

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
May 14, 2013**

BOARD OF TRUSTEES: George Tyler (Village President); Dan Kerin, Andrew Brown, Lori Houghton, Elaine Sopchak.

ADMINISTRATION: Lauren Morrisseau Co-Manager & Finance Director; Susan McNamara-Hill, Co-Manager & Village Clerk/Treasurer; Rick Hamlin, Village Engineer; Jim Jutras, Water Quality Superintendent

OTHERS PRESENT: Jud Lawrie, Andrea Van Liew, Phoebe Spencer, Nick & Bridget Meyer, Rich Boyers, Eric Bowker, Rosalind Hutton, Jeff Forward, Kelly Fiske, Sandy Willey, Chad Farrell, Jason Starr (Essex Reporter).

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

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

2. AGENDA ADDITIONS/CHANGES

Changes to the agenda include:

- Evan Smith and Mary Whitcomb withdrew from consideration for the Bike-Walk Advisory Committee.
- Memo from Darby Brazoski, dated 5/14/13, corrected to include the planting of six trees in the tree planting grant application.
- Memo from Robin Pierce, dated 5/14/13, regarding sole source consultant for village plan update added to consent agenda.
- Letter from Green Mountain Power regarding streetlights removed from the consent agenda.

3. GUESTS, PRESENTATIONS, & PUBLIC HEARINGS

a. Comments from Public on Items Not on Agenda
None.

b. Applicants for Bike-Walk Advisory Committee

Following discussion of the charge for the Bike-Walk Advisory Committee the Trustees agreed the language should say “at least five members to a maximum of eight members on the committee”. Staff will revise the language and include the document on the consent agenda for the next meeting.

The following individuals briefly explained their interest in serving on the committee:

Andrea Van Liew	Rosalind Hutton	Rick Hamlin
Jud Lawrie	Eric Bowker	Phoebe Spencer

Bridget Meyer volunteered to help the committee and hoped the committee could begin its work in the near future. Ms. Meyer noted survey results from Heart and Soul showed of the 541 respondents over 400 had positive comment on more biking, walking, sidewalk, and path connections in the village.

c. Request by Nick Meyer to Adopt a Village Tree Policy

Nick Meyer read a statement on establishing a comprehensive tree plan for the village highlighting trees in the village provide an economic, environmental and social contribution as well as energy savings. Village resident, Sandra Willey, is interested in landscape projects in the village including tree planting/maintenance. A tree event was recently held at Summit Street School on Arbor Day (May 10, 2013). The village received a grant in 2012 from the Preservation Trust for tree plantings on Lincoln Place, Railroad Ave., and by the Brownell Library. Additional tree plantings with grant money will be done on Pearl Street, Central Street, and Lincoln Street. Landowners on the south side of Pearl Street and Central Street have been contacted regarding planting trees on their property. The village has submitted an application for a tree inventory grant and to develop a tree management plan. Now is the time to have a sustainable tree policy that looks to the future; there is real interest in the community, stated Mr. Meyer. Staff members, Darby Brazoski and Rick Jones, have been very helpful with the tree policy which can be further developed following review by other staff members (Jim Jutras) and the Planning Commission/Board of Trustees. The tree policy includes establishing a five member board to ensure tree planting and maintenance continues.

There was discussion of pruning trees along roadways and replacing trees that are removed. Sandy Willey explained pruning helps trees remain healthy. The elm trees by Lincoln Hall need selective pruning which is typically done during the dormant months (winter). Eventually the center maple tree in front of Brownell Library should be removed to provide a clear view of the beautiful building and allow the lawn to grow (grass will not grow under a maple tree).

The consensus of the Trustees is in support of the policy moving forward.

4. OLD BUSINESS

a. Discuss Amendment to Land Development Code (LDC) to Regulate Tobacco Retailers in Village Center

The Trustees reviewed the letter to the Planning Commission requesting amendment to the LDC to regulate tobacco retailers in the village center. Minor corrections to the letter were made (change ¼ mile radius to ½ mile radius of Thomas Fleming School). The letter will be forwarded to the Planning Commission for consideration. Dan Kerin expressed concern about setting a precedent of regulating business activity in the village. George Tyler pointed out a license to sell tobacco is required so there already is regulation in place. The New England School of Law advises this is a reasonable approach to find a balance between individual rights and the community's right to impose its will.

5. NEW BUSINESS

a. Encore Solar Energy Proposal

Jeff Forward, Chad Farrell, and Jim Jutras reviewed the public/private partnership for a solar energy proposal at the waste water treatment plant, noting the following:

- A turnkey project (fixed solar panel array) at no cost to the village will be provided.
- Royalties are based on the amount of electricity produced.
- There are incentives available for solar projects.
- Public/private partnership allows private investors to receive eligible tax credits, and the municipality to receive lower electric bills without incurring the expense of installing the system.
- Encore is working with the Whitcomb Farm on a solar project on the farm.
- Encore is a Burlington based company.
- The Board of Trustees is requested to sign the letter of intent to do the necessary preliminary engineering for the proposal and for an agreement between the investors and the village.

George Tyler noted the Village Attorney found nothing of concern with the proposal at this point, but further review will be done as the proposal moves forward.

Elaine Sopchak asked about the cost of the solar installation and the estimated cost after seven years. Jim Jutras stated the metrics have to be developed to monitor and determine the financials to purchase or continue with the lease. Chad Farrell added there are some IRS restrictions on these types of projects after the tax credits are paid. The sale would be a fair market value, arms-length transaction at 40% to 60% of the original install cost, but there are lots of variables. If electric costs go up then there is more value and vice versa. Jeff Forward noted the treatment plant uses a lot of electricity and with net metering other production in the village can be used to offset the bill. The cost of the 500 kilowatt system is \$1.5 million to \$2 million. The system produces about \$150,000 to \$160,000 worth of electricity. The worth of buying or financing with bonding or continuing the lease with Encore can be evaluated. The village would pay a flat rate for 20 years no matter the cost of electricity. Natural gas is used at the plant versus oil which is a benefit. A contract agreement for the electricity purchase price would be drafted so there is a fixed number in the budget line item. Chad Farrell stated there are a number of options to offer: step down pricing, lease. The site needs to be evaluated and the cost determined to interconnect the projects (treatment plant and Whitcomb Farm) plus the cost to build the project in order to determine the price per kilowatt (anticipated at \$.18 to \$.20 per kilowatt). Jim Jutras added there is three phase power on-site already and the village owns the land. The demand is high so the arrangement is a win-win for the village and the utility. Elaine Sopchak asked about the electric company buying excess power. Jeff Forward stated Green Mountain Power is not required to purchase the power, but has been doing so. That provision is going away. Green Mountain Power filed a tariff.

Andrew Brown asked if the village is locked into a purchase timeframe. Jeff Forward said no. Trustee Brown asked Jim Jutras if he is in favor of the project. Mr. Jutras confirmed this with continued evaluation as the project progresses. Jeff Forward noted there is some urgency in that the tax incentives go away in 2016. The utilities have a cap

for purchasing from the net metered system of 4%. Green Mountain Power is at 3% now. Costs are ticking up slightly in the industry. The village would receive net metering credits (top down credit on one or more of the village bills) and Encore is paid 10% of that. The purchase price for the village is fixed as the value of electricity increases. This is a way to increase the amount of renewable energy at fairly low risk to the village.

Dan Kerin asked about the efficacy of the solar panels after 10 or 20 years. Chad Farrell stated the useful life of the panels is 30 years. There is an approximate half percent per year degradation factor so after 20 years there will be 90% efficacy, 85% after 30 years, and 80% after 35 years. There is very minor maintenance of the panels after installation. The panels have a 25 year warranty. Approximately four acres will be used for the array. A shading analysis is done. The panels are set back from trees. After the village purchases the system (7 years) the village is responsible for maintenance (there are companies who provide this service). The array is monitored by a web based data acquisition system. Jim Jutras added the site has direct southern exposure and is bowl shaped with a high side and nearby power lines so the installation will be fairly easy.

MOTION by George Tyler, SECOND by Elaine Sopchak, to authorize the Village Co-Managers to sign the letter of intent with Encore Solar. VOTING: unanimous (5-0); motion carried.

b. Discuss Process for appointing Village Attorney and Village Engineer

Staff gave a brief history of the evolution from an RFP (in 1995) to identify a pool of engineering and law firms to work with the village to the appointment of a single village engineer and village attorney by the Village Manager upon approval by the Board of Trustees. George Tyler commented former Village Manager, Dave Crawford, reviewed current services and affirmed the village was receiving excellent service at competitive cost from the engineer and attorney. The village charter empowers the Village Manager with authority over all village employees. The Village Manager should have a general idea of the engineering and legal requirements of the village. Lori Houghton mentioned the firms serving the village have not changed in the past 18 to 25 years so it may be prudent to revisit the services provided by the engineer, attorney, and auditor. Elaine Sopchak suggested consulting with VLCT for an assessment process so there is documentation the village is receiving excellent service at a competitive cost. Dan Kerin cautioned against the Board micro-managing the village. The charge of the Village Manager is to do what is best for the community. The new village manager could be asked to contact VLCT. Lauren Morrisseau stated there is a tremendous amount of work and staff time to bring a new auditor or new engineer up to speed and this may not be the year to make a change in light of the village manager transition. Appointment of the Village Engineer, Village Attorney, and Auditor is made in June. Following further discussion the Board agreed to discuss the matter at the next Board of Trustees retreat.

6. VILLAGE MANAGER'S REPORT

a. Meeting Schedule

- May 28 @ 6:30 – Regular Trustees Meeting
- June 11 @ 6:30 – Regular Trustees Meeting

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

Special Meetings/Events:

- May 25 @ 10 AM – Memorial Day Parade
- June 4 @ 3-5 PM – Employee Appreciation Party at On Tap
- July 20 @ 4-9 PM – Village Annual Block Party & Street Dance

b. Wireless Microphones

Staff will purchase wireless microphones for the meeting room.

c. Equipment Grant

The village used the equipment grant from VLCT PACIF for manhole lifters.

7. TRUSTEES COMMENTS/ANNOUNCEMENTS

a. Board Member Comments

- Board of Trustees retreat is June 17, 2013 at 5:30 PM.
- Next Capital Project Committee meeting is June 4, 2013 at 5:30 PM.

b. Reading File

- Minutes from Planning Commission 4/18/13 and Block Party Committee 4/22/13
- CCRPC Notice of Hearing: Review FY2014 UPWP 5/22/13
- CCRPC Memo: ECOS Plan Second Public Hearing Draft
- Thank You Note from Essex Junction Senior Center
- Notice of Violation: 8 Railroad Avenue

8. CONSENT AGENDA & READING FILE

MOTION by George Tyler, SECOND by Andrew Brown, to approve the consent agenda as follows and with the addition of the memo from Robin Pierce, dated 5/14/13, and removal of the letter to Green Mountain Power:

- 1. Approve and Sign Annual Meeting Minutes 4/3/13**
- 2. Approve Minutes of Previous Meetings (4/23/13)**
- 3. Approve Warrants including Checks #10047013 through #10047116 totaling \$269,495.47.**
- 4. Approve Request to Close Streets for Memorial Day Parade 5/25/13**
- 5. Sign Acknowledgement of Ethics Policy**
- 6. Approve Appointment to Recreation Advisory Committee**

7. **Approve Grant Application for Vermont Urban and Community Forestry Program**
8. **Memo from Robin Pierce, dated May 14, 2013, re: Municipal Plan Update Sole Source Consultant Selection**

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

9. EXECUTIVE SESSION

MOTION by George Tyler, SECOND by Dan Kerin, to convene Executive Session to discuss personnel matters where premature public knowledge would place the village at a substantial disadvantage, and to invite the village co-managers to attend.

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

Executive Session was convened at 8:15 PM and adjourned at 8:45 PM.

ACTION FOLLOWING EXECUTIVE SESSION

MOTION by George Tyler, SECOND by Lori Houghton, to add “Human Resources Director” to the job title for Village Clerk/Treasurer and Tax Collector and to change the grade from 9 to 10 along with a 5% pay increase effective 3/25/13, and further, to award a bonus of \$500 to the Assistant Wastewater Chief Operator in recognition of his efforts above and beyond the normal operations of the wastewater treatment facility. VOTING: unanimous (5-0); motion carried.

MOTION by Andrew Brown, SECOND by Lori Houghton, to reconvene Executive Session to discuss personnel matters (unified manager position). VOTING: unanimous (5-0); motion carried.

Executive Session reconvened at 8:50 PM and adjourned at 8:59 PM.

10. ADJOURNMENT

There was no further business before the Board and the meeting was adjourned at 9 PM.

RScty: M.E.Riordan

