

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
January 28, 2014**

BOARD OF TRUSTEES: George Tyler (Village President); Dan Kerin, Elaine Sopchak, Andrew Brown, Lori Houghton.
ADMINISTRATION: Patrick Scheidel, Village Manager; Lauren Morrisseau, Co-Manager & Finance Director; Susan McNamara-Hill, Co-Manager & Village Clerk/Treasurer/HR Director; Robin Pierce, Community Development Director; Jim Jutras, Water Quality Superintendent.
OTHERS PRESENT: Representative Linda Waite-Simpson, Representative Tim Jerman, Peggy Pearson.

I. 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.

II. AGENDA ADDITIONS/CHANGES

Add:

- Correspondence from the law office of Fred V. Peet, dated 1/23/14, re: impacts of the crescent connector on a property owner adjacent to the planned roadway.
- Letter to Martha Reid, State Librarian, re: statewide delivery system.
- CVE Agreement

III. GUESTS AND PRESENTATION

1. Comments from Public on Items Not on Agenda

None.

2. Public Hearing: FY15 Proposed Budgets

Lauren Morrisseau reported:

- Proposed FY15 Budget total is \$8,953,263 (3.95% increase over last year). The budgets are:
 - General Fund \$3,468,826
 - Water \$3,223,451
 - Waste Water \$1,797,996
 - Sanitation \$ 462,990
- Other proposed spending includes payment into reserve funds, capital projects, rolling stock, and bonded projects. Total other proposed spending is \$5,398,552.
- Increases in the General Fund are due to a new line item for the shared village manager (which is offset by a reduction in personnel costs), funding for the tree advisory committee, funding for stream flow monitoring, capital contributions, and Lincoln Hall maintenance.
- Decreases in the General Fund occurred in salaries and health insurance, reductions related to the shared manager, and miscellaneous small items.

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- The non-IBM grand list is projected to increase 1% per year.
 - Challenges include a bond issue to fund needed capital projects, funding for new services such as stream flow monitoring, the tree advisory committee, and support for senior citizens. Outside maintenance is needed on Lincoln Hall.
 - Cost saving measures include a shared manager with the town, delay of hire in the Street Department, procurement of grants.
 - Capital projects paid by the capital reserve fund include security cameras at the library, engineering work for water line and road work on Algonquin Ave. and Railroad Ave., and paving.
 - The crescent connector road is 100% grant funded and the multi-use path north is funded with a grant (80%) and local match (20%).
 - Proposed bond issue will cover School Street reconstruction, Maple Street drainage, Briar Lane reconstruction, Hillcrest drainage, and Main Street drainage, curb, and sidewalk. Total cost of projects is \$3,693,579.
 - Diesel dump truck and sidewalk plow will be purchased with funds from the Rolling Stock Fund.
 - Water and sanitation projects funded by capital reserves and bonds include meter upgrade, water and sewer line reconstruction, pump station work, drainage, and repair/maintenance work.

COMMENTS

Tim Jerman mentioned the slip lining process that was done on Algonquin in the past. Lauren Morrisseau explained slip lining is done on sewer lines, not water lines. The section of Algonquin proposed to be done is from Cherokee to Iroquois (Abnaki to Iroquois was done last year).

There were no further comments. The hearing was closed at 6:40 PM.

3. Discuss 2014 Legislative Priorities with State Representatives

Representatives Linda Waite-Simpson and Tim Jerman were in attendance. George Tyler explained the Trustees would like to focus discussion on the community relative to legislative priorities and get feedback on discussion/activity in the legislature where the village can be of assistance. The list of legislative priorities identified by the Trustees includes:

- Water quality and ensuring legislation is fair. Communities with treatment plants have been carrying the burden for those communities without treatment plants that may be a larger contributor to the problem.
- Paving and urging the state to help with paving and road resurfacing in the village.
- State licensing of massage therapists to safeguard against illicit businesses. Changes to the village code are proposed as well.

Rep. Jerman reported he is sponsoring a bill to license massage therapists. There is opposition, but the bill is gaining support and will be substantially discussed. Licensing has been tried before. The Office of Professional Regulation (OPR) regulates the profession, but does not look for criminal activity. The current proposal is to license

through the Department of Public Safety. Professional therapists favor the bill, but some who have been practicing for years do not want to pay a fee.

Regarding H.586, the water quality bill (distinct from the Shoreline Protection Act), Rep. Jerman said significant federal regulations are anticipated. George Tyler stressed the bill needs to be science based, not emotional based. Jim Jutras noted his staff is monitoring the regulations as they come out and is staying in touch with VLCT. Other issues being debated by the legislature include the education tax rate, decrease in the statewide grand list, decrease in student enrollment, increase in spending, and school consolidation. The Commissioner of Education is now part of the Governor's cabinet. Balancing the budget will be a challenge. Federal money (ARRA) is no longer available. Needs are increasing. The opiate addiction situation is also an issue. Regarding health reform, ACA (Affordable Care Act) and rollout has not been smooth. The Administration is looking now how single payer would be funded and the process. There are many questions to be answered.

The legislature has also been discussing IBM's serious energy issue and \$38 million electric bill. IBM has indicated their plants outside the state have lower electric costs, some as much as half the cost of the electric bill in Vermont, which is a significant consideration given IBM's hardware group suffered a 50% loss the last quarter. Legislative intervention may be necessary to provide some relief. Ratepayers will have to absorb the costs. Of note is that IBM uses over three million gallons of water which is huge for the village and Champlain Water District. The legislature is discussing short term revenue loss versus long term consequences and jobs remaining in the state. The community has made concessions for IBM in the past because the positives outweigh the negatives.

The recent passing of Sen. Sally Fox was mentioned.

IV. OLD BUSINESS

1. Adopt 2014 Legislative Priorities

MOTION by Dan Kerin, SECOND by Lori Houghton, to adopt the 2014 legislative priorities as presented.

DISCUSSION: There was discussion of removing massage therapist licensure from the list. No change was made.

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

2. Scope of Services for Village Center Redevelopment

The following comments were made relative to the draft scope of services:

- The focus of the scope is to help developers and property owners visualize what the village code is trying to achieve and to make it easier to get through the permit process.
- Community involvement is key.
- Elaine Sopchak suggested including in the scope a consultant to provide guidelines on the governance structure that would be most useful for the area and the way the village plans.

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- Form based code was mentioned. Robin Pierce explained form based code is not a new idea. Form based code needs to have context, massing, and architecture because if the design is to a set of rules the results can be bland. The design should be specific to Essex Junction.
 - Lori Houghton suggested planners and the consultant explain to the Trustees the options and how best to accomplish the plan that is developed. The village is a walking community and a pass-through community. The plan needs to find a way to get people passing through to stop in the downtown area to shop or dine plus there must be a way for people to walk to places as well.
 - Dan Kerin stated sufficient parking is needed so people can stop and shop in the downtown area.
 - The village cannot compete with the “box stores” in neighboring towns so the plan should focus on specialty shops, cafes, and places that give a “downtown feel”.
 - Assessing what the community will support would be helpful so developers will know what to build. The development should complement existing businesses.
 - Elaine Sopchak stated there is already data on what village residents want in the village from the Heart & Soul exercises so the RFP should not request community research on what businesses should be in the downtown area. Better information on the nature of the entire village center and kinds of development people want to see there versus the kinds of businesses (i.e. more office space) is needed.
 - Lori Houghton said knowing the types of businesses the community will support in the downtown, such as professional services, restaurants, or coffee shops for example, would be helpful because that will influence what will be built.
 - Dan Kerin commented businesses do their own market research before locating in an area. The village should focus on potentially rezoning certain areas to promote the desired types of development.
 - Robin Pierce said local brokers look at demographics and other data to determine what will do well in a location.
 - A charette to help determine what the community will support is a useful exercise.
 - Information that would be useful includes:
 - Where is the demand for apartments in the village and where are the people finding jobs.
 - What other sustainable development could be built in the village.
 - What is the mix of affordable housing, elderly housing, and middle income/market rate housing that fits for the downtown.
 - Andrew Brown stated the village should plan for the day if/when IBM is no longer solvent in the present location and provide incentives to attract similar type employers.
 - Pat Scheidel added tax breaks could be offered for encouraging certain employment numbers of kinds of businesses the village is seeking.
 - Information on existing incentives that the village offers now needs to be provided to businesses and property owners. The information should be included in the village newsletter, posted on the website, and on a flyer that is distributed.

3. Discuss/Approve Renewal of CSWD Biosolids Participation Agreement

MOTION by Dan Kerin, SECOND by Andrew Brown, to amend the order of the agenda to address the CSWD item immediately. VOTING: unanimous (5-0); motion carried.

Jim Jutras explained the new contract that continues the agreement with CSWD regarding biosolids disposal and includes the Grasslands option in Chateaugay, New York. Preferred choices for disposal are first recycling nutrients with local farms, secondly composting in New York, and lastly landfilling the material. The agreement renewal includes the five year extension of the contract and the option to continue land application regardless of the contract. Wet ton and processing cost for the village is \$85-\$95 per wet ton disposed.

MOTION by Dan Kerin, SECOND by Elaine Sopchak, to authorize the Village Manager to sign the proposed renewal to the Chittenden Solid Waste District (CSWD) Management Participation Agreement. VOTING: unanimous (5-0); motion carried.

4. Amend FY14 Capital

Lauren Morrissette reported reconstruction of Woods End is ready to go out to bid. The work can be done in the spring. Contractors are likely to give a good price on the bid now. The project can be moved from FY15 to FY14 capital plan. The deficit in the FY14 capital reserve fund will be made up by the contribution in fiscal year 2015. The FY15 budget will be decreased because the project will be complete and no longer in the budget.

MOTION by Lori Houghton, SECOND by Andrew Brown, to amend the FY14 General Fund Capital Reserve Plan to include Woods End reconstruction. VOTING: unanimous (5-0); motion carried.

5. Discuss Funding of Capital Projects

The five top priority projects identified by the Capital Project Committee and scenarios for completing the projects were discussed. The voters must support a bond or the projects will be reincorporated into the capital project list (the projects will be at the top of the list) and done as funding allows. The infrastructure is aging and continuing to deteriorate so failures will continue to occur. There was mention of the anticipated increase in town taxes due to the new police facility. Elaine Sopchak mentioned asking the town to share in the cost of the projects on Main Street and Maple Street which are major roads used by residents of the village and residents of the town. Pat Scheidel pointed out the people who have the ability to vote are the ones who pay. There was mention of having the village and town do a bond issue together. Pat Scheidel said the matter can be discussed and legal advice should be sought.

MOTION by Lori Houghton, SECOND by Dan Kerin, that Scenario 3 (School Street, Maple Street, Briar Lane, Hillcrest, Main Street) at a cost of \$3.1 million as noted in the memo from Lauren Morrissette, dated 1/28/14, be put on the Australian ballot for vote by village residents.

DISCUSSION: George Tyler stated over the next three years the village can “tighten its belt” and transfer money from the general fund to capital projects. Dan Kerin pointed out there are many unknown costs, such as health insurance, water quality treatment, storm water. Andrew Brown stated a water main break is a health concern. Residents need clean water. Any breaks must be addressed regardless of whether the bond is approved. Pat Scheidel said staff will develop a fallback plan should the bond not pass. Lauren Morrissette noted the last bond in the village for roads was 20 years ago. There were no further comments.

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

6. Discuss/Approve Renewal of Financial Agreement with CVE

Pat Scheidel reported the CVE board approved extending the agreement at the same rate until 2019 with the caveat the agreement is reviewed if state law changes the tax exempt status.

MOTION by George Tyler, SECOND by Dan Kerin, to authorize the Village Manager to execute the agreement with CVE subject to legal review by the Village Attorney and with additional language stating further review of the agreement will occur if state law is passed revoking the tax exempt status. VOTING: unanimous (5-0); motion carried.

7. Amend Tree Advisory Committee Description

MOTION by Elaine Sopchak, SECOND by Dan Kerin, to approve five members on the Tree Advisory Committee. VOTING: unanimous (5-0); motion carried.

V. NEW BUSINESS

None.

VI. VILLAGE MANAGER’S REPORT

1. Meeting Schedule

- February 11, 2014 @ 6:30 – Regular Trustees Meeting
- February 25, 2014 @ 6:30 – Regular Trustees Meeting
- March 11, 2014 @ 6:30 – Regular Trustees Meeting
- March 25, 2014 @ 6:30 – Regular Trustees Meeting
- April 8, 2014 @ 6:30 – Regular Trustees Meeting
- April 22, 2014 @ 6:30 – Regular Trustees Meeting

Special Meetings/Events:

- February 10, 2014 @ 5-7 PM – Heart and Soul Final Presentation at EHS
- April 2, 2014 @ 6 PM – Community Supper before Annual Meeting
- April 8, 2014 7 AM – 7 PM – Australian ballot voting

2. Police Facility

Investment in the public safety building by the community is a good investment and sends a positive message about the community and taking care of infrastructure.

3. Budgets

Staff has been focused on preparing the budget for the annual meeting.

4. Bond Vote

Staff will confirm the advertising dates for the bond vote.

VII. TRUSTEES COMMENTS/CONCERNS & READING FILE

1. Board Member Comments

- Lori Houghton mentioned the public hearing on the multi-use path is scheduled during school vacation. Many people may be out of town and unable to attend. Staff will research legal requirements for warning and holding the public hearing.
- Elaine Sopchak said the language drafted for the Land Development Code to address massage parlors has been reviewed by the Village Attorney and the advice is to incorporate regulations in the code rather than have an ordinance. George Tyler suggested making the use a conditional use which will require a public hearing. The Zoning Board can place conditions on the approval. Ms. Sopchak said there should be language in the code and an involved registration process that must be renewed annually and conditions of no living quarters, no locked doors, and entry in the front of the establishment. One issue is that the village does not have a regular inspection process and cannot target a single business for inspection. Staff will invite Edith Klimoski and Police Chief LaRose to the next meeting.
- Andrew Brown clarified the Trustees did not make any requests or mandates relative to the potential cost cutting measure of using the basement of the library for meeting space. George Tyler added the Kolvoord Room in the library was specifically donated as a meeting room.
- Dan Kerin referred to the letter regarding the impact of the crescent connector on the ability to rent the apartments at 15-17 Maple Street and pointed out there are many buildings located close to the road in the village, for example buildings on Railroad Street. Lori Houghton noted the property owner invested in his property and his concerns need to be recognized. Dan Kerin suggested noise and view of the road could be buffered with a hedge in the right-of-way. Elaine Sopchak confirmed the public comment period on the environmental assessment for the road has been held.

2. Reading file:

- Minutes of Planning Commission (1/2/14 & 1/16/14)
- Minutes of Capital Program Review Committee (1/7/14)
- Correspondence from resident re: traffic light on Park Street at South Street
- Correspondence from resident re: crescent connector
- Correspondence re: Whitcomb Farm

VIII. CONSENT AGENDA & READING FILE

MOTION by Lori Houghton, SECOND by Elaine Sopchak, to approve the consent agenda as presented:

1. Approve Minutes of Previous Meetings (1/14/14)
2. Approve Warrants including check #10048603 through #10048682 totaling \$477,312.87.

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

IX. EXECUTIVE SESSION and/or ADJOURNMENT

MOTION by George Tyler, SECOND by Dan Kerin, to go into Executive Session to discuss contract/real estate issues, and invite the Village Manager and Co-Managers to attend. VOTING: unanimous (5-0); motion carried.

Executive Session was convened at 8:45 PM.

MOTION by George Tyler, SECOND by Dan Kerin, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous (5-0); motion carried.

Executive Session was adjourned and the regular meeting reconvened at 9:22 PM.

ACTION FOLLOWING EXECUTIVE SESSION

MOTION by George Tyler, SECOND by Lori Houghton, to approve the letter to Martha Reid, State Librarian, for signature by the Village President, George Tyler, on behalf of the Board of Trustees. VOTING: unanimous (5-0); motion carried.

MOTION by George Tyler, SECOND by Andrew Brown, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 9:24 PM.

RScty: M.E.Riordan 