsibilities, being limited to local law enforcement and administering certain units of the state court system. Supervisors and appraisers, appointed by the governor, administer unorganized towns and gores. An exception exists in Essex County, where an elected board of governors makes these

TABLE 1 Vermont Local Governmental Structure, 2004

<i>Unit</i>	<i>Number</i>
Counties	14
Cities	9
Towns	237
Incorporated Villages	40
Unorganized Towns	5
Gores	3
Grants	1
Special Districts	112

Sources: Population and Local Government (Montpelier, Vt.: Office of the Secretary of State, 2001); U.S. Census Bureau, 1997 Census of Governments, Volume 1, Government Organization, Table 5 (Washington, D.C.: Government Printing Office, 1999).

appointments. Supervisors perform a variety of functional duties including truant officer, constable, and tax collector. Avery's Gore and Warner's exist as legal entities, but have had no inhabitants for decades.

TOWN AND VILLAGE ORIGINS (1724–1791)

The French were the first Europeans to reach the future state of Vermont, when they came to the northern Champlain Valley region in the seventeenth century. They focused primarily on exploration and fur trading, not on colonization. In contrast, New England settlers were committed to permanent agricultural communities. Arriving in the southern Vermont territory, farmers from Massachusetts established Fort Dummer (near Brattleboro) as the first English settlement in 1724. After Massachusetts leaders granted settlements for the current towns of Rockingham and Westminster in 1735, a disagreement erupted over jurisdiction of the southern Vermont territory between Massachusetts and New Hampshire. Following an appeal by New Hampshire to King George II to settle the matter, New Hampshire gained control of the disputed area by 1740.⁴

Governor Benning Wentworth of New Hampshire proceeded to initiate settlement of the southern Vermont territory in 1749 with a grant for the town of Bennington. By 1764 he had issued 135 land grants that covered about one-half of the territory of the future state. Six of these grants were for military purposes. One grant (Dunbar) was forfeited because the land had previously been legally conferred as another town. The result, including Bennington, was that 128 grants were issued for town formations. Each of these towns, as well as those created later by the colony of New York and the independent state of Vermont, was

thirty-six square miles in area. In 1765 New York decided to issue its own grants, or patents, after a British decree put an end to the authority of Wentworth to grant charters by setting the eastern boundary of Vermont at the west bank of the Connecticut River. Between 1765 and 1776 New York issued 107 patents, twenty-four without town names given to single individuals or families and eighty-three assigned town names. After Vermont created itself as an independent state in 1777, it recognized the 128 New Hampshire town grants and five New York patents—the only New York patents from which present towns originated. Between 1779 and 1791 the independent state issued another 128 charters that covered almost all the remaining land without previous ownership.⁵ These grants, patents, and charters set forth the boundaries and terms of settlement of a town and were conferred by the governing authority to the original owner(s) or proprietor(s) willing to pay fees.

Although all towns were chartered, the date they were organized—i.e., held their first meeting to enact laws—marks the real beginning of their existence. Town meeting laws in the early decades of statehood, traceable to those for Bennington in 1762, provided for an annual meeting at which town voters elected a moderator, clerk, treasurer, collector of taxes, three to five selectmen, tything men, grand jurors, property listers, highway surveyors, and overseers of the poor. Other residents were elected to serve as sealers of weights and measures, sealers of leather, pound keepers, haywards for impounding swine, fence viewers, and constables.⁶ In essence, the elective positions indicated the major responsibilities of the town government: general administration, law enforcement, and certain regulatory activities. All of these activities were primarily financed through taxation of the “grand list” of ratable property. After holding elections, the town meeting then considered miscellaneous business items (e.g., rules governing the behavior of various animals).

In addition to towns, the Constitution of 1777 gave the legislature of the new state the power to create counties, cities, and boroughs.⁷ Beginning with Bennington County in 1779, six additional counties (Addison, Chittenden, Orange, Rutland, Windham, and Windsor) were chartered prior to 1791. One city, Vergennes, was created in 1788. No boroughs, or incorporated villages, were chartered before Vermont became the fourteenth state of the United States in 1791.

The grants, patents, and charters were generally sold to politically connected speculators, who usually resold them to settlers for profit. Unlike other New England colonists, who lived in towns and went to work in their fields, the early Vermont settlers lived on their scattered

farms and traveled to nearby unincorporated villages to acquire goods for numerous needs.⁸ Although these small villages were without governmental powers, they generally had a meetinghouse, church, tavern, general store, artisan shops (e.g., a cooperage or blacksmith), and various mills that catered to divergent needs. A town could have one or more of these villages, often located at a convenient crossroads or waterway.⁹

One of the earliest unincorporated villages to benefit from being located at the convergence of major roads was in the town of Bennington (Bennington County). The significance of the village as an early regional commercial center was enhanced when a major road opened in 1791 that gave local farmers access to markets in Albany and, ultimately, to New York City. The increasing commercialization of farming activity in the Bennington area not only benefited village merchants, who bought output from regional farmers and sold them a variety of nonfarm goods from distant areas, but an array of artisans that also included wheelwrights, goldsmiths, watchmakers, and tailors. Nevertheless, many of the original settlers, whose vast property holdings made them rich and influential, continued to hold sway over town government operations throughout the late eighteenth and early nineteenth centuries. Despite a growing convergence of economic interests based on the profit motive, the wealthy farmers continued to view the merchants as unproductive and aristocratic.¹⁰

Other unincorporated villages emerged near a stream, where abundant waterpower was available for milling activities, or at a point along a river that served as a transport center for goods entering or leaving interior locations. The town of Barnet (chartered in Caledonia County in 1763) had two of these villages, both of which emerged in the 1770s. Sawmills, gristmills, and cloth-making mills operated in Stevens Village, which was adjacent to a stream that flowed to the Connecticut River. McIndoes Falls Village, a more commercially oriented settlement, was located at the last site on the Connecticut River that could be navigated by flatboats.¹¹

EARLY INCORPORATED VILLAGES (1816–1870)

As the state population increased from 85,341 in 1791 to 291,948 by 1840, unincorporated villages continued to spread across Vermont, particularly within some of the faster-growing towns. One of these villages appeared near the falls in the town of Middlebury (Addison County) about 1794. The falls provided the waterpower for several mills, with an unspecified number of “mechanics shops” located nearby to assist in their operation. The village also had a bookstore, printing shop, several offices for merchants, and a college that was founded in 1800. Communal problems in the early years of village settlement, here and elsewhere, were handled through volunteerism before the advent of a private or

governmental organization. Fire was the greatest danger that town residents faced. After a series of fires had destroyed a large amount of property, a private Fire Society was incorporated in Middlebury in 1808. Its members appeared to lose interest in its operation, though, as it ceased functioning within a few years.¹²

After the demise of the Fire Society, village residents increasingly demanded a variety of special public services that the town government was unwilling or financially unable to provide. The Vermont Constitution of 1793, retaining a provision of the 1777 constitution, gave the General Assembly the power to create local units of government.¹³ Acceding to the wishes of its citizens, the legislature created the “Borough of Middlebury” by special act in 1816—the first incorporated village in the state. Under the terms of incorporation, the residents of the borough were declared a “body politic,” who would remain town residents. As a corporate body, the borough was capable in law of “suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatever; having a common seal; and capable in law of purchasing, holding, and conveying estate both real and personal, for the use of said borough.” The corporation had the power to enact bylaws, rules, and regulations relative to maintaining public buildings; repairing and improving the commons; providing a watch and lighting for the streets, alleys, and highways; operating public markets, slaughterhouses, and hay-scales; restraining animals from running at large; providing fire protection; and generally doing whatever would lead to the improvement of the borough. Taxes could be levied for the purchase of real and personal property, the erection of public buildings, and the creation of useful improvements. The borough was to hold an annual meeting to transact business and elect a clerk, treasurer and collector of taxes, and five bailiffs.¹⁴ Voter approval was not necessary for the act to take effect, a requirement for later village incorporations. After operations began, opposition to tax payments became so strong that the borough ceased to function within a few years. However, support for a subtown government later reappeared and in 1832 the legislature incorporated a “Village of Middlebury” with essentially the same powers.¹⁵

Situated in the geographic center of the state, another commercial village emerged after 1787 along the Onion (Winooski) River in the town of Montpelier (Washington County). It featured various mills, a distillery, a footwear manufactory, and a saddlery.¹⁶ By 1805 the town had become the state capital. In 1818 the “Village of Montpelier” was incorporated, by special act, and was given specified powers similar to the borough of Middlebury, except it did not provide fire protection.¹⁷

While the legislature retained the right to create villages by special act, it also gave town selectmen the power to establish villages through general authority.¹⁸ General authority to create a village without legislative approval, effective in 1819, required seven freeholders to make a written request to the town selectmen to establish the village boundaries. The only power granted to a village formed under the 1819 general statute was the ability to restrain certain animals from running at large from May to November.¹⁹

Four more commercial villages were incorporated, by special act, during the 1830s. Brattleboro (Windham County), incorporated in 1832, was a well-known trading center for lumber, grain, and other goods; Windsor (Windsor County), also incorporated in 1832, was the site of an expanding machine-tool industry; Bellows Falls (Windham County), incorporated in 1834, was already an established manufacturing locale that included one of the earliest paper mills in the state; and Woodstock (Windsor County), incorporated in 1836, was the location of several publishing firms.²⁰ While the charters of Brattleboro, Bellows Falls, and Woodstock provided for a specified set of elected officials, the Woodstock charter was the only one that provided for the election of “five trustees” as the governing board of the village. The Windsor Village charter specified only the election of fire wardens. These villages generally had the same powers as their predecessors, including the right to make bylaws, rules, and regulations regarding governmental services and business activities, and the right to levy taxes and fines.²¹

Up to 1832 fire protection was usually provided in a town by private companies created through special act (e.g., the Montpelier Fire Company in 1809).²² In 1832 the state legislature amended the laws on incorporated villages and enacted a general law authorizing three-fourths of the freeholders of any village containing twenty or more houses to petition the town selectmen to create a fire society using the same boundaries as the village. The fire society could elect “officers deemed proper and necessary,” including fire wardens, and had the power to regulate the “keeping of combustible materials within the limits of such village” and to impose fines for neglecting duties.²³ Since the fire society was an independent unit of government within the village, its existence partially undermined the authority of the trustees to control the provision of all public services.²⁴ Eventually, parts of the town outside the village also wanted more control over fire protection. In 1854 the legislature enacted a fire district law that was independent from the general village law. Town selectmen were authorized to establish a fire district, after receiving a petition from twenty freeholders in any part of the town, that was limited to one square mile (later increased to two square miles in 1870).²⁵

Between 1840 and 1870 the state population expanded from 291,948 to 330,551 residents. However, two contrasting population trends emerged during this period. While many agricultural towns suffered a loss of population, other towns—oriented toward manufacturing and mining activities—experienced population gains. One of the main reasons for this internal population shift was the arrival of the railroads.²⁶ Three major railroad lines—the Vermont Central, the Rutland and Burlington, and the Connecticut and Passumpic River—were built, starting in 1848, from the southern to the northern areas of the state. The purpose of these networks was to integrate the economies of southern New England, Canada, and the Atlantic coast.

As the railroad lines spread across the state, new opportunities arose for industrial expansion. The population growth that accompanied this activity eventually led to an upsurge in new village incorporations, generally by special act. The Rutland County villages of Rutland, incorporated in 1847, and Fair Haven, incorporated in 1865, prospered from marble production. The villages of Bennington (Bennington County), incorporated in 1849, and North Bennington (Bennington County), incorporated in 1866, profited from their iron foundries and cotton and woolen mills.²⁷ St. Johnsbury Village (Caledonia County), incorporated in 1852, flourished with the growth of the Fairbanks Scales Co. Northfield Village (Washington County), incorporated in 1855, and St. Albans Village (Franklin County), incorporated in 1859, both benefited from their association with the Vermont Central Railroad. Newport Village (Orleans County), created under general statute in 1864, was a thriving northeastern rail center near the Canadian border. Wilmington Village (Windham County), incorporated in 1855, Cabot Village (Washington County), incorporated in 1866, and Plainfield Village (Washington County), incorporated in 1867, experienced increased activity from their mills and manufacturing firms. Winooski Village (Chittenden County), incorporated in 1866, was part of a growing woolen textile industry in the state.

All of these incorporated villages generally had the same powers as the villages created in prior years. A notable change in power occurred after 1860 regarding the construction, maintenance, and repair of streets and highways. Many charters were subsequently enacted or amended so that the boundaries of the entire village became a “highway district” to carry out these activities. The charters also indicated that a specified percentage of the highway taxes assessed upon the “polls and ratable estate” of the property of the village was for the use of the village (usually in excess of 50 percent) and the remainder for the benefit of the town. For example, 60 percent of the highway taxes collected in Cabot in 1866

was received by the village, while the remaining 40 percent was for town usage.²⁸ Highway districts were not separate municipalities in the village, unlike fire districts, but were under the control of village trustees.²⁹

The nineteen incorporated villages that existed in 1870, before the heyday of expansive growth, were located in towns of widely varying population levels, according to federal census data. Rutland Town had the largest number of residents (9,834), while the town of Plainfield had the fewest (726). Nine of these villages—Bennington, Brattleboro, Middlebury, North Bennington, Northfield, Rutland, St. Albans, St. Johnsbury, and Winooski—were located in the ten most populous towns in the state.³⁰

Table 2 shows the number, name, and date by decade, of the nineteen village incorporations that occurred up to 1870.

Although various powers had been granted to incorporated villages through original or amended special charters up to 1870, the General Assembly remained hesitant to provide additional powers to villages created under general authority. It was not until 1857 that incorporated villages were granted general authorization to enact property taxes.³¹ Presumably, villages created under general authority did not require tax revenues prior to this date, but relied upon voluntary contributions of labor services. In 1865 and 1866 incorporated villages had general authorization to appoint a five-member police force and to purchase, construct, and maintain a jail.³² However, since the powers authorized through general statutes remained limited, village residents felt compelled to incorporate through special acts. In Vermont there has been a long-standing belief that direct and explicit powers approved by the state legislature have a sound legal basis that avoids any question of improper delegation of authority to a political subdivision. Consequently, villages that were incorporated in later years through gen-

TABLE 2 Early Village Incorporations, by Decade

<i>Decade</i>	<i>Number</i>	<i>Name</i>
1810–1819	2	Middlebury, Montpelier
1820–1829	0	
1830–1839	4	Bellows Falls, Brattleboro, Windsor, Woodstock
1840–1849	2	Bennington, Rutland
1850–1859	4	Northfield, St. Albans, St. Johnsbury, Wilmington
1860–1869	7	Cabot, Fair Haven, Ludlow, Newport, N. Bennington, Plainfield, Winooski

Source: D. Gregory Sanford, ed., *Vermont Municipalities: An Index to Their Charters and Special Acts* (Montpelier, Vt.: Office of the Secretary of State, 1986).

eral authority—except for Albany Village—eventually asked the legislature for special charters or acts that would give them the powers needed to undertake certain activities.³³

HEYDAY OF VILLAGE INCORPORATIONS (1870–1910)

The flowering of the Industrial Revolution in the late nineteenth and early twentieth centuries dramatically transformed the economies of southern New England, the Middle Atlantic states, and the Midwest into major manufacturing centers. Some of the technological advancements enabled the construction of water, sewer, and electric systems that provided previously unimaginable conveniences. Technological and financial requirements, however, limited these large-scale projects to densely settled areas in Vermont and elsewhere.³⁴ Consequently, given the strong demand for these services and the desire for governmental participation in providing them, the pace of village incorporations quickened.

Between 1870 and 1910 forty-seven villages were incorporated, approximately two-thirds of all villages ever formed in Vermont. Table 3 shows the name, location, and date of incorporation of each village formed during each decade of the period. Twenty villages were created between 1900–1909, the most in a single decade.

Given the large amounts of expenditure needed to build water, sewer, and electric systems, the legislature authorized incorporated villages to use bond financing for these purposes. Rutland Village used bond financing to “relay, enlarge or extend” an aqueduct to improve its water supply as early as 1852.³⁵ However, many villages did not rely heavily on bonds for this purpose until the early 1870s. For example, the village of Montpelier won legislative approval in 1870 to issue bonds for a water supply to “extinguish fires and for sanitary and other purposes.” In 1872 the village of St. Johnsbury was authorized to issue bonds to construct and maintain aqueducts and reservoirs.³⁶ Extensive use of bond financing to construct sewers and electric lighting systems appears to have been underway by the late 1880s. For example, in 1886 the village of Barre was granted the right to issue bonds for providing a water supply, electric lights, and sewers. In 1890 the village of Swanton received authorization to use bonds for financing a waterworks, lighting, and sewers and drains.³⁷

Private electric utilities that operated in Vermont in the late nineteenth and early twentieth centuries found it more profitable to develop and send hydroelectric power to southern New England rather than to local communities in the state. Responding to constituent complaints that electricity from these sources was too expensive and unreliable, many

TABLE 3 Villages Incorporated 1870–1910, by Decade

<i>Name</i>	<i>County</i>	<i>Incorporation Date</i>
1870–1879		
Springfield	Windsor	1870
Barton	Orleans	1875
Randolph	Orange	1876
North Troy	Orleans	1877
Richford	Franklin	1878
Orleans	Orleans	1879
1880–1889		
Lyndonville	Caledonia	1880
Waterbury	Washington	1882
Proctor	Rutland	1884
Barre	Washington	1886
Enosburg Falls	Franklin	1887
Wells River	Orange	1888
Swanton	Franklin	1889
1890–1899		
Morrisville	Lamoille	1890
Hardwick	Caledonia	1890
Bradford	Orange	1891
Readsboro	Bennington	1892
Essex Junction	Chittenden	1893
Johnson	Lamoille	1894
West Derby	Orleans	1894
Hyde Park	Lamoille	1895
Stowe	Lamoille	1895
Lyndon Center	Caledonia	1896
Jeffersonville	Lamoille	1897
Derby Center	Orleans	1898
Derby Line	Orleans	1898
Lyndon	Caledonia	1899
1900–1909		
Manchester	Bennington	1900
Old Bennington	Bennington	1900
Richmond	Chittenden	1902
West Burke	Caledonia	1902
Bristol	Addison	1903
Concord	Essex	1904
Glover	Orleans	1905
Jacksonville	Windham	1905
Milton	Chittenden	1905
Newbury	Orange	1905
Saxtons River	Windham	1905
Chester	Windsor	1906
Groton	Caledonia	1907
Newfane	Windham	1907
Proctorsville	Windham	1907
Westminister	Windham	1907
Cambridge	Lamoille	1908
Newport Center	Orleans	1908
Poultney	Rutland	1908
South Ryegate Lighting District	Caledonia	1909

Source: D. Gregory Sanford, ed., *Vermont Municipalities: An Index to Their Charters and Special Acts* (Montpelier, Vt.: Office of the Secretary of State, 1986).

municipalities decided to provide their own sources of electric power.³⁸ Among the earliest incorporated villages to get legislative authorization to acquire or construct their own generating facilities were Barton, Johnson, Morrisville, Northfield, and Swanton in 1894; Enosburg Falls, Hyde Park, and Lyndonville in 1896; and Ludlow in 1900.³⁹ Jacksonville (1921) and Orleans (1925), however, created electric departments to purchase electricity from other suppliers. All of these municipal electricity providers are still in existence. Other municipally owned facilities that currently operate are located in Burlington, and the towns of Hardwick, Readsboro, and Stowe. All three towns acquired their electric plants from their previously incorporated villages. Many other villages, such as Rutland, were also authorized to build electric plants, but ultimately their facilities were taken over by private utility speculators in the first decades of the twentieth century.

Bonding authority was also granted for other endeavors. Prior to 1892 towns, cities, and incorporated villages relied on poll and property taxes to purchase labor, materials, and equipment for highway building. In 1892 these governmental units received authorization to issue bonds to buy equipment for highway construction, subject to voter approval.⁴⁰ Individual villages, through special acts, also gained broadened authority for bond issuance. For instance, in 1910 Bellows Falls had the right to use bonds to acquire land for a public park and to construct a building for street, water, and fire department usage.⁴¹

Outside of bonding authority, incorporated villages gained some additional powers through special acts during this period. For instance, in 1874 the villages of Rutland and St. Albans were authorized to establish municipal courts. In 1882 Bennington Village had the power to create a board of health. An unusual grant of authority was made to the village of Barton in 1906, when it received permission to advertise itself as an industrial center and to provide free water and electric lighting as an inducement to attract more business.⁴²

Meanwhile, partly as a result of mechanization, which increased productivity and displaced farm labor, the state population continued its shift away from agricultural areas to burgeoning manufacturing and mining centers. This shift was aided by the construction of secondary railroad routes after 1870, mostly in westerly and easterly directions. Among the owners of these rail lines were the Montpelier and Barre Railroad, the Bennington and Glastenbury Railroad, and the Hoosac Tunnel and Wilmington Railroad.⁴³

Most of the incorporated villages created in this period were focused on agricultural production, but several were engaged in other economic activities. The incorporated villages of Essex Junction, Lyndon-

ville, and Richford were significant transportation hubs; Old Bennington and Stowe had become popular resort areas; the village of Springfield was an important producer of machine tools; and the villages of Barre, Groton, Hardwick, and Swanton were located near various mining ventures.

The state legislature, weary of reviewing and approving proposed municipal charters and amendments, delegated this responsibility in 1910 to the Public Service Commission. However, the Vermont Supreme Court, in an advisory opinion in 1912, said it was an unconstitutional delegation of authority to allow the commission to determine the powers, functions, expenditures, and indebtedness of municipalities, given that the legislature was entrusted with the power to create local governments.⁴⁴ The Public Service Commission incorporated the village of Peacham in the interim period but, in view of the court opinion, it never came into existence. The General Assembly, through an amendment (Section 69) to the Vermont Constitution in 1913, did succeed in eliminating its responsibility for approving proposed charters and amendments of private corporations by special acts. General law provisions pertaining to private corporations allow these matters to be administratively handled by the Office of the Secretary of State.

The General Assembly tried again in 1963 to reduce its responsibilities regarding municipal charters by creating a “passive” review process. If locally approved charter amendments were submitted to the General Assembly sixty days before final adjournment, they would become law when the session formally ended as long as they were not amended or disapproved. In 1984 the state legislature abandoned this approach and adopted the present procedure, that again requires a more active role. A charter amendment now becomes effective when the General Assembly approves either a proposal agreed to by a majority of legal voters in a municipality or a version amended by the legislature, without a requirement for subsequent voter ratification.⁴⁵

After the unprecedented increase in village formations that ended in 1910, the number of incorporations slowed considerably in subsequent decades. Ten villages were chartered between 1910 and 1949. They were generally located in small (less than 700 residents) agricultural communities. Six of these were created between 1910 and 1920: West Glover (Orleans County) in 1911, Marshfield (Washington County) in 1911, Pittsford (Rutland County) in 1913, Albany (Orleans County) in 1915, Alburg (Grand Isle County) in 1916, and Townshend (Windham County) in 1916. After general bonding authority was granted to all municipalities in 1917, only four additional village incorporations occurred. Two villages were formed in the 1920s—North Westminster (Windham

County) in 1925 and Perkinsville (Windsor County) in 1928. The 1933 incorporation of Jericho (Chittenden County) and the 1949 incorporation of Essex Center (Chittenden County) marked the end of the era of village government formations in Vermont.

Some additional powers were granted, through special acts and general authority, to the incorporated villages after 1910. For example, Springfield and Swanton, through special acts in 1919, were among the first villages permitted to license porters, cartmen, and the owners of coaches, cabs, carriages, and buses. As traffic problems became more numerous, special acts authorized police courts in the 1940s in many villages, including Essex Junction, Morrisville, and Waterbury. The last half of the twentieth century saw a significant reduction in new functional powers authorized through special acts. One notable power was granted to Bellows Falls Village, which was authorized to create a refuse disposal facility in 1992.⁴⁶

Incorporated villages were among the beneficiaries as the powers of various levels of local government were significantly broadened through general authority after 1915 to meet various needs. Towns and incorporated villages obtained general authorization in 1917 to employ a manager to supervise daily operations. In 1919 cities, towns, and incorporated villages received authority to establish and maintain wood and coal fuel yards and ice plants for the purpose of selling these products at cost. In 1921 cities, towns, and incorporated villages were granted the right to create planning commissions and appoint wiring inspectors. In 1929 towns and villages were given general authority to issue bonds for building airports. Municipalities gained the power to organize water departments in 1945 and sewage systems in 1947 and to issue bonds for the construction, operation, maintenance, and repair of such facilities.⁴⁷

Altogether, seventy-six villages were incorporated in Vermont between 1816 and 1949. The state legislature did vote affirmatively over the years for other proposed charters, but village residents did not subsequently grant the required approval that would have brought them into existence. Among the villages that failed to achieve incorporation were Benson, Castleton, Danby, Halifax, Hinesburg, Island Pond, South Shaftsbury, West Concord, and West Poultney.⁴⁸

VANISHING VILLAGES (1893–PRESENT)

Since the late nineteenth century, thirty-six incorporated villages have dissolved either by becoming cities, merging with town governments, or reverting to fire districts. Only three of the nine cities in Vermont did not have their origins in incorporated villages: Vergennes, Burlington, and South Burlington. Vergennes was formed from parts of three

towns (Ferrisburgh, New Haven, and Panton) in recognition of aid provided by the French Foreign Minister during the American Revolution. The City of Burlington, incorporated as the second city in Vermont in 1865, encompassed an unincorporated village and an adjoining area in the Town of Burlington. The Town of South Burlington was created from the remaining portion of the Town of Burlington in 1865. It became the latest incorporated city in 1971.

The first attempt to incorporate Burlington as a city, in the early 1850s, generated a heated debate—about whether or not a city government would best serve the interests of its citizens—that would set an important precedent for later city incorporation efforts. Advocates contended that an independent city could offer more services than a town and would be capable of attracting more businesses to the community. In addition, by giving a mayor strong control over administrative and financial affairs, the diffusion of responsibility exercised by town selectmen could be avoided. Finally, a representative legislature that met on a regular basis was in a better position to enact laws reflecting the views of a diverse population than an annual town meeting characterized by inconclusive debate. Opponents of city incorporation argued that a mayor-council system would result in the abolition of participatory democracy in deciding important issues. Moreover, corruption would inevitably permeate city affairs and lead to an increase in taxes. Although the effort to incorporate Burlington as a city was rejected by voters in 1853, another undertaking won approval in 1865. Its success depended on a compromise that allowed city residents to pay for an array of new services through higher taxes and bonds, which the town residents outside the city would not have to finance.⁴⁹

Seven incorporated villages became cities between 1893 and 1922. Rutland Village, still thriving from the marble industry, was incorporated as a city in 1893. Barre Village, whose growth was based on granite quarrying, and Montpelier Village, which had also become an important insurance center, became cities in 1895. St. Albans Village, the railroad center in northwestern Vermont, became a city two years later. The villages of Newport and West Derby, rail and resort areas near the Canadian border, merged to form Newport City in 1918. Winooski Village, the woolen producer in the town of Colchester, was the last incorporated village to become a city in 1922.⁵⁰

The state legislature approved all of the city charters through special acts. However, requirements varied as to whether final voter ratification was needed before actual operation could begin. The charter for St. Albans specified that both town and village residents had to approve it. Village residents of Winooski voted on city incorporation, but town res-

idents outside the village were restricted to deciding whether a school district should become part of the new city. Only the residents of the two villages that became Newport voted on its incorporation. The charters for the cities of Rutland, Montpelier, and Barre did not include procedures for final voter ratification.⁵¹

Two attempts by incorporated villages to become cities in the early twentieth century failed. Village voters in St. Johnsbury voted against a proposed city charter in 1902, with 196 ballots in favor and 296 against. Opponents had argued that direct control over village affairs, such as land records and debts, would be lost and that running a city would be more expensive than running a town. Advocates said these and other objections were already addressed in the charter.⁵² The town selectmen decided not to have a vote on the incorporation issue, following the decision by the village electorate. A 1923 legislative act that would have created a city of Brattleboro and a new town of Brattleboro needed approval by a majority of legal voters in the town and village of Brattleboro and the town and village school districts. However, ratification by these entities never occurred and the city of Brattleboro failed to come into being. At a town meeting in 1926 voters approved a resolution to merge the village and town of Brattleboro and to abolish the Brattleboro Graded School District and the West Brattleboro Fire District.⁵³ The legislature approved the proposal and a special town meeting was held in 1927 that ratified the action of the General Assembly, but there is no record of the votes cast.

A successful town-village merger may be achieved by following procedures set forth in the state general statutes. The current general law requires a plan to be drawn up by a merger committee that includes provisions relating to governmental structure, functional and financial responsibilities, and any special charter provisions wanted by either merger party. After notice and hearing requirements, the plan must be approved by a majority of the voters in each jurisdiction. Following approval, the plan then becomes an act of legislation, with the merger taking place after enactment and the approval of the governor. Alternatively, the merger process may proceed under a special act authorizing the merger.⁵⁴

When the village of Brattleboro merged with its town in 1927, a trend in consolidation began that continues to the present. The second and third villages to merge with town governments were Newport Center in 1931 and Springfield in 1947. Two more mergers occurred in the 1950s, involving the villages of Fair Haven in 1955 and Wilmington in 1959. Middlebury Village attempted to merge with the town government in 1955, but voters did not ratify it until 1966. The pace of activity

quicken over the following four decades with town-village mergers approved in St. Johnsbury in 1965; Chester, Proctor, and Windsor in 1967; Concord in 1969; Bennington in 1970; Glover and West Glover in 1973; Essex Center in 1977; Randolph in 1984; Plainfield in 1985; Readsboro in 1986; Proctorsville in 1987; Hardwick and Pittsford in 1988; Richmond in 1989; Bristol in 1994; Stowe in 1996; Richford in 1998; Milton in 2003; and Bradford in 2004.

The main driving force behind merger activity has been a desire to achieve governmental efficiency. When a village dissolves, both a layer of government and its supporting tax payments are eliminated. The town then becomes the sole provider of previously duplicated services. In many cases, another reason for merger support was the increasingly difficult task of recruiting elective and appointed village officials.

Two incorporated villages were abolished in favor of establishing a fire district. Voters in Lyndon approved a conversion of their incorporated village into a fire district in 1951, which required ratification by two-thirds of village voters. Ten years later West Barnet became a fire district, upon ratification by a majority of both village and town residents.

Table 4 shows the number of dissolutions of incorporated villages, by decade, from 1890 to the present.

Voter referenda in Townshend in 1961 and Groton in both 1965 and 1967 rendered the village governments inactive. Nevertheless, because legislative approval was not subsequently obtained, both village governments technically remain in existence.

TABLE 4 Dissolutions of Incorporated Villages, by Decade

<i>Decade</i>	<i>Number</i>
1890–1899	4
1900–1909	0
1910–1919	2
1920–1929	2
1930–1939	1
1940–1949	1
1950–1959	3
1960–1969	7
1970–1979	4
1980–1989	7
1990–1999	3
2000–	2

Source: Population and Local Government (Montpelier, Vt.: Office of the Secretary of State, 2000); Laws of 1951, No. 283; Laws of 1961, No. 335.

Not all proposed town-village mergers come to fruition. Waterbury residents voted on merger propositions five times between 1990 and 2005. Village residents approved a merger with the town in 2002, with 476 votes in favor and 176 against. However town voters narrowly disapproved of the move, with 1,076 in favor and 1,092 against. In November of 2004 the village voted again to approve the merger, and the town also approved on a vote of 1,498 in favor and 1,363 opposed. Opponents petitioned for a vote to rescind the merger, however, which passed in January 2005 by a narrow margin of 983 to 901, thus defeating the most recent attempt to merge village and town.⁵⁵ Attempts to merge other types of governmental units have also been rejected. Rutland Town voters turned down a proposal to consolidate the town and city governments in 1992, with 203 votes in favor and 1,496 opposed to the move.⁵⁶ In 2003 Bennington Town voters failed to support an advisory opinion favoring a change to a city form of government, with 1,062 ballots in favor and 1,730 against.⁵⁷

A contentious situation between residents in the town of Essex and those in the incorporated village of Essex Junction, over alternative charter proposals regarding the formation of a city of Essex Junction, currently remains unresolved. In 1999 village voters barely approved a plan, with 1,266 ballots in favor and 1,229 against, to separate the village from the town and incorporate the village as the tenth city. Shortly thereafter, town voters (including village residents) approved an alternative proposal, with 3,284 votes in favor and 1,661 against (mainly village voters), to consolidate the village and town and convert the town into a city.⁵⁸

Essex Village residents favoring separation cited the need to abolish tax payments to the town for several duplicative services (e.g., for fire and recreation departments), the desire to avoid future tax increases associated with town growth, and the confidence that a new city government would be more responsive than village trustees to important concerns (e.g., revitalization projects) within the 4.6-square-mile village area. Village residents opposed to separation said that the formation of a new city would only aggravate the strain in social relationships between former village and town residents caused by the divisive issues, severely limit the growth capabilities of the former village, and compel the former village to remain heavily dependent on IBM, its largest taxpayer. They argued that if a significant reduction or closure of IBM facilities were to occur, the financial impact on the new city budget would be enormous. They noted that the firm, at the time, accounted for almost 50 percent of total general fund revenues through property taxes on land and the subsidy tax on machinery and equipment—a tax currently being phased

out.⁵⁹ They also pointed out that Winooski once was similarly dependent on a major employer as its biggest taxpayer, and suffered a severe financial blow when the American Woolen Company closed in 1954. Meanwhile, town supporters of consolidation of the village and town governments said that it was the best way of providing quality services at the lowest cost, creating a better-balanced economy, and keeping the village area as the center of the new city.⁶⁰

Although Essex town and village residents have considered plans for separation or consolidation since 1958, the latest charter proposals were the first to reach the Vermont legislature. The legislature, generally inclined to approve submissions when both governments are in common agreement, has so far been reluctant to choose between the competing plans with the parties so sharply divided.

The slowdown in village formations after 1925, and the subsequent failure of others to emerge after 1949, may partially be attributable to legislation enacted in 1917. In that year the General Assembly granted authority to all types of municipalities to issue bonds for public purposes, within prescribed financial limits, provided that two-thirds of the voters at a duly warned election gave their approval.⁶¹ Town governments now had general authority to issue bonds for capital improvements, without the need for approval through special acts of the legislature. It is likely that voter approval of bonds for large-scale projects in towns experiencing rapid population growth may have forestalled proposals for new village formations.

Another possible reason for the failure to incorporate new villages may be related to expansion in the functions authorized for fire districts through general statutes. Fire districts may now encompass either a portion or an entire town, as the result of a general law passed in 1929.⁶² Beyond providing fire protection, they have had authority to construct and maintain sewer and lighting systems since 1909; sprinkle and oil streets and construct and maintain sidewalks since 1912; construct and maintain public parks and sewage treatment plants since 1941; and adopt the town manager system since 1943.⁶³ Fire districts may use a property tax to finance current operations and issue approved bonds for capital expenditures. In addition, fire districts may regulate the manufacture and safekeeping of ashes, gunpowder, and combustibles, and take precautionary measures for the preservation of buildings.⁶⁴

A town-village merger does not mean that certain services formerly received by village residents, such as police protection, will necessarily be terminated. A merger agreement may include a provision for the creation of a special-services district under the control of the town board. The expenses of these services, financed by a property tax, are borne

only by the taxpayers who receive them.⁶⁵ District residents benefit through receipt of a limited number of services that the town is not willing to offer and the town avoids the need to finance them. Several town and village merger agreements have taken advantage of this option. For example, after the town and village of Randolph merged in 1984, special-services districts were created for water usage, sewer facilities, and police protection. In some instances, a special service has eventually been extended to residents of the entire town (e.g., police protection in Richford) and the special-services district then ceased to exist. On a larger scale, two or more municipalities may form a consolidated water or sewer district or charter a solid-waste district to cope with regional issues.⁶⁶

THE FUTURE

The future of the remaining forty incorporated villages in Vermont holds three possible outcomes. The most probable result is the occurrence of more town-village mergers. The likelihood of these mergers will increase as village residents become more willing to relinquish a controlling interest in their governmental affairs for efficiency gains, a special-services district is provided for the former area of the village, and town residents have already assumed or are willing to undertake services provided by the village. For example, when the town and village governments of Stowe merged in 1996, the town already was totally funding many of the services formerly provided by the village government (e.g., road repair). Town residents in Stowe did not view any additional post-merger expenses as financially burdensome. Similarly, Milton town residents, who were already fully funding ambulance and fire services for the village, appeared willing to assume the costs of village street lights and sidewalk maintenance when they approved merger plans in 2003.

Between 1960 and 2000 the state population surged from 389,881 to 608,827 residents. The dramatic growth resulted from improved transportation facilities, particularly the interstate highways, and the structural shift in the economy from less reliance on agriculture and natural resources production toward the faster-growing services sector (e.g., education, tourism, and health care) and light manufacturing (e.g., computer technology).⁶⁷ While towns in Chittenden County experienced the largest population increase in the period, medium-sized towns scattered across the state also grew. In many cases, sprawl development accompanied growth in the countryside, while village populations and their economic activity stagnated or declined.

Given these developments, a second possibility is that village residents will likely approve a merger proposal, but town residents outside

the village will be inclined to vote against it. Examples of this outcome occurred both in Waterbury in 2004–2005 and during a previously unsuccessful merger attempt in Bradford. Village voters in Bradford approved a merger plan in 1999, with 196 in favor and 14 against, that would have eliminated a village tax rate that was double that of the town tax rate. Town residents rejected the proposal, by a vote of 391 to 341, fearing higher postmerger taxes, partly associated with revitalizing the village infrastructure.⁶⁸ Similarly, town voters in Waterbury, fearing future tax increases for townwide services, narrowly rejected the aforementioned proposal for a town-village merger in 2000 and 2005.⁶⁹

The third possible outcome is that a majority of residents in some incorporated villages will have no desire to merge with the town. These village residents have a strong preference for village government and are willing to pay for a level of services that suits their preferences. The prospects of survival for these village governments will be further enhanced if there is a sound economic base, good relations between village and town officials, and a strong commitment by village residents to the preservation of participatory democracy that is fostered by a shared sense of community identity.

The creation of incorporated villages in Vermont has been a unique local government experiment. Since coming into existence in the early nineteenth century, villages have provided a host of urban amenities to residents in settled town areas that greatly added to the safety and convenience of daily living. However, over the last several decades, a desire to achieve governmental efficiency has caused the demise of many village governments. As these incorporated villages have vanished, the town once again assumed its role as the basic unit of local government in meeting the public service needs of its citizens.⁷⁰

NOTES

The author wishes to acknowledge the invaluable advice and suggestions for revisions contributed by Paul S. Gillies and the anonymous reviewer.

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- ¹³ Constitution of 1793, Chapter II, Section 9.
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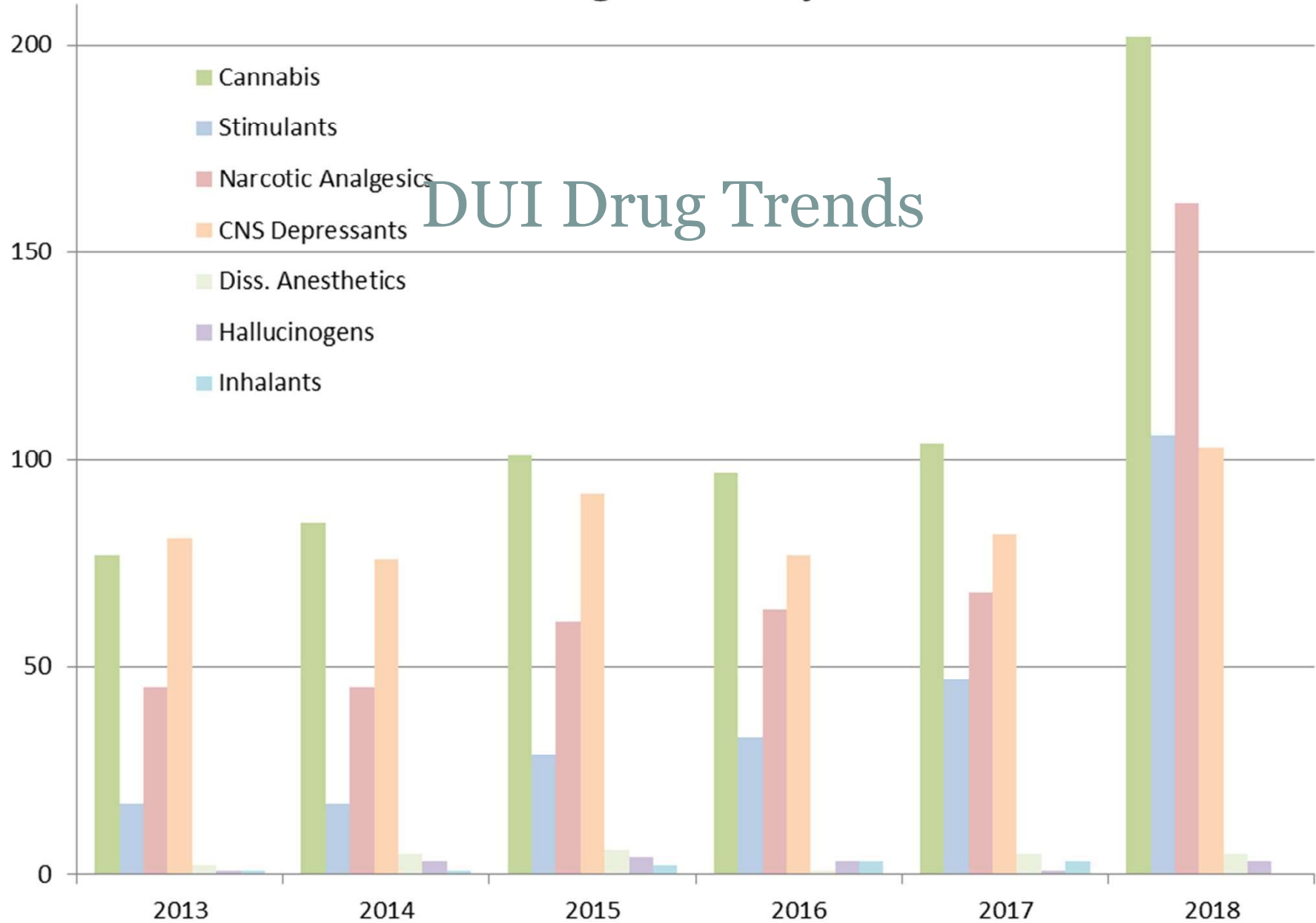
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DUI Drug Trends by Class

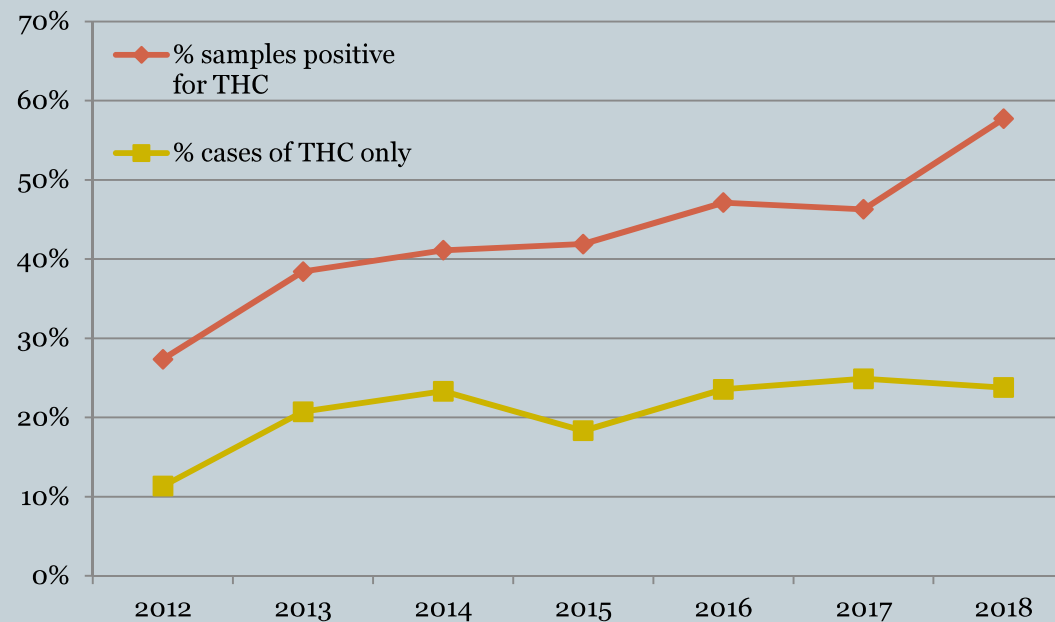




Let's start with the obvious...

- ~1000 DUI blood samples tested (2012–2018)
 - ~50% cases positive for Delta-9 THC
 - ~23% cases Delta-9 THC only drug detected

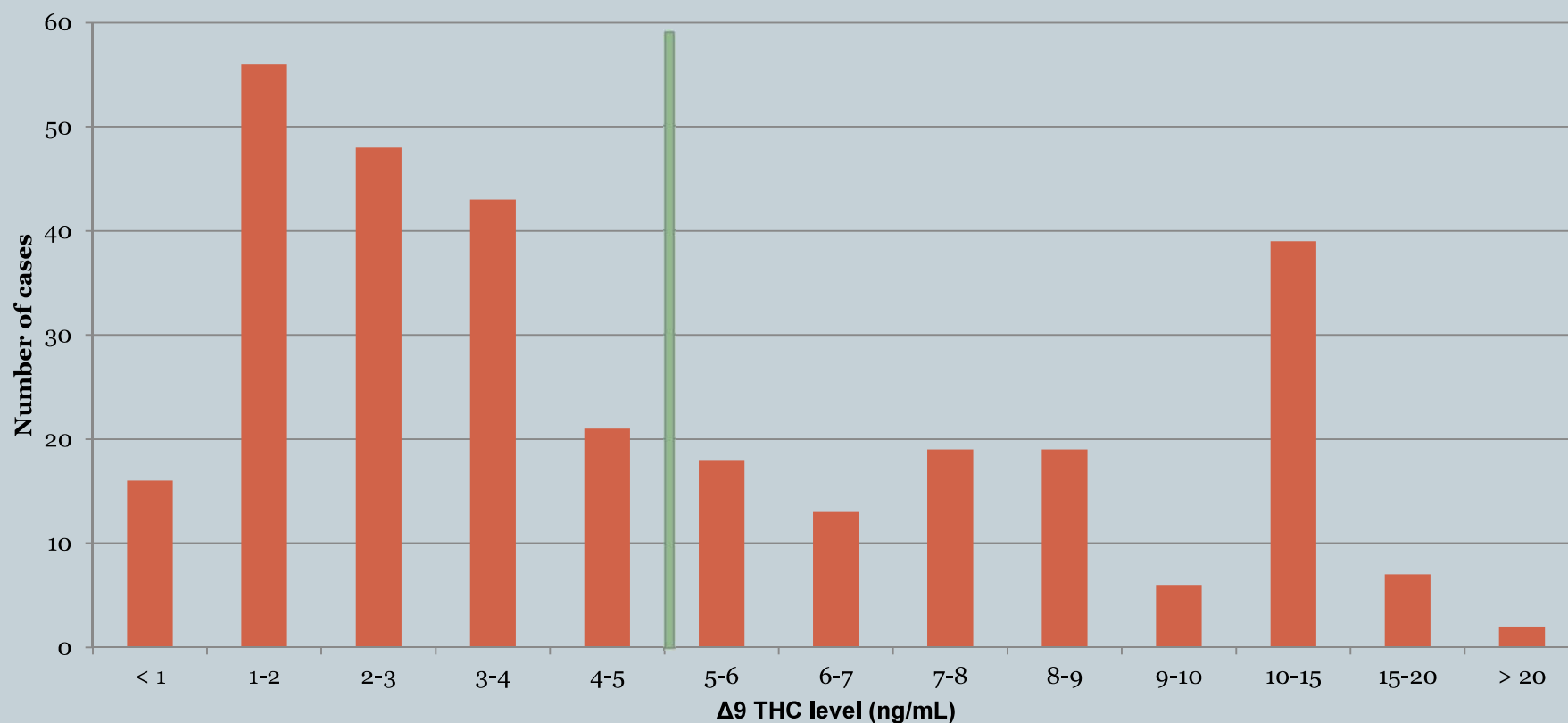
**% of Samples that Tested Positive
for Delta-9 THC from 2012-2018**



Average Delta-9 THC Levels Found in Drivers from 2012-2018

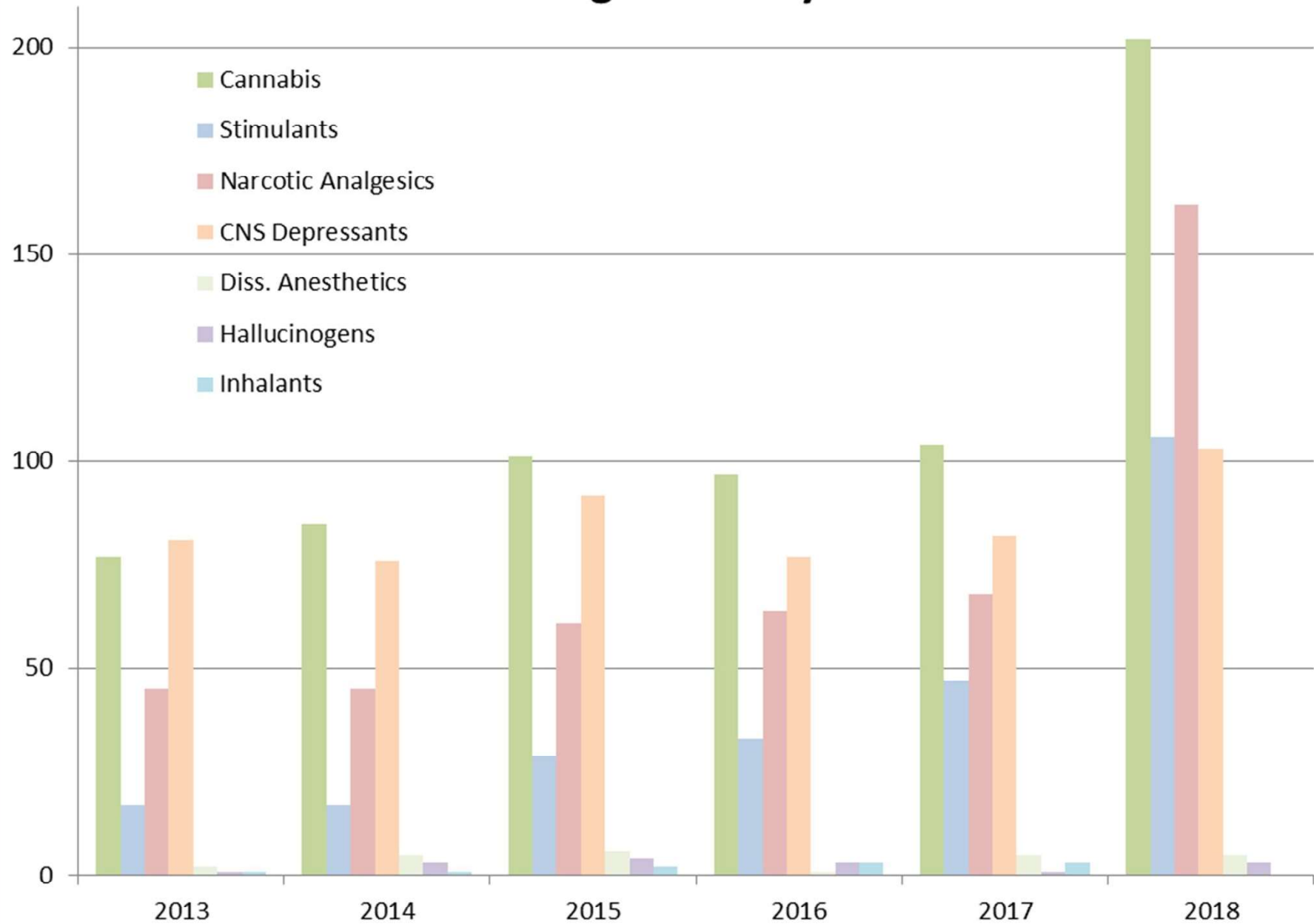


Delta-9 THC Levels in DUI Arrested Drivers where **only** THC was Found (2012 - Feb, 2019)



- *Overall average Delta-9 THC = 4.58 ng/mL; Only Delta-9 THC found = 4.78 ng/mL,
- 60% cases < 5 ng/mL

DUI Drug Trends by Class



	2013	2014	2015	2016	2017	2018
Total Cases	166	167	191	192	202	324
Cannabis	77 46.4%	85 50.9%	101 52.9%	97 50.5%	104 51.5%	202 62.3%
Stimulants	17 10.2%	17 10.2%	29 15.2%	33 17.2%	47 23.3%	106 32.7%
Narcotic Analgesics	45 27.1%	45 26.9%	61 31.9%	64 33.3%	68 33.7%	162 50.0%
CNS Depressants (Non-Alcohol)	81 48.8%	76 45.5%	92 48.2%	77 40.1%	82 40.6%	103 31.8%
Dissociative Anesthetics	2 1.2%	5 3.0%	6 3.1%	1 0.5%	5 2.5%	5 1.5%
Hallucinogens	1 0.6%	3 1.8%	4 2.1%	3 1.6%	1 0.5%	3 0.9%
Inhalants	1 0.6%	1 0.6%	2 1.0%	3 1.6%	3 1.5%	0 0.0%

A surprising trend?

42

	2013	2014	2015	2016	2017	2018
Stimulants	17	17	29	33	47	106
	10.2%	10.2%	15.2%	17.2%	23.3%	32.7%
Cocaine	8	12	17	25	35	76
	4.8%	7.2%	8.9%	13.0%	17.3%	23.5%
Amphetamines	9	6	13	9	14	39
	5.4%	3.6%	6.8%	4.7%	6.9%	12.0%

- With such a heavy focus on cannabis and opioids, this seems to be the growing trend that no one is talking about

A not-so-surprising trend?

43

	2013	2014	2015	2016	2017	2018
Narcotic Analgesics	45 27.1%	45 26.9%	61 31.9%	64 33.3%	68 33.7%	162 50.0%
Morphine	22 13.3%	25 15.0%	37 19.4%	32 16.7%	22 10.9%	55 17.0%
Fentanyl	2 1.2%	4 2.4%	7 3.7%	12 6.3%	18 8.9%	89 27.5%
Methadone	12 7.2%	5 3.0%	9 4.7%	15 7.8%	17 8.4%	24 7.4%
Buprenorphine	3 1.8%	5 3.0%	3 1.6%	6 3.1%	12 5.9%	48 14.8%
Oxycodone	9 5.4%	13 7.8%	12 6.3%	13 6.8%	13 6.4%	20 6.2%
Tramadol	2 1.2%	4 2.4%	1 0.5%	4 2.1%	2 1.0%	5 1.5%

CNS Depressants

44

	2013	2014	2015	2016	2017	2018
CNS Depressants (Non-Alcohol)	81 48.8%	76 45.5%	92 48.2%	77 40.1%	82 40.6%	103 31.8%
Benzodiazepines	66 39.8%	64 38.3%	72 37.7%	60 31.3%	62 30.7%	88 27.2%
Antidepressants	21 12.7%	17 10.2%	24 12.6%	25 13.0%	16 7.9%	19 5.9%
Z Drugs	5 3.0%	5 3.0%	7 3.7%	6 3.1%	7 3.5%	6 1.9%
TCAs/Antihistamines	8 4.8%	7 4.2%	11 5.8%	9 4.7%	7 3.5%	8 2.5%
Anti-convulsants	5 3.0%	3 1.8%	13 6.8%	8 4.2%	7 3.5%	1 0.3%

- The use of benzos while driving is not necessarily decreasing...the other drugs may just be booming
- Unfortunately we don't have much data looking at drugs with alcohol

What do we see on the roads?

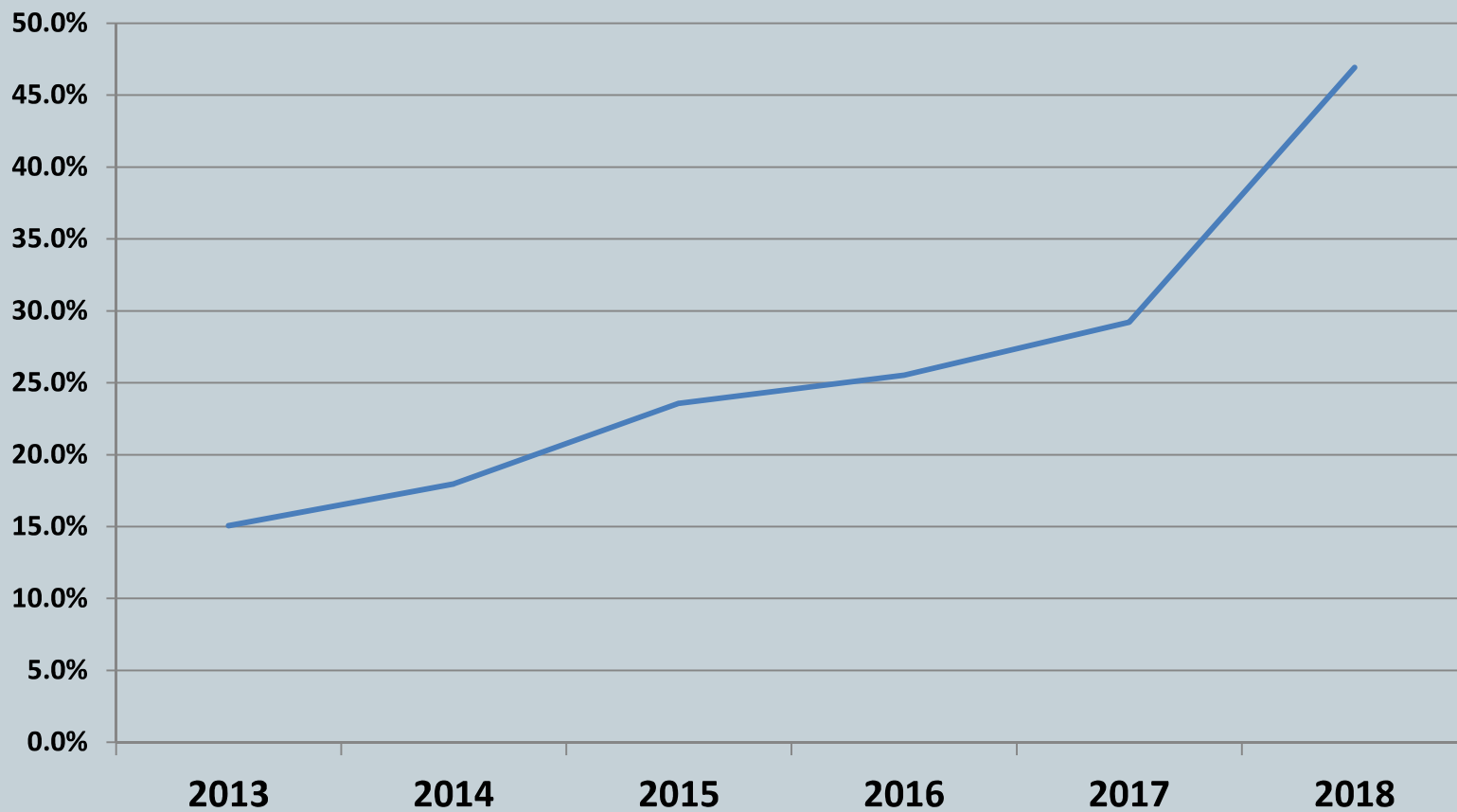
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- Is it really that simple?
- Have things changed?
- How have things changed?
- What should you expect?

This is our reality

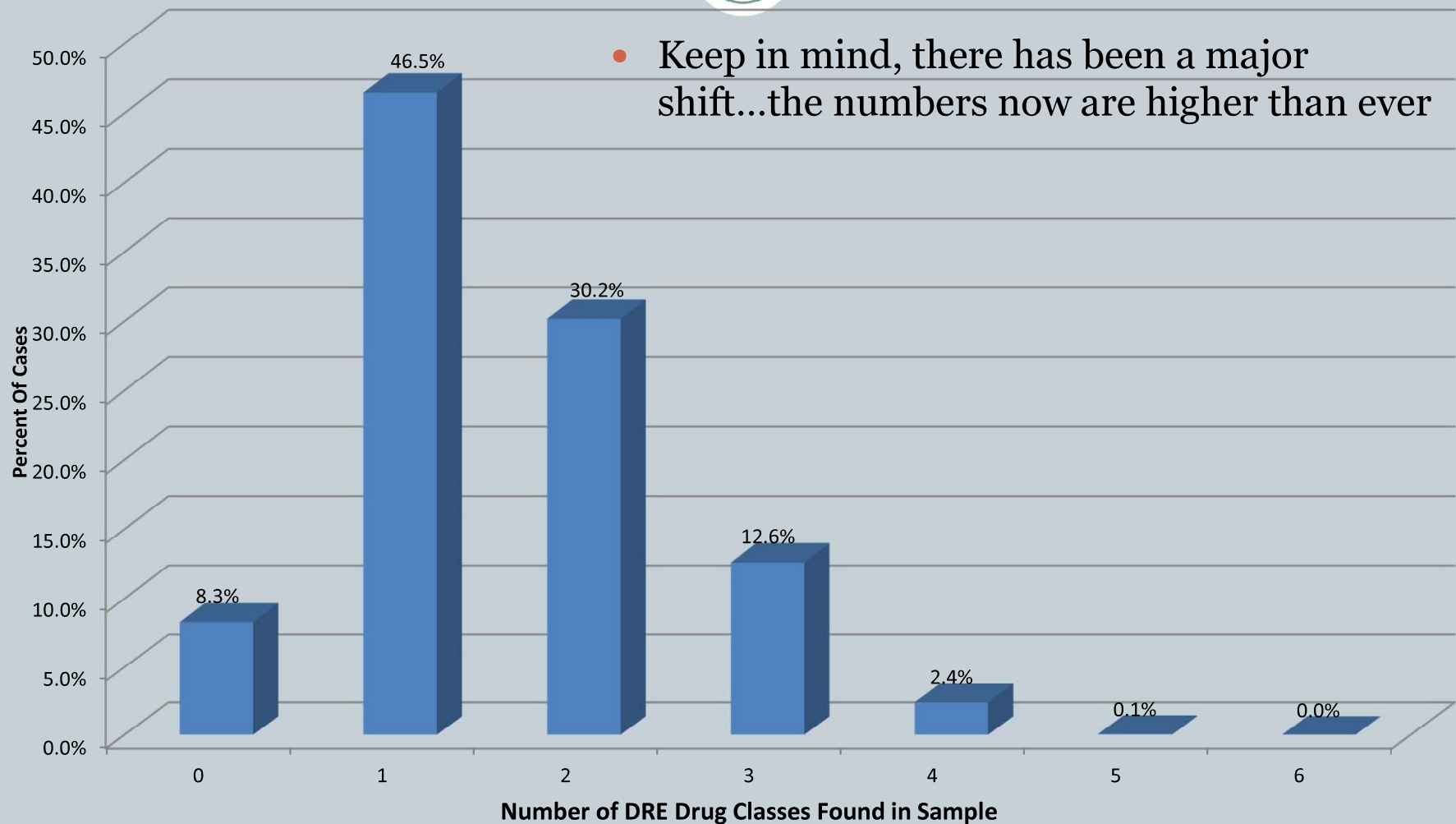
46

Frequency of Poly Drug Use Over Time



Poly Drug Use In Vermont from 2013-2018

47



Frequency of Poly Drug Use

48

Common Drug Combos	2013	2014	2015	2016	2017	2018
Total DUID Cases	166	167	191	192	202	324
Poly Drug Cases (At least 2 classes present)	25 15.1%	30 18.0%	45 23.6%	49 25.5%	59 29.2%	152 46.9%
3+ classes present	15 9.0%	19 11.4%	27 14.1%	21 10.9%	34 16.8%	77 23.8%

Ok....so what's changed?

49

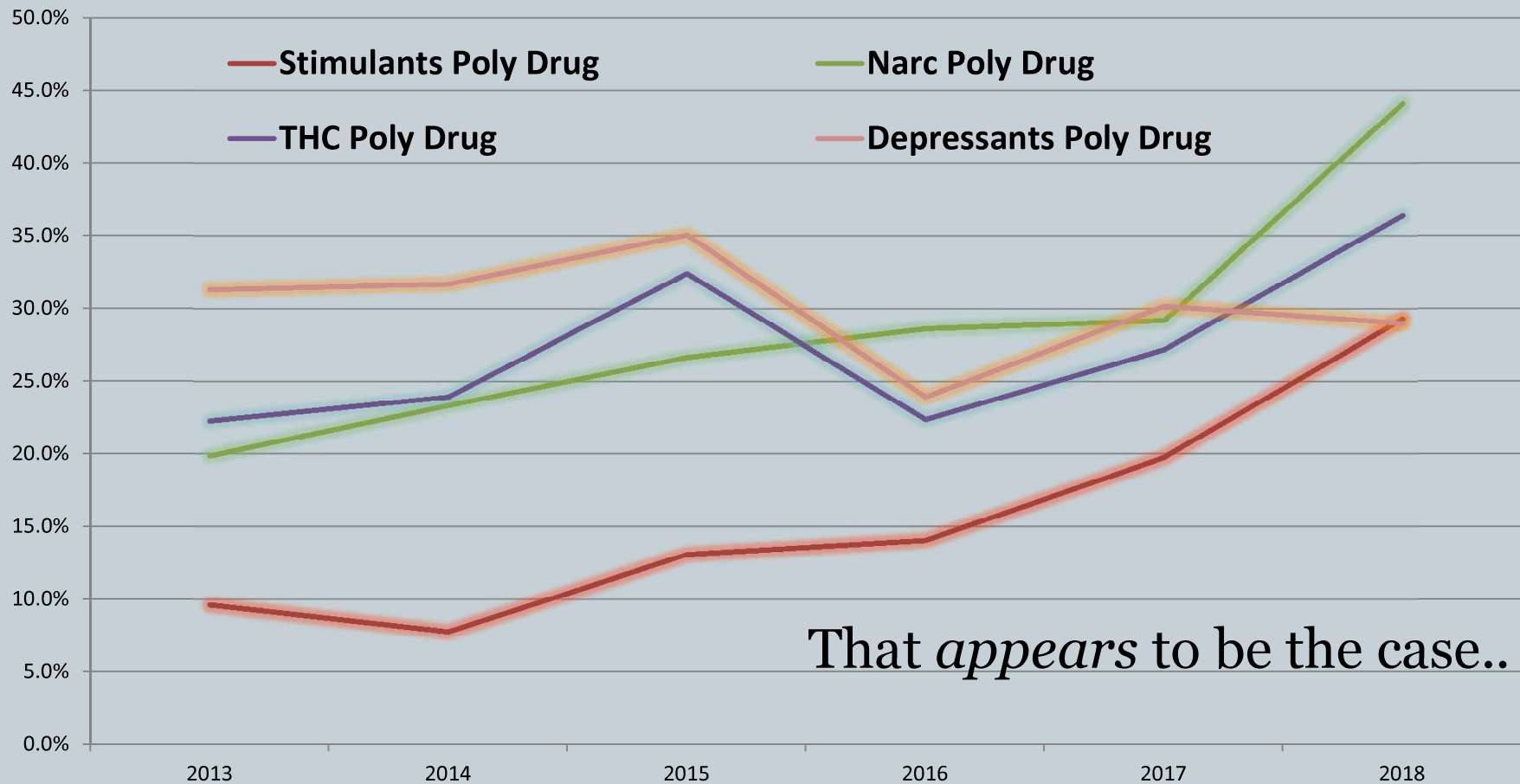
	2013	2014	2015	2016	2017	2018*	Total
Cannabis	77	85	101	97	104	202	696
Stimulants	17	17	29	33	47	106	267
Narcotic Analgesics	45	45	61	64	68	162	469
CNS Depressants	81	76	92	77	82	103	526
Diss. Anesthetics	2	5	6	1	5	5	24
Hallucinogens	1	3	4	3	1	3	15
Inhalants	1	1	2	3	3	0	10

- Are these being more frequently used with another drug?



% of total DUID cases containing a common DRE drug class + another class

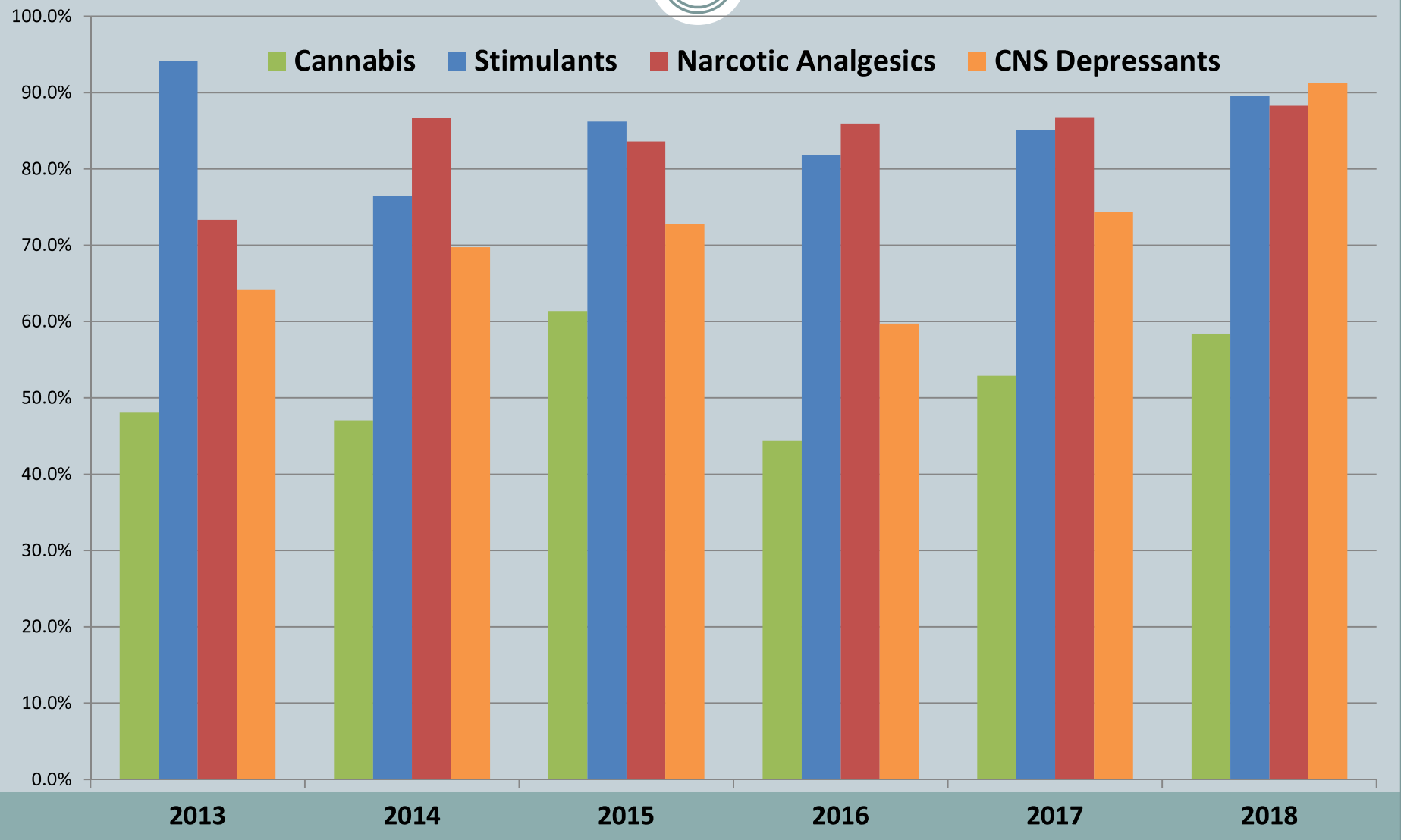
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That appears to be the case..

Frequency of Poly Drug Use per DRE Class

51



What does this mean?

52

- Stimulants and narcotic analgesics have really always been used with another class
- The use of cannabis with another class of drugs hasn't really changed
 - Unsurprising because there are a lot of casual users
- There appears to have been an uptick of poly drug use with CNS depressants
 - Is there something to this?

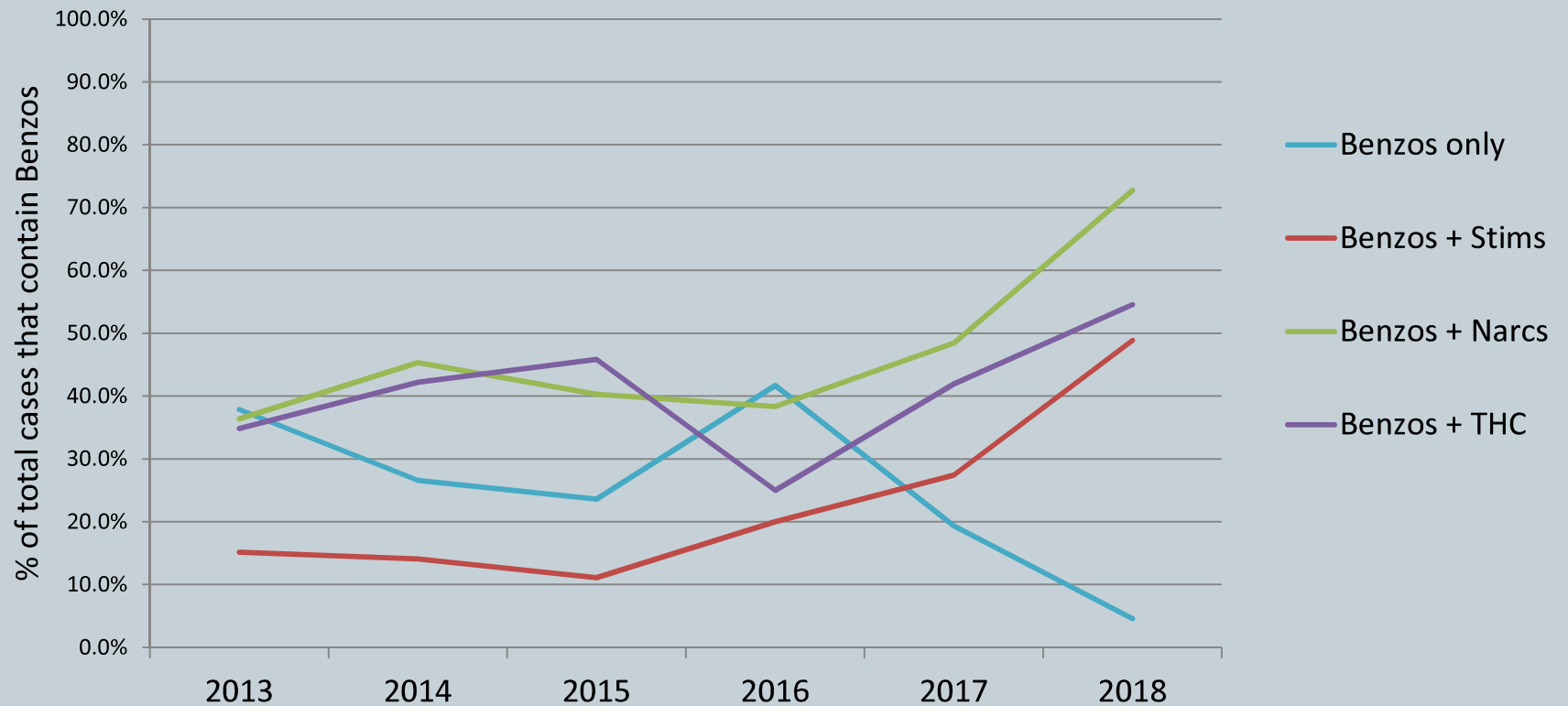
Benzos in DUID Cases

53

Benzos Poly Drug Use	2013	2014	2015	2016	2017	2018
Benzos only	25 37.9%	17 26.6%	17 23.6%	25 41.7%	12 19.4%	4 4.5%
Cases w/ benzos + 1 other class	27 40.9%	30 46.9%	40 55.6%	21 35.0%	25 40.3%	24 27.3%
Cases w/ benzos + 2 other classes	12 18.2%	14 21.9%	13 18.1%	11 18.3%	23 37.1%	48 54.5%
Cases w/ benzos + 3 other classes	2 3.0%	2 3.1%	2 2.8%	3 5.0%	2 3.2%	12 13.6%

Benzo Poly Drug Use Trend

54



- Is this indicative of driving while on a prescribed dose of benzodiazepines?

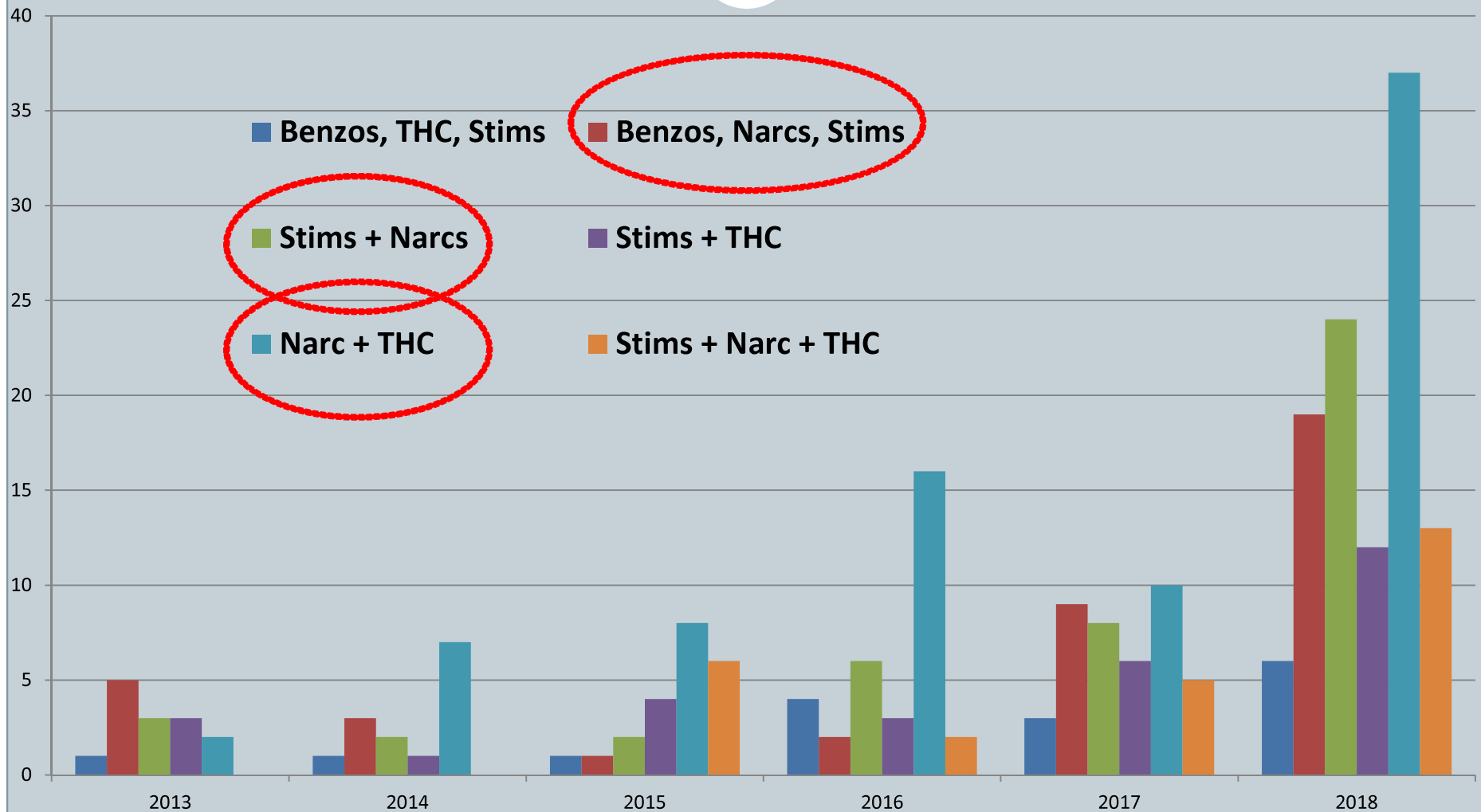
What has the data shown us?

55

Common Drug Combinations.

Cases containing ONLY these drug combinations

56



Take Homes...

57

- From 2012-2018, ~23% of all drivers arrested for suspicion of DUI had ONLY THC in their system
- In 2018, ~27% of DUID cases had fentanyl on board
 - This could be administered at hospital, but still....
- Although they tend to fly under the radar, stimulants are also increasing rapidly
 - In 2018, ~23% had BZE
- In 2018,
 - ~47% of all DUID cases had at least 2 classes of drugs on board
 - ~24% of all DUID cases had at least 3 classes of drugs on board
- Poly drug use is prevalent and it's probably here to stay...

VT Breath Testing Data

58

- Special thanks to David Patlak for this data
- Data from Sept 2011 – Dec 2017 (although some stuff is updated)
- Removed training, testing, and troubleshooting data as much as possible
- > 12,000 tests
 - Yes...we know we are a small state
- Interesting finds in our data
 - Error Rates (DMT vs Human)
 - Average BAC/High BAC
 - Age demographics
 - Biggest days/weekends

Heavy Hitters

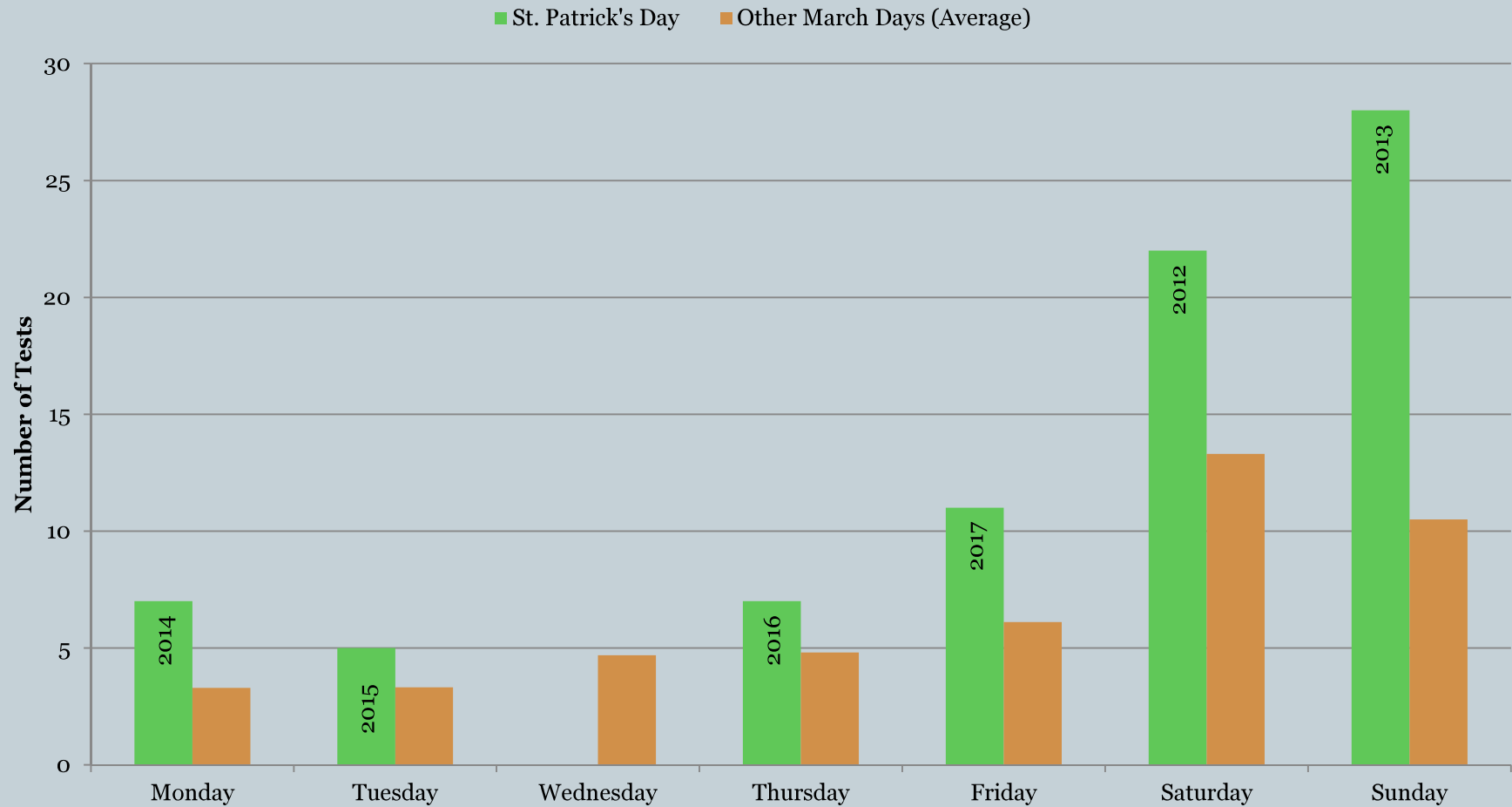
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- Most popular dates
 - Jan 1 – 24.7
 - Mar 17 – 18.8
 - Jul 3 – 15.7
- Highest Day
 - Sun, Jan 1, 2017 - 37
- Highest weekend
 - Oct 30-Nov 1, 2015 - 56



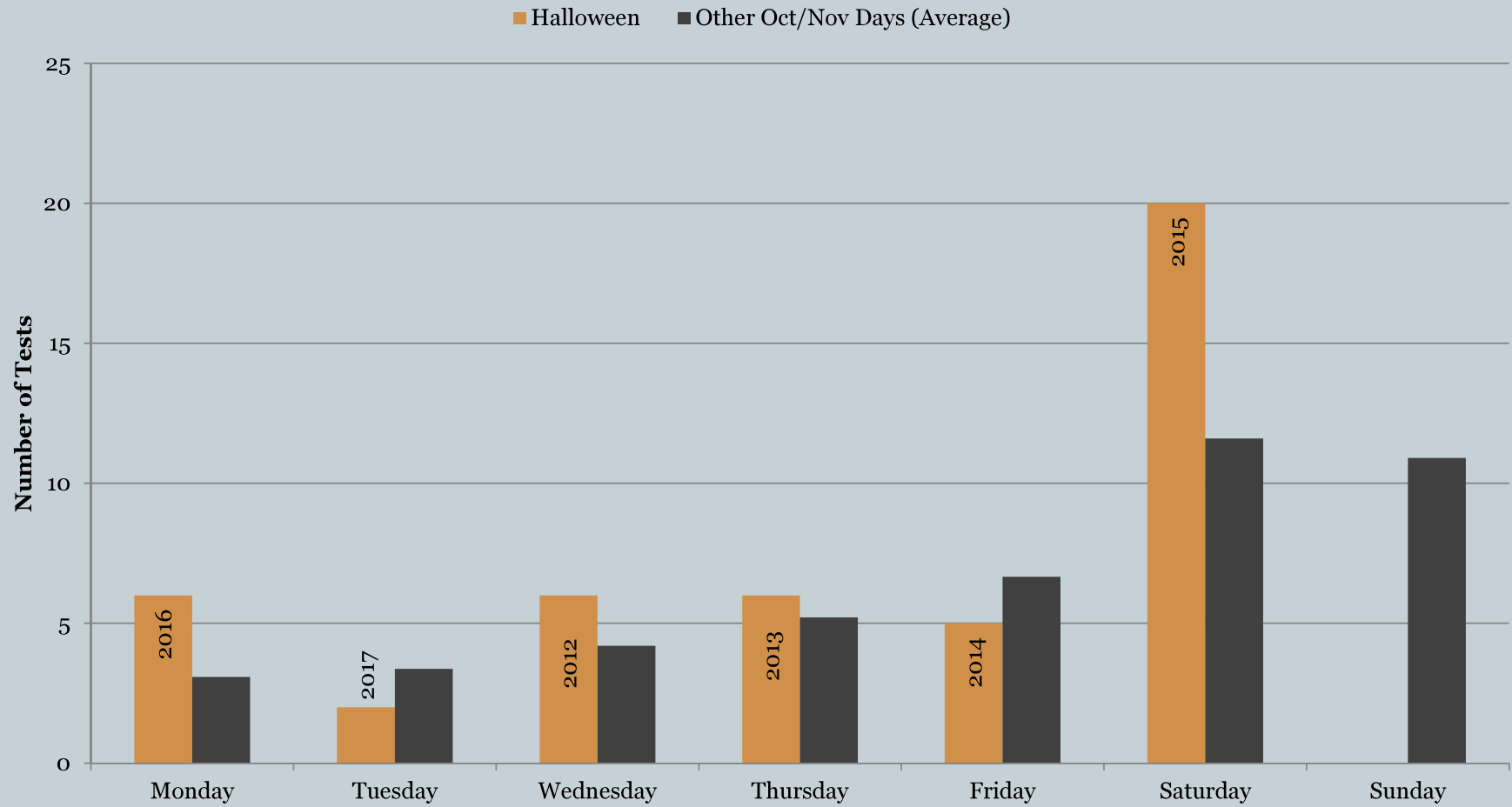
Luck of the Irish

60



Saturday Scaries

61



Sunday Funday

62



	Super Bowl Sundays	Mundane Sundays
2012	14	10.4
2013	18	14.3
2014	21	11.6
2015	13	10.9
2016	21	12.3
2017	20	12.0

But wait...there's more

63



**Non-
Patriots**

14

18

13

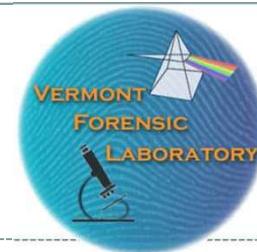
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21



Questions?



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Jeff Dukette
Jeffery.Dukette@vermont.gov
802-241-5275
802-585-5843

Vermont state law requires that the warning for the annual town meeting contain “any article or articles requested by a petition signed by at least five percent of the voters of the town and filed with the town clerk not less than 47 days before the day of the meeting.” 17 V.S.A. § 2642. Statutory requirements for the content and processing of voter-backed petitions are complicated and nuanced. For that reason, the VLCT Municipal Assistance Center has compiled this list of frequently asked questions and answers about voter-backed petitions.

For individual assistance with a voter-backed petition contact the VLCT’s Municipal Assistance Center at info@vlct.org or 800-649-7915, or the Vermont Secretary of State’s Elections Division at 800-439-8683.

- 1. If a petition asks for a vote at the annual town meeting, is the selectboard required to place that article on the annual town meeting warning?** Yes, but only if:
 - the subject of the petition is a matter over which the voters have been given specific authority in statute (see #2 below);
 - the petition is received by the town clerk not less than 47 days before the date of the annual meeting (see #4 below); and
 - the petition meets the other petition requirements of 17 V.S.A. § 2642(a)(3) (see #5 below).
- 2. Can the voters petition for any kind of article?** Yes, but a selectboard is not *legally required* to honor a voter-backed petition unless it deals with a matter over which the town voters have been given explicit authority in statute. Some examples of such authority include:
 - making social service appropriations pursuant to 24 V.S.A. § 2691;
 - voting to repeal the business property tax pursuant to 32 V.S.A. § 3849;
 - voting to authorize the selectboard to hire a town manager pursuant to 24 V.S.A. § 1241; or
 - voting to disapprove a town ordinance that has recently been adopted by the selectboard pursuant to 24 V.S.A. § 1973.

In some towns, a governance charter gives additional authority to voters.

If a voter-backed petition does not deal with a matter over which the town voters have been given authority in statute the selectboard may choose how to respond to that petition, including refusing to place it on the town warning or placing it under the non-binding, advisory section of the warning. A town is under no legal obligation to warn a vote on a matter that is “frivolous, useless or unlawful” or is not “within the province of the town meeting to grant or refuse through its vote.” *Royalton Taxpayers v. Wassmandsdorf*, 260 A.2d. 203 (1969). A selectboard should be cautious about allowing a vote on a petitioned article even though it is not legally required to do so, since the voters will expect a selectboard to abide by the results of that vote, even if it is warned as non-binding, advisory article.

- 3. May a petition contain more than one proposed article?** Yes. State law explicitly allows this practice. “A petition submitted . . . may include more than one proposed article.” 17 V.S.A. § 2642(a)(3)(C)(i).
- 4. Is there a deadline for submitting a petition?** Yes. If an otherwise valid voter-backed petition is submitted for inclusion on the warning for the annual town meeting it must be received by the town clerk “not less than 47 days before the day of the [town] meeting.” 17 V.S.A. § 2642(a)(3)(A). However, as explained in #6 below, there are instances in which a town clerk must allow petitioners additional time to file supplemental petitions. Note that if a town has voted to move its annual town meeting to any of the three days immediately preceding the first Tuesday in March, as allowed by 17 V.S.A. § 2640(b), the petition deadline will also be moved to an earlier corresponding date. Also note that if the last day for filing petitions and supplemental petitions falls on a Saturday, Sunday, or legal holiday, then the deadline “shall be extended to 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal holiday.” 17 V.S.A. § 1203(13).
- 5. Are there requirements about the content and format of a petition?** Yes. A petition must contain all of the following:
- the signatures of at least five percent of the registered voters of the town;
 - the petition language on every page on which signatures are collected; and
 - the printed name, signature, and street address of each registered voter who signed the petition. 17 V.S.A. § 2642(a)(3)(C).
- If any of the above information is missing from a petition, a town clerk must proceed as described in #6 below. In addition, a petitioned article cannot include an opinion or comment about the matter to be voted upon, as per 17 V.S.A. § 2666.
- 6. What must a clerk do when he or she receives a petition?** A town clerk must “immediately proceed” to examine a petition to determine whether it conforms to the law (meets the requirements listed in #5 above). 17 V.S.A. § 2642(a)(3)(B). If a petition does not meet all of the legal requirements, the town clerk must mark the petition with the reason(s) why the petition cannot be accepted and, within 24 hours of receipt, return the petition to the petitioners. At that point, if the filing deadline has not passed, the petitioners have additional time to file supplemental petition(s) with the necessary corrections. In addition, in some instances, the petitioners must be given additional time past the deadline (as described in #7 and 8 below). Once a town clerk is satisfied that a petition conforms to the law, he or she must forward the petition to the selectboard for a determination of whether it must be honored (see #2 above).
- 7. What happens if a petition is filed after the deadline?**
If the petition is turned in after the filing deadline it must be rejected by the Clerk.
- 8. What happens if a petition is filed on the deadline and it has the correct number of signatures but not all of the signatures are from registered voters?**
The petitioners must be notified of the defect and granted an additional 48 hours to file supplemental petition(s) that contain the correct number of signatures of registered voters (and that meet all of the other requirements of 17 V.S.A. § 2642(a)(3)(C)). Although the law requires that the petitioners obtain the requisite number of signatures on or before the filing deadline, it gives petitioners additional time if it turns out that those signatures are not all from registered voters of the town.
- 9. What if a petition is otherwise defective (but is filed on the deadline)?**

If the petition contains the correct number of signatures but fails to meet any of the other legal requirements of 17 V.S.A. § 2642(a)(3)(C) (listed in #5 above) the petitioners must be given an additional 48 hours to file supplemental petition(s) that meet all of the legal requirements of 17 V.S.A. § 2642(a)(3)(C)).

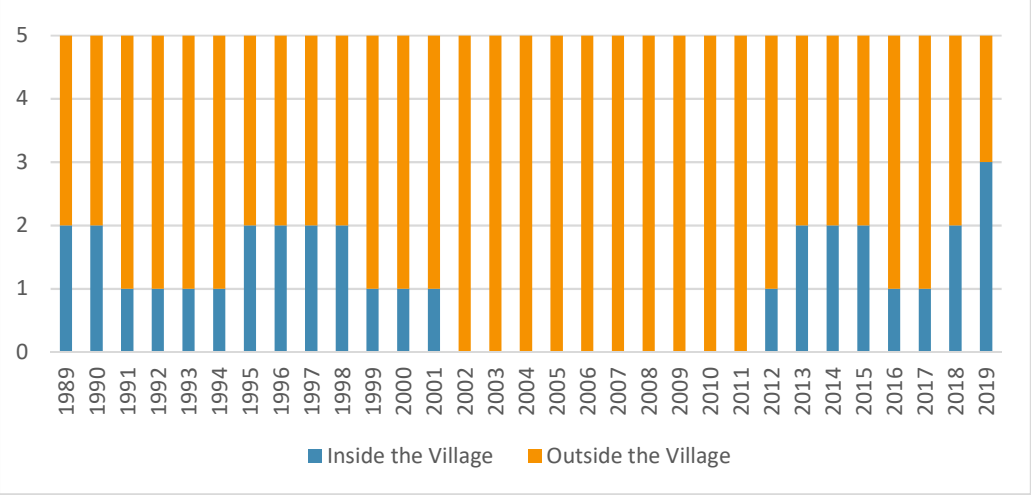
10. Summary of different scenarios for petitions filed on the deadline

Below is a table that shows the various scenarios for petitions that are received on the date of the 47-day filing deadline, and how those petitions should be treated by the town clerk:

Petition contains the requisite number of signatures?	Petition contains the requisite number of signatures of registered voters?	Petition contains the petition language on every page and contains the printed name, signature, and street address of each voter who signed the petition?	What should the clerk do?	What actions must be taken by petitioners?
Yes	Yes	Yes	Accept the petition.	N/A
Yes	No	Yes	Return the petition to petitioners within 24 hours of receipt.	Petitioners have 48 hours after receipt from the clerk to submit supplemental petition(s) to comply with all of the legal requirements for petitions.
Yes	Yes	No	Return the petition to petitioners within 24 hours of receipt.	Petitioners have 48 hours after receipt from the clerk to submit supplemental petition(s) to comply with all of the legal requirements for petitions.
Yes	No	No	Return the petition to petitioners within 24 hours of receipt.	Petitioners have 48 hours after receipt from the clerk to submit supplemental petition(s) to comply with all of the legal requirements for petitions.
No	Does not matter	Does not matter	Reject the petition.	N/A

11. Should a town clerk provide assistance to petitioners? Town clerks should be cautious in their communications to petitioners and resist the urge to be overly helpful. Although a town clerk must make an assessment of the legal sufficiency of a petition, he or she should not provide legal advice or drafting assistance to petitioners. Petitioners in need of assistance should be directed to contact the Vermont Secretary of State's Elections Division (1-800-439-8683) or to seek their own legal counsel.

Selectboard Member Residence, 1989-2019



Decision and Order of the Board of Trustees for
The Village of Essex Junction, Vermont
For the Laying Out of a Public Highway
Known as Railroad Street, being a portion of the Crescent Connector Project, and for
Condemnation of a Portion Thereof

The Board of Trustees (“Board”) of the Village of Essex Junction, Vermont (“Village”), by its own motion made and passed at a duly warned meeting of the board on November 12, 2019, initiated proceedings pursuant to Chapter 7 of Title 19 of the Vermont Statutes to lay out a road and to begin condemnation proceedings for a portion of Railroad Street, being a portion of the Crescent Connector Project (“Project”) including associated parking areas, appurtenances, and improvements, and to determine whether property owners through whose land the new section of Railroad Street passes or abuts are entitled to damages and the amount of those damages. It was noted that the new portion of Railroad Street is to be located beginning at a point on Park Street just south of the New England Central Railroad (NECR) Burlington branch; and then extending along the southeast side of NECR’s Burlington branch and crossing NECR’s main line (Roxbury Subdivision line); continuing north along the east side of NECR’s main line (Roxbury Subdivision line); continuing north to Maple Street. The new parking area is located east of the NECR Main Line (Roxbury Subdivision line) and adjacent to the new portion of Railroad Street. The Village Board of Trustees also voted to- after the condemnation proceeding- hold a hearing to determine damages only for those properties that had not previously provided an easement or come to an agreement with the Village as to damages.

Notice of the condemnation proceedings and damages hearing was given in accordance with Chapter 7 of Title 19 with written notice being given in the following manner to the following individuals and entities:

By certified mail on or about November 13, 2019 to the following individuals and/or entities: William Kalanges; Northcountry Federal Credit Union; David Knox, Land-Mark Architecturals; Northfield Savings Bank, N.A.; Alex McEwing, McEwing Properties, Robins Mountain Tower, LLC; New England Federal Credit Union; Charles Baker, Executive Director of the Chittenden Regional Planning Commission; Steve Hannan, Manager-Real Estate at the Genesee & Wyoming Railroad Services, Inc.; CV Properties Incorporated; Danielle Brown; Markeith Chavous; Kalanges & Dalton, Inc.; Rae Glasson; Beth Williams; Jenny Kalanges; Megan Ann Lambrose; Patrick Ryan; Mason Brothers Architectural Salvage; Bailey’s Spring & Chassis; Brian Bailey; Brothers Furniture; Michael Do; Five Corners Antiques, LLC; Foraged Flower Shop; Essex Junction Historical Society; Jay Mechanical; Mr. Kaye; Ryan Edwards; Ray & Lori George; Brian Smith; Bonnie Cormia; Leeann Riley; Margaret Titus; Jessica Stevens; Occupant of 34-36 Park Street; Occupant of 17 Maple Street; and by posting in the Town Clerk’s office, and published in a local newspaper of general circulation, the Essex Reporter, on November 28, 2019.

At 3:00 p.m. on December 17, 2019 the Board held a site inspection, which was immediately followed by a hearing on whether the public good, necessity and

convenience of the inhabitants of the municipality require the laying out of the highway, Railroad Street, for the Project. The Board took up the question of whether a portion of the property of William Kalanges, located at 11-15 Maple Street, would need to be condemned for the Project. At the hearing, testimony of interested persons and evidence was taken, with all attendants being given the opportunity to question the witnesses by cross examination. The hearing was then followed by a hearing on compensation, to determine damages only for those properties that had not previously provided an easement or come to an agreement with the Village.

During the site inspection, the board and others walked to the location where the proposed Railroad Street would be laid out. The attendees viewed the general location of the proposed road and observed the road in relation to surrounding properties and the railroad tracks. The hearing followed, in which the following individuals testified: Richard Hamlin, Hamlin Engineering, Robin Pierce, Community Development Director, John Benson, Dubois & King, William Kalanges, David Scopin. William Kalanges attorney, Eliza van Lennep, Esq. provided legal argument. Again, all parties present were afforded the opportunity for cross examination of any witnesses testifying and all persons in attendance were afforded the opportunity to present evidence. The proceedings were taped.

During the course of the hearing, the following exhibits were introduced:

1. A Powerpoint presentation by Richard Hamlin, Hamlin Engineering.
2. Essex Junction Crescent Connector, Final Scoping Report, August 2011, Chittenden County Metropolitan Planning Organization.
3. Revised Environmental Assessment, Crescent Connector Project, Village of Essex Junction, Vermont, prepared for Federal Highway Administration, Vermont Agency of Transportation and The Village of Essex Junction, March 2014.
4. Federal Highway Administration, Finding of No Significant Impact for Crescent Connector Project STP 5300(13) (hereinafter also "FONSI").
5. List of public meetings on Crescent Connector Project.
6. Layout Plan dated April, 2019 prepared by Dubois & King.
7. Layout Plans for Kalanges property and Right of Way Plans for Kalanges property.
8. Intersection levels of service for Five Corners intersection.
9. Air Quality comparisons for the road build and no build.
10. December 28, 2010 letter from William Kalanges to Robin Pierce ("Pierce") re project.
11. Rail improvement details.
12. June 27, 2019 Memorandum from Pierce to Village Trustees and Municipal Manager re Connector Road Support letters and Connector Road mentions in Village Plan (with attachments). Attachments include June 25, 2019 letter from Charlie Baker, Executive Director of the Chittenden County Regional Planning Commission ("CCRPC"), June 25, 2019 letter to Pierce from Todd Dragland, VP of Engineering, Northeast Region, G&W Railroad, December 28, 2010 letter to Pierce from Bill Kalanges, July 16, 2010 email from Bill Kalanges to Pierce.

13. October 30, 2019 letter from Pierce to Kalanges offering for Village to buy property and enclosing Right of Way Plans dated October 2019, Summary of Valuation and valuation estimate, two copies of a proposed Warranty Deed of Easement, IRS W-9, brochure from the Federal Highway Administration (Acquiring Real Property for Federal and Federal-Aid Programs and Projects revised November 2018), and a postage paid return envelope.
14. Publication of November 28, 2019 hearing in Essex Reporter.
15. March 8, 2011 Essex Junction Board of Trustees meeting minutes regarding design alternatives for the Crescent Connector.
16. June 26, 2019 Memorandum from Pierce to Trustees and Municipal Manager entitled Background Information Crescent Connector Project.
17. June 28, 2019 Memorandum from Pierce to Trustees and Municipal Manager entitled Connector Road: the CIRC Alternative Process.
18. Letters from Pierce to Kalanges, McEwing, Jody Benoit, David Holton, Joseph Bilodeau, Ron Siegriest, Joseph Weith, Dr. Thomas Dowhan, Courtney Ovitt, and David Knox dated March 5, 2015 regarding traffic management coordination and inviting recipients and their tenants to provide input and meet with design team concerning coordination during construction process.
19. April 23, 2015 letter from Pierce to Knox confirming meeting with design team as referenced in March 5, 2015 letter above.
20. April 23, 2015 letter from Pierce to Dr. Dowhan, J. Weith, J. Bilodeau, D. Holton for Handy and Holton, LLC, Jody Benoit, and Courtney Ovitt referencing March 5, 2015 letter inviting recipients to a meeting with the Crescent Connector design team.
21. November 1, 2017, letter from Pierce to Dr. Edwin Guilfooy, James and Erica Benton, Ronald and Alice Siegriest, Joseph Bilodeau, John Handy and David Holton of Holton & Handy, LLC, requesting construction easement.
22. February 27, 2018 letter from Pierce to James and Erica Benton, Dr. Edwin Guilfooy, Ronald and Alice Siegriest regarding requests for temporary construction easements.
23. Easement Agreement between CV Properties Incorporated, New England Central Railroad, Inc., and the Village of Essex Junction dated August 7, 2019.
24. Warranty Deed of Easement to the Village of Essex Junction from McEwing Properties, LLC dated March 26, 2019.
25. Warranty Deed of Easement to the Village of Essex Junction from Erica and James Benton dated March 8, 2018.
26. Warranty Deeds of Easement to the Village of Essex Junction from C. Ronald Siegriest and Alice M. Siegriest dated April 4, 2017 and October 3, 2018.
27. Warranty Deed of Easement to the Village of Essex Junction from BSA Management, Inc. dated November 14, 2017.
28. Warranty Deed of Easement to the Village of Essex Junction from Holton & Handy, LLC dated February 9, 2018.
29. Warranty Deed of Easement from Land-Mark Architecturals, LLC to the Village of Essex Junction dated June 28, 2019 and recorded at Volume 1015, Page 295 of the Town of Essex Land Records.
30. Corrective Warranty Deed of Easement to the Village of Essex Junction from Land-Mark Architecturals, LLC dated October 17, 2019.

31. Warranty Deed of Easement to the Village of Essex Junction from Donna M. Kaynor and Gary Robert Godbersen dated October 2, 2019.
32. Warranty Deed of Easement to the Village of Essex Junction from Alfred L. Parrella and Deborah A. Billado dated October 15, 2019.
33. Warranty Deed of Easement to the Village of Essex Junction from Richard L. Parent and Jennifer E. Parent dated September 26, 2019.
34. Warranty Deed of Easement to the Village of Essex Junction from Sixteen Maple Street, LLC dated August 28, 2019.
35. Warning for December 17, 2019 meeting of Village Board of Trustees.
36. Certified letter enclosing Notice of Public Hearing to Consider Laying out of Railroad Street and a set of plans to William Kalanges.
37. Certified letters dated on or about November 13, 2019 enclosing Notice of Public Hearing to Consider Laying out of Railroad Street to persons owning or interested in lands through which the new portion of Railroad Street may abut including William Kalanges; Northcountry Federal Credit Union; David Knox, Land-Mark Architecturals; Northfield Savings Bank, N.A.; Alex McEwing, McEwing Properties, Robins Mountain Tower, LLC; New England Federal Credit Union; Charles Baker, Executive Director of the Chittenden Regional Planning Commission; Steve Hannan, Manager-Real Estate at the Genesee & Wyoming Railroad Services, Inc.; CV Properties Incorporated; Danielle Brown; Markeith Chavous; Kalanges & Dalton, Inc.; Rae Glasson; Beth Williams; Jenny Kalanges; Megan Ann Lambrose; Patrick Ryan; Mason Brothers Architectural Salvage; Bailey's Spring & Chassis; Brian Bailey; Brothers Furniture; Michael Do; Five Corners Antiques, LLC; Foraged Flower Shop; Essex Junction Historical Society; Jay Mechanical; Mr. Kaye; Ryan Edwards; Ray & Lori George; Brian Smith; Bonnie Cormia; Leeann Riley; Margaret Titus; Jessica Stevens; Occupant of 34-36 Park Street; Occupant of 17 Maple Street. The letters included the signed returned receipt or returned envelope for each party.
38. Sets of plans of New England Central Railroad dated December 14, 2018 for Proposed Track Profile Raise and Existing Crossing Layout.
39. Circ Alternative Task Force Phase I Report dated January 19, 2012.
40. Email from Andy Deforge of VTrans dated December 9, 2019 confirming the current amount spent on Crescent Connector project to date as \$2,736,871.51.
41. Set of Right of Way Plans dated October 2019 prepared by Dubois & King.

No party raised any objection to the admission of any exhibits, and therefore, every exhibit listed above was admitted into evidence. Based on the evidence and exhibits presented at the hearing, the Board of Trustees makes the following findings of fact and conclusions of law:

1. The Crescent Connector Project began conceptually in 2009 as a means to reduce congestion at the Five Corners Intersection.
2. There was significant public involvement in the evolution of the present day Crescent Connector, including a local concerns meeting on July 20, 2010; an alternatives presentation meeting on February 22, 2011; a preferred alternative meeting on March 8, 2011; a public information update meeting on March 12,

2013; and a public hearing on the environmental assessment (“EA”) on January 9, 2014.

3. The Five Corners Intersection presently functions at a level of service (“LOS”) F.
4. In August 2011, the Chittenden County Regional Planning Commission commissioned a Final Scoping Report (“Scoping Study”) to “develop and evaluate design alternatives for a new local road (“Crescent Connector”) connecting VT 2A (Park Street) and VT 117 (Maple Street) in the Village of Essex Junction.”
5. The Scoping Study analyzed traffic impacts of the new connector road and examined design alternatives and the impacts for each design alternative.
6. The Scoping Study revealed that the Five Corners Intersection had “a good deal” of congestion, a LOS of F and queues that backed up onto existing rail crossings or into the intersection.
7. The area of Park Street from the northern rail crossing to Five Corners was previously designated as a High Crash Location (HCL).
8. The project is in a highly developed village center and the area has been fully disturbed before.
9. There are no public lands within the project area.
10. There are no prehistoric sites in the project area.
11. The Scoping Study determined that the project would improve regional mobility and local connectivity within the Village and also reduce traffic congestion and increase safety around the Five Corners. The Study also concluded that the project would increase development potential and promote economic growth in the Village Center.
12. The Scoping Study examined two alternative routes- a northern route (Alt 1) and a southern route (Alt 2). Both routes were discussed by Richard Hamlin.
13. The northern route (Alt 1) provided for less of an impact to the Kalanges property.
14. Kalanges expressed in a letter to Pierce dated December 28, 2010 that he believed that Alt 1 “would be best for [his] property.” Kalanges believed that this design would give him the “best exposure to the new road and would greatly increase the stability of [his] tenants.”
15. At a meeting of the Essex Junction Village Board of Trustees on March 8, 2011, the Board voted 5 to 0 to accept the progress report of the Chittenden County Metropolitan Planning Organization (CCMPO) Crescent Connector Road Scoping Study and preference for the “Northern Alternative (#1)”.
16. The CCRPC’s Transportation Advisory Committee, as well as the CCRPC board, reviewed and approved the project.
17. The Connector Road was then selected as a phase I project by the CIRC Alternative Task Force, an initiative by Governor Shumlin.
18. The Village of Essex Junction 2014 Comprehensive Plan incorporates and references the Crescent Connector in several locations such as pages 4, 23, 24, 26, 27, 33, 61, 62, and 64.
19. On March 5, 2015, several parties identified above, including Mr. Kalanges, were sent a letter by Mr. Pierce inviting them to provide input on the management of traffic and access for the construction process.
20. Several parties were again provided the same letter re: input on traffic management in an April 23, 2015 letter from Pierce.

21. Mr. Kalanges was hand delivered an offer letter, via his counsel, dated October 30, 2019 from Community Development Director, Robin Pierce, that stated that the Village wished to acquire permanent highway rights from him for the Project. Kalanges was offered One Hundred Nine Thousand Six Hundred Eighty-Five Dollars (\$109,685.00) in just compensation for his property. The letter provided that the following items were enclosed: a) a color-coded plan showing the rights requested; b) a summary of valuation and valuation estimate; c) two copies of a warranty deed of easement; d) an IRS W-9 request for taxpayer identification number and certification form(s); a brochure from the federal highway administration (Acquiring Real Property for Federal and Federal-Aid Programs and Projects revised November 2018) explaining legal rights; and e) a postage paid envelope.
22. William Kalanges; Northcountry Federal Credit Union; David Knox, Land-Mark Architecturals; Northfield Savings Bank, N.A.; Alex McEwing, McEwing Properties, Robins Mountain Tower, LLC; New England Federal Credit Union; Charles Baker, Executive Director of the Chittenden Regional Planning Commission; Steve Hannan, Manager-Real Estate at the Genesee & Wyoming Railroad Services, Inc.; CV Properties Incorporated; Danielle Brown; Markeith Chavous; Kalanges & Dalton, Inc.; Rae Glasson; Beth Williams; Jenny Kalanges; Megan Ann Lambrose; Patrick Ryan; Mason Brothers Architectural Salvage; Bailey's Spring & Chassis; Brian Bailey; Brothers Furniture; Michael Do; Five Corners Antiques, LLC; Foraged Flower Shop; Essex Junction Historical Society; Jay Mechanical; Mr. Kaye; Ryan Edwards; Ray & Lori George; Brian Smith; Bonnie Cormia; Leeann Riley; Margaret Titus; Jessica Stevens; Occupant of 34-36 Park Street; Occupant of 17 Maple Street all were sent certified letters enclosing a Notice of Public Hearing to Consider Laying out of Railroad Street dated November 13, 2019.
23. William Kalanges received a copy of the most current plan set for the Crescent Connector along with his November 13, 2019, notice of public hearing letter.
24. Neither Counsel for Kalanges, Eliza van Lennep, nor Mr. Kalanges ever testified or argued at the hearing that they did not have a current copy of the right of way plans for the Project. Equally, neither Kalanges nor his counsel ever asserted that they were unaware of the precise location of the proposed roadway.
25. An Environmental Assessment ("EA") was performed for the Project.
26. A FONSI letter was issued on the Project by Kenneth Sikora, Environmental Program Manager, Federal Highway Administration, dated April 15, 2014.
27. The EA has since been re-evaluated and it remains applicable to the proposed Project.
28. The Project will continue to allow north and south movement of traffic even if there is a train that has come through the Five Corners.
29. The Project would yield a 30 second reduction in wait time at the Five Corners intersection for vehicles. This would in turn reduce emissions from vehicle idling.
30. The Project would result in an approximately 21% reduction for Co2 emissions and in 21% for VOCs. The Project would also conserve fuel that is otherwise wasted by idling vehicles that are waiting in the queue.

31. As a result of the queue detection technology and increased traffic movement, the Project would reduce the possibility of train/vehicle conflicts because vehicles would be less likely to be stuck on the tracks.
32. The Project will provide improvements to pedestrian travel.
33. The Project will provide additional safety measures such as new control gates at rail crossings and improved lighting, including historical gas lamps, and crossing signals.
34. The Project will involve 11-foot wide travel lanes and 5-foot wide bike lanes, meaning that the Project will reflect a village scale street.
35. The Project will enhance economic opportunities for growth and development in the Village.
36. The Project will include new crossing surfaces.
37. The Project will include signal coordination, which is advanced technology and requires sophisticated engineering.
38. The Project will reduce train-vehicle conflicts, which is an important safety feature.
39. The Project will include a “village scale” streetscape.
40. The Project will aid safety and traffic flows by providing safety vehicle preemption and queue detection.
41. The Project is 81.08% Federally funded and 18.92% State funded. There are no local matching funds. Should the Project not proceed, then the Village will be required to repay the approximately Two Million Seven Hundred and Thirty-Six Thousand, Eight Hundred Seventy-One Dollars (\$2,736,871.51) expended to date.
42. The Chittenden County Regional Planning Commission (“CCRPC”) is in favor of the Project and provided a letter of support on June 25, 2019 that was addressed to Mr. Pierce.
43. The Genesee & Wyoming Railway is in support of the Project and also provided a letter of support on June 25, 2019.
44. Mr. Kalanges will lose 10 parking spaces from his property, but 10 spaces will be gained with the design and then twenty parking spaces will be created across the street for public use. The Project will not result in a loss of parking.
45. The Project will introduce the potential for long term economic development by providing better accessibility to properties and position them for future redevelopment or rehabilitation.
46. A proposed deed with metes and bounds was provided to Mr. Kalanges for the proposed portion of his property to be acquired for the Project.
47. No evidence was provided that any specific tenant for any property would be leaving due to the Project.
48. The Board did not find credible Mr. Kalanges’s concerns that his tenants may leave due to the Project. None of those tenants attended, despite notice being provided to them.
49. Mr. Kalanges testified that he believed that the Project could be built without taking a portion of his land, but offered no testimony or evidence of how that could be done.

50. Resident, David Scopin, testified that the plans provided an elegant solution to a problem and that, as a bike rider, he was happy with the Project. Scopin stated that he looked forward to the completion of the Project.
51. The Village provided at least 30-days notice by certified mail to any persons owning or interested in lands through which Railroad Street would pass or abut of when the Village Trustees would inspect the site and receive testimony.
52. Notice was posted at the Village offices and all statutory parties pursuant to 19 V.S.A. 709 were notified.
53. A Notice of the hearing was posted in a newspaper of general circulation not less than 10 days prior to the hearing.
54. Pursuant to the above findings, the public good, necessity and convenience of the inhabitants of the Village of Essex Junction require that the lands described and depicted on the survey/plan ought to be laid out as Railroad Street, a public highway, and this highway represents a portion of the Crescent Connector Project.


Based on the preceding findings, the Village of Essex Junction Board of Trustees orders the condemnation of the property rights for Railroad Street, a portion of the Crescent Connector Project as described on the survey/plan entered into evidence and as pursuant to the draft Warranty Deed of Easement to the Village of Essex Junction from William C. Kalanges also entered into evidence.

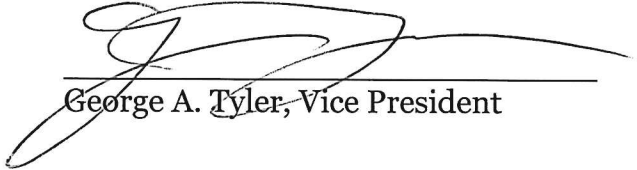
The landowners affected by this order shall have a period of 60 days from the date of this order to remove all fences, timber, wood and trees, or if the lands taken have buildings thereon the landowners shall have six months, from the area now covered by the public right of way, after which the Village shall assume control of the land over which it passes, for purposes of highways.

Any person interested in this decision to lay out Railroad Street for the Crescent Connector Project may appeal this decision to the Chittenden County Superior Court, Civil Division within 30 days of the decision, in writing. V.R.C.P. 74; 19 V.S.A. § 740.

Dated at Village of Essex Junction, Vermont this 10th day of January, 2020.

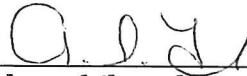
Village of Essex Junction Board of Trustees



Andrew P. Brown, President

George A. Tyler, Vice President

Daniel S. Kerin



Amber Thibeault



Raj Chawla

**Decision and Order of the Board of Trustees for
The Village of Essex Junction, Vermont
for Damages and Compensation for the Taking of Land of William Kalanges for a
Portion of the Crescent Connector Project**

The Board of Trustees ("Board") of the Village of Essex Junction, Vermont ("Village"), by its own motion made and passed at a duly warned meeting of the Board on November 12, 2019, initiated proceedings pursuant to Chapter 7 of Title 19 of the Vermont Statutes to lay out a road and to begin condemnation and compensation proceedings for a portion of Railroad Street, being a portion of the Crescent Connector Project ("Project") including associated parking areas, appurtenances, and improvements, and to determine whether Mr. William Kalanges ("Kalanges"), a property owner through whose land the new section of Railroad Street passes and abuts, is entitled to damages and the amount of those damages.

Notice of the condemnation and compensation hearing was given in accordance with Chapter 7 of Title 19 with written notice being given in the following manner to the following individuals and entities:

By certified mail on or about November 13, 2019 to the following individuals and/or entities: William Kalanges; Northcountry Federal Credit Union; David Knox, Land-Mark Architecturals; Northfield Savings Bank, N.A.; Alex McEwing, McEwing Properties, Robins Mountain Tower, LLC; New England Federal Credit Union; Charles Baker, Executive Director of the Chittenden Regional Planning Commission; Steve Hannan, Manager-Real Estate at the Genesee & Wyoming Railroad Services, Inc.; CV Properties Incorporated; Danielle Brown; Markeith Chavous; Kalanges & Dalton, Inc.; Rae Glasson; Beth Williams; Jenny Kalanges; Megan Ann Lambrose; Patrick Ryan; Mason Brothers Architectural Salvage; Bailey's Spring & Chassis; Brian Bailey; Brothers Furniture; Michael Do; Five Corners Antiques, LLC; Foraged Flower Shop; Essex Junction Historical Society; Jay Mechanical; Mr. Kaye; Ryan Edwards; Ray & Lori George; Brian Smith; Bonnie Cormia; Leeann Riley; Margaret Titus; Jessica Stevens; Occupant of 34-36 Park Street; Occupant of 17 Maple Street; and by posting in the Town Clerk's office, and published in a local newspaper of general circulation, the Essex Reporter, on November 28, 2019.

On December 17, 2019, following both a site inspection and a hearing on the layout of the roadway and condemnation, the Board heard testimony and evidence on whether Kalanges was (a) entitled to compensation and (b) what the compensation would be, should a portion of his property located at 11-15 Maple Street be condemned for the Project. At the hearing, testimony of interested persons and evidence was taken, with all attendants being given the opportunity to question the witnesses by cross examination.

The following individuals testified: Richard Hamlin, Hamlin Engineering, Mike Keller from Keller & Associates, Inc., Charles Ferry from State of Vermont, Department of Transportation, William Kalanges, and David Scopin. William Kalanges attorney,

Eliza van Lennep, Esq. provided legal argument. Again, all parties present were afforded the opportunity for cross examination of any witnesses testifying and all persons in attendance were afforded the opportunity to present evidence. The proceedings were taped.

During the course of the hearing, the following exhibits were introduced:

1. A Powerpoint presentation by Richard Hamlin, Hamlin Engineering.
2. Layout Plan dated April, 2019 for Kalanges parcel prepared by Dubois & King.
3. Set of Right of Way Plans dated October 2019 prepared by Dubois & King.
4. Proposed Warranty Deed of Easement from William C. Kalanges to Village of Essex Junction.
5. October 30, 2019 offer letter to Mr. Kalanges enclosing Right of Way Plans dated October 2019, Summary of Valuation and valuation estimate, two copies of a proposed Warranty Deed of Easement, IRS W-9, brochure from the Federal Highway Administration (Acquiring Real Property for Federal and Federal-Aid Programs and Projects revised November 2018), and a postage paid return envelope.
6. Log of contacts between the Village of Essex Junction and Kalanges.
7. Current and proposed parking plans for the Kalanges property.
8. Limits of slope plans for Kalanges's property.
9. Turning movements plan for Kalanges's property.
10. Appraisal Report of the William C. Kalanges, 11-15 Maple Street, Essex Junction, Vermont property dated October 16, 2019, prepared by Michael F. Keller and approved by Charles Ferry.

No party raised any objection to the admission of any exhibits, and therefore, every exhibit listed above was admitted into evidence. Based on the evidence and exhibits presented at the hearing, the Board of Trustees makes the following findings of fact and conclusions of law:

1. Pursuant to the Decision and Order of the Board of Trustees for The Village of Essex Junction, Vermont for the Laying Out of a Public Highway Known as Railroad Street, being a portion of the Crescent Connector Project, and for the Condemnation of a Portion Thereof, with even date hereto, the Board found that the public good, necessity and convenience of the inhabitants of the Village of Essex Junction required that the lands described and depicted on the survey/plan ought to be laid out as Railroad Street, a public highway, and this highway represented a portion of the Crescent Connector Project.
2. The Board condemned a portion of the lands of Kalanges located at 11-15 Maple Street, Essex Junction, Vermont.
3. Kalanges is entitled to compensation for this condemnation of his property.
4. The Crescent Connector Project is in the right-of-way acquisition stage.
5. All the land required for the Crescent Connector Project, with the exception of property owned by Kalanges located at 11-15 Maple Street, has been acquired by the Village.

6. All projects receiving federal highway dollars must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act Of 1970 ("Uniform Act") which is designed to treat property owners uniformly, fairly, and to provide just compensation for condemned property.
7. The Village has condemned the following four permanent and two temporary easements from William C. Kalanges:
 - a. A 3,988.25 square foot permanent drive easement.
 - b. A 2,679.44 square foot permanent highway easement.
 - c. A 781.60 square foot temporary slope easement.
 - d. A 1,720.80 square foot temporary construction easement.
 - e. A 9.10 square foot permanent lighting easement.
 - f. A 7.21 square foot permanent lighting easement.
8. The easements in paragraph 7 above are more particularly described in a proposed deed with metes and bounds that was provided to Kalanges.
9. The total size of the proposed permanent easements on Kalanges's parcel is 6,684 square feet, or .15 acres.
10. The total size of the proposed temporary easements on Kalanges's parcel is 2,502.5 square feet, or .06 acres.
11. A detailed appraisal was completed by Mike Keller of Keller & Associates, Inc. and approved by Charles Ferry from the State of Vermont Department of Transportation.
12. The appraisal was based on a sales comparison approach and an evaluation of the Kalanges land.
13. The sales comparison approach was the most appropriate methodology or approach for performing the appraisal- as opposed to the income or sales approach.
14. An evaluation of the buildings on the Kalanges property was not included because Kalanges did not grant Mr. Keller access.
15. Evaluation of the buildings on Kalanges's property in the appraisal process would not have changed the value of the property rights condemned by the Village.
16. The analysis and sales comparisons contained in Keller's appraisal report are persuasive and relevant and form an accurate basis for Keller's valuation of the interests condemned by the Village.
17. The property interests condemned by the Village have a total value of One Hundred Nine Thousand, Six Hundred Eighty-Five Dollars (\$109,685.00).
18. The Project will enhance economic opportunities for growth and development on Kalanges's property.
19. No evidence was provided that any specific tenant of Kalanges would be leaving due to the Project construction.
20. Kalanges did not offer any competing appraisal into evidence.
21. Kalanges did not offer any valuation of the property interests condemned by the Village.
22. Absent a competing appraisal to that of Mr. Keller, the Board had nothing against which to compare Mr. Keller's appraisal and no basis upon which to challenge its applicability or appropriateness.
23. Kalanges had adequate time to engage an appraiser in order to present a competing appraisal and failed to do so at the time of the hearing.


24. The construction of the Project will not create access problems for the Kalanges property and a temporary access will be provided that should not interfere with the ability of trucks entering and exiting the Kalanges property.
25. The Village provided at least 30-days notice by certified mail to any persons owning or interested in lands through which Railroad Street would pass or abut of when the Village Trustees would inspect the site and receive testimony.
26. Notice was posted at the Village offices and all statutory parties pursuant to 19 V.S.A. 709 were notified.
27. A Notice of the hearing was posted in a newspaper of general circulation not less than 10 days prior to the hearing.

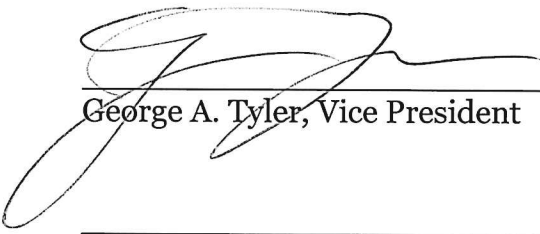
Based on the preceding findings, the Village of Essex Junction Board of Trustees orders that William Kalanges be compensated One Hundred Nine Thousand, Six Hundred Eighty-Five Dollars (\$109,685.00) for the property interests that have been condemned by the Board.

Any person interested in this decision may appeal this decision to the Chittenden County Superior Court, Civil Division within 30 days of the decision, in writing. V.R.C.P. 74; 19 V.S.A. § 740.

Dated at Village of Essex Junction, Vermont this 10th day of January, 2020.

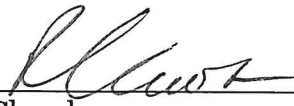
Village of Essex Junction Board of Trustees



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Raj Chawla

NOTICE OF COMPLETION OF SURVEY


Notice is hereby given that pursuant to 19 V.S.A. § 710, a survey has been completed of the new portion of road in the Village of Essex Junction to be named Railroad Street and to be located beginning at a point on Park Street just south of the New England Central Railroad (NECR) Burlington branch; and then extending along the southeast side of NECR's Burlington branch and crossing NECR's main line (Roxbury subdivision line); continuing north along the east side of NECR's main line (Roxbury Subdivision line); continuing north to Maple Street. The new parking area is located east of the NECR Main Line (Roxbury Subdivision line) and adjacent to the new portion of Railroad Street.

The survey is being sent via certified mail to abutting property owners and will be recorded in the Town of Essex Land Records not less than 30 days after the abutters are notified. The survey has been completed in accordance with the provisions of 19 V.S.A. § 33.

Pursuant to 19 V.S.A. § 34, a person who has title to land abutting the highway and who is dissatisfied with the survey may appeal the results of the survey in the Chittenden County Superior Court within 120 days from the date the results of the survey are filed with the Town Clerk.

Dated at Village of Essex Junction, Vermont this 10th day of January, 2020.

VILLAGE OF ESSEX JUNCTION



Andrew Brown, Village President

From: Bridget Downey - Meyer

Sent: Wednesday, December 11, 2019 9:26 AM

To:

Subject: Thanks for your support!

Dear Trustees,

On behalf of the Gather Dinner Team, I want to thank you so much for your support of the dinner on January 11 (it's on your calendar, right?) We are confident that the dinner and gathering will be a wonderful and, hopefully annual, event.

Thanks again,

Bridget

MEETING SCHEDULES

01/10/2020

TOWN SELECTBOARD MEETINGS		VILLAGE TRUSTEES MEETINGS		JOINT MEETINGS	
					
January 13, 2020—7:00 PM		SB Regular, Budget Meeting			
January 14, 2020—6:30 PM		VB Regular			
January 14, 2020—7:15 PM		JT Special, 2 Lincoln			
January 21, 2020—7:00 PM		SB Regular, Budget Public Hearing			
January 21, 2020—7:45 PM		JT Special, 81 Main			
January 27, 2020—7:00 PM		SB Special, Charter Amendment Hearing, Essex High School			
January 28, 2020—6:30 PM		VB Regular			
February 3, 2020—7:00 PM		SB Regular, Charter Amendment Hearing, Essex High School			
February 3, 2020—7:45 PM		JT Special, 81 Main			
February 11, 2020—6:30 PM		VB Regular			
February 18, 2020—7:00 PM		SB Regular			
February 25, 2020—6:30 PM		VB Regular			
February 25, 2020—7:15 PM		JT Special, 2 Lincoln			
March 2, 2020—7:30 PM		Essex Community Dinner at 6:30; Annual Meeting at 7:30			
March 3, 2020—7:00 AM to 7:00 PM		Essex Voting			
March 10, 2020—6:30 PM		VB Regular			
March 16, 2020—7:00 PM		SB Regular			
March 24, 2020—6:30 PM		VB Regular			
March 24, 2020—7:15 PM		JT Special, 2 Lincoln			
April 1, 2020—7:00 PM		Essex Junction Community Supper at 6:00; Annual Meeting at 7:00			
April 6, 2020—7:00 PM		SB Regular			
April 6, 2020—7:45 PM		JT Special, 81 Main			
April 14, 2020—7:00 AM to 7:00 PM		Essex Junction Voting			
April 14, 2020—6:30 PM		VB Regular			

January 2020

SB = Town Selectboard

VB = Village Board of Trustees

JT = Joint Meeting of SB and VB



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1 New Year's Day OFFICES CLOSED	2	3	4
5	6 SB Budget Day 8:00 AM	7	8	9	10	11
12	13 SB Regular, Budget Mtg 7:00 PM	14 VB Regular 6:30 PM JT Special 7:15 PM	15	16 JT Governance Sub 7:00 PM, 81 Main	17	18
19	20 Martin Luther King Jr. OFFICES CLOSED	21 SB Regular, Budget Public Hearing, 7:00 PM JT Special 7:45 PM	22	23 JT Governance Sub 7:00 PM, 2 Lincoln	24	25
26	27 SB Special, Charter Amendment Hearing, Essex High School 7:00 PM	28 VB Regular 6:30 PM	29	30	31	1
2	3	Notes				

February 2020

SB = Town Selectboard

VB = Village Board of Trustees

JT = Joint Meeting of SB and VB



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	31	1
2	3 SB Regular 7:00 PM Charter Amend. Hearing Essex High School JT Special 7:45 PM	4	5	6	7	8
9	10	11 VB Regular 6:30 PM	12	13	14	15
16	17 President's Day OFFICES CLOSED	18 SB Regular 7:00 PM	19	20	21	22
23	24	25 VB Regular 6:30 PM JT Special 7:15 PM	26	27	28	29
1	2	Notes				