

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
June 11, 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; Robin Pierce, Village Development Director.
OTHERS PRESENT: Hilary Casillas, Chris Chiquoine, John Lajza, Tom Moreau, Tom Oddy, Jaye O'Connell, Nick Meyer.

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

Add:

- Announcement of leash cutting ceremony on June 29, 2013, 10 AM for dog park at 111 West Street to the reading file.
- Memo from Robin Pierce regarding the local match to the grant for the bike/ped plan to the consent agenda.

3. GUESTS, PRESENTATIONS, & PUBLIC HEARINGS

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

b. CSWD FY14 Proposed Budget

Tom Moreau, CSWD General Manager, highlighted the following in the proposed FY14 CSWD budget:

- The operating budget is down 2.7% or \$240,000 from last year's budget. Revenues are down as well.
- CSWD has been doing cost cutting and the budget since FY2009 has been decreased by \$476,000.
- The compost herbicide cost to CSWD was \$800,000 with \$270,000 paid out in damages to customers. Testing costs and inventory devaluation impacted the budget. There is no bagged compost product available for sale presently, but the herbicide problem and source have been identified and compost will be available for sale in the future.
- Trash levels (tonnages) are at the lowest level in the past 14 years.
- A private C&D enterprise is being built in Chittenden County which will accept material that otherwise would be taken by CSWD. The facility will not be in competition with CSWD because the goal of both entities is to recycle the material.

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- Building the landfill is on hold as the mission to increase recycling as much as possible continues (based on current tonnage data there is not enough trash to support the landfill at this point in time).
 - Drop off center cost is increasing by 14% from \$3.25 per bag to \$3.75 per bag. It is anticipated the rate will hold for the next five years.
 - Land application of biosolids is being done at a site in Chateaugay, New York through Casella.
 - The budget depends on the fee for trash and sale of materials. CSWD in a sense is a victim of its own success in that recycling rates are strong so there is less tonnage of trash which means less revenue. At some point the CSWD board must deal with deciding when the mission has been met.

George Tyler commented C&D debris appears to have held steady regardless of the economy. Tom Moreau noted the damage from the flooding in the past couple of years generated much C&D debris. There was brief discussion of trucks going through Five Corners if the landfill in Moretown is no longer available and trash must be transported to the landfill in Coventry.

John Lajza was recognized for his service to the village as a former Trustee and as the village representative to the CSWD board. Mr. Lajza said serving on the various boards over the years has been fun and surprising. The community in general has been very supportive. Tom Moreau was commended for his handling of the compost persistent herbicide matter.

MOTION by Lori Houghton, SECOND by Andrew Brown, to approve the proposed CSWD FY14 budget as presented. VOTING: unanimous (5-0); motion carried.

c. Public Comment on CVE Request for Category C Noise Waiver for Relay for Life Event on June 21-22, 2013

Lauren Morrisseau explained the Category C noise waiver allows the Trustees to set the decibel limit and provides opportunity for public comment.

Chris Chiquoine, Prospect Street, asked if the decibel limits will be any different than in the past. Lauren Morrisseau stated staff is recommending slightly higher levels for the Relay for Life event (90 dB one hour average rather than 78 dB and 95 dB maximum five minute average rather than 83 dB). Mr. Chiquoine pointed out the limits apply to certain hours and in the past the night time limits were applied. Mr. Chiquoine said he sees no reason to increase the levels from what was allowed in the past since the event has been able to operate within the limits and when that has not been possible it has been very disruptive to the neighbors. Also, one hour average at 90 dB is twice the amount of noise as 78 dB.

Lori Houghton asked if CVE is requesting the new levels. Tom Oddy, CVE, said the higher level was not requested, but two years ago there was a five second spike in noise after 11 PM (the source could not be identified) which resulted in a violation. Subsequently Dave Crawford and Robin Pierce asked that the noise be monitored for the

entire event which was done. The cost of the monitoring was borne by Relay for Life. Mr. Oddy explained the duration of the spike in noise was about a minute and CVE has five minutes to bring the noise back under the limit. There was discussion of OSHA standards for noise. Robin Pierce noted constant 90 dB for over eight hours is a problem as is 115 dB for more than 15 minutes. The proposed limits are far less. Category C waiver allows the level to be set by the Trustees. Category A or B have set noise levels. George Tyler noted the one hour average of 90 dB recommended by staff will protect CVE from anomalies in the noise level. Hilary Casillas, American Cancer Society, assured the intention is not to create more noise because the Cancer Society understands the neighbors are sleeping while the event is going through the night. The set up will be the same as last year. Tom Oddy added someone will monitor the noise level. One hour average and instantaneous readings can be taken. The Category C waiver takes the level beyond midnight. Steps have been taken to help reduce the noise, such as reorienting the stage and other changes on the site.

Elaine Sopchak suggested the average reading remain at a Category B level and if there is an anomaly that is not a violation. Chris Chiquoine interjected an anomaly will not occur because there is a five minute average phenomenon. The five minute average threshold is high. Tom Oddy stated a Category C is workable with the Category B decibel level for the duration of the event (past midnight). Chris Chiquoine expressed concern about extending the Category B noise level throughout the night which would allow a concert in the middle of the night. Lori Houghton pointed out the waiver is only for the Relay for Life event. Tom Oddy added last year the noise level was constantly monitored between 12 AM and 6 AM and the noise was below what is allowed in the Land Development Code.

George Tyler read a letter from Renee Dall, 24 Warner Ave., regarding noise from the fairgrounds and hearing the joyful noise of cheering and motivational speeches from Relay for Life which is preferred over fireworks.

Chris Chiquoine commented the noise ordinance is there to protect the public, but it appears the Trustees are saying some of the public does not need protection. Mr. Chiquoine reiterated his objection to increasing the decibel limit when the event has been able to take place for multiple years within the limit. George Tyler explained the waiver is giving CVE a safety cushion to avoid the anomaly that occurred two years ago. The waiver should have been a Category C all along. Per the Land Development Code after midnight the average level is 50 dB and the instantaneous maximum is 60 dB, but the Trustees can grant a waiver.

There were no further comments.

4. OLD BUSINESS

a. Action on CVE Request for Category C Noise Waiver for Relay for Life

MOTION by Lori Houghton, SECOND by Andrew Brown, to grant a Category C waiver for the Relay for Life event on June 21, 2013 at 4 PM through June 22, 2013 at 9 AM with a decibel level of 78 dB one hour average and a maximum five minute

83 dB level for the duration of the event. VOTING: unanimous (5-0); motion carried.

b. Response from Planning Commission re: Regulating Tobacco Retailers
George Tyler reported the Planning Commission felt an ordinance should be crafted rather than a change made to the Land Development Code regarding retail establishments selling tobacco products. A meeting with the Co-Managers, Development Director, Planning Commission Chairwoman, Village President and possibly the Village Attorney will be held to determine the best course of action.

5. NEW BUSINESS

a. Discuss Accepting Credit Card Payments

Susan McNamara-Hill reported Value Payment Systems will process credit card payments and collect the fee from the user rather than charge the village for the service. People can still opt to write checks to make payments to the village.

b. Design Improvements to Railroad Avenue

Robin Pierce reviewed a proposal to add a tree lined median on Railroad Ave. and change the parking from parallel to head-in in places. The median will help slow down traffic by narrowing the travel way to 11' wide. The look of the street will be dramatically different.

Lori Houghton stated the change in the street will not benefit the farmers market and business owners in the area are concerned about the impact of the angled parking and the ability to get in and out of parking spaces. Trustee Houghton suggested looking at a broader perspective when improving the downtown area for bikes, pedestrians, and businesses. The grant to study closing Main Street from Five Corners to Railroad Ave. from vehicular traffic should be expanded to study the entire block and the Heart & Soul values should be taken into consideration. George Tyler pointed out public forums were held before Heart & Soul where the public expressed the desire for a more walkable, pedestrian friendly community with better traffic flow and less crime.

There was discussion of the impacts of changing the traffic pattern with the crescent connector especially if the section of Main Street between Five Corners and Railroad Ave. is closed to vehicular traffic. The Trustees agreed more information and understanding is needed on how the village core will be navigated with the crescent connector.

Nick Meyer, Pleasant Street, agreed with the idea of looking at a larger area in the study, adding other alternatives to the median idea should be explored. The sidewalk along Railroad Ave. is wide and trees planted along the sidewalk would soften the area while providing shade for the outside dining areas along the street.

6. VILLAGE MANAGER'S REPORT

a. Meeting Schedule

- June 25 @ 6:30 – Regular Trustees Meeting

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- 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:

- June 17 @ 5:30 PM – Trustees Retreat
- July 20 @ 4-9 PM – Village Annual Block Party & Street Dance
- October 3 – VLCT 2013 Town Fair at Killington

2. See Quick Fix Program

The renewal cost for the quick fix reporting program is \$3,600. Staff will compile data on use of the program by the public and report the results at the next meeting.

3. Village Website

Technical support for the village website will no longer be available through Catamount Web Solutions, LLC. Staff will investigate having a new website done.

4. Caring for Canopy Grant

The village received a grant to do a tree inventory and management plan.

5. Water Shed Monitoring

Rick Hamlin has been authorized to do water shed monitoring (33 Mansfield Ave.). If needed, application will be made for a hazard mitigation grant.

6. Department Head Meeting

Pat Scheidel will attend the next department head meeting (6/12/13).

7. Retreat

The Trustees retreat is 6/17/13. Dinner will be served.

7. **TRUSTEES COMMENTS/ANNOUNCEMENTS**

a. Board Member Comments

- George Tyler stated Jim Jutras and Tom Moreau verified that the village is not shipping contaminated or treated sludge.

b. Reading File

- Minutes from Zoning Board 5/21/13
- Email String re: Biosolids

8. **CONSENT AGENDA & READING FILE**

MOTION by Andrew Brown, SECOND by Elaine Sopchak, to approve the consent as follows and with the addition of the memo from Robin Pierce, dated 6/11/13,

regarding the local match for the Essex/Essex Junction Bike/Ped Plan and with the deletion of the memo from Robin Pierce, dated 6/6/13, regarding the 2013 VTrans Bicycle and Pedestrian Program:

1. Approve Minutes of Previous Meetings (5/14/13&6/6/13)
2. Approve Warrants including Checks #10047203 through #10047262 totaling \$131,318.27
3. Approve FY14 Lincoln Hall Leases
4. Approve and Sign Thank You Letter to Superintendent Michael Deweese
5. Approve Amendment of Motion re: Office Renovation Project
6. Approve Trees for Streams Grant Application

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

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

MOTION by George Tyler, **SECOND** by Dan Kerin, to convene Executive Session to discuss legal and personnel issues where premature public knowledge would place the village at a disadvantage, and to invite the Co-Managers to attend.

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

Executive Session was convened at 8:20 PM and adjourned at 8:59 PM.

10. **ADJOURNMENT**

MOTION by George Tyler, **SECOND** by Andrew Brown, to adjourn the meeting.

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

The meeting was adjourned at 9:00 PM.

RScty: M.E.Riordan

