

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
February 11, 2014**

BOARD OF TRUSTEES: George Tyler (Village President); Dan Kerin, Elaine Sopchak, Lori Houghton. (Andrew Brown was absent.)
ADMINISTRATION: Patrick Scheidel, Village Manager; Lauren Morrisseau, Co-Assistant Manager & Finance Director; Susan McNamara-Hill, Co-Assistant Manager & Village Clerk/Treasurer/HR Director.
OTHERS PRESENT: Fred Duplessis, Police Chief Brad LaRose, Edith Klimoski, Susanna Olson, Mia Marinozich.

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:

- Memo from Finance Director on FY15 budget corrections
- Proposal for village and town re: massage parlors
- Updated resolution of appreciation to community for participation in Heart & Soul

III. GUESTS AND PRESENTATION

1. Comments from Public on Items Not on Agenda

Mia Marinozich, Martone's Market, asked permission to hold a sleep-out on the sidewalk in front of Martone's Market as a fund raising event for Spectrum Youth on Friday, March 28th. The goal is also to increase awareness of the issue of homeless youth in the community. The police will be notified of the event. If weather is inclement the sleep-out will be a sleep-in at Martone's Market. For the past four years the Martone family has been raising money for COTS (approximately \$50 per month) through the sale of artwork at the market.

The consensus of the Trustees is to allow the event. Dan Kerin mentioned potential interaction with individuals leaving area establishments on a Friday night.

2. Presentation: FY13 Audit

Auditor, Fred Duplessis, reported the FY13 audit shows the village is in full conformance with generally accepted accounting principles. There are no findings or deficiencies. Good controls and documentation are in place. The audit is clean. The fund balance is where it should be. Revenues are \$94,000 better than budgeted. Expenditures are within \$667 of budget which is remarkable. Enterprise funds (water, sanitation, waste water) all had a surplus at the end of the year. The footnotes in the audit report contain information about the village. The schedules have information on the reserve funds.

Staff was commended for a job well done with the audit.

3. Discussion: Human Trafficking/Massage Parlors

Edith Klimoski with Give Way to Freedom (private foundation helping victims of trafficking) provided information on the issue of human trafficking around the world (labor and sex trafficking) and its many manifestations - nannies, maids, domestic servants, gardeners, construction, cleaning, hair and nail salons, massage parlors, escort services, prostitution. Ms. Klimoski noted:

- Of the 2.5 million victims, half are children and 800,000 people are trafficked across international borders.
- Nearly 17,500 victims are brought into the U.S. each year.
- There are 300,000 incidents of runaways/homeless youth each year and approximately 100,000 are subjected to human trafficking situations.
- Human smuggling is entering another country without proper documents and paying a fee to get there. Human trafficking is going by force, fraud, and/or coercion.
- Victims of human trafficking experience captivity/confinement, frequent/constant accompaniment, threat/fear, shame, self-blame, Stockholm Syndrome, normalization, language/social barriers, distrust of law enforcement, frequent relocation, being trained to lie, resignation. Sex traffic victims may have tattoos/branding, inappropriate clothing, older boyfriend, possessions that are off for the person, inappropriate behavior, or STDs.
- There are federal and state laws to prosecute offenders.
- Vermont has a safe harbor provision to protect identity and privacy.
- Give Way to Freedom provides help and services (including translators or picture communication). The rapid response system shows victims what will happen when they talk to police or what will happen if they do not, and what services are available.

Police Chief Brad LaRose discussed local regulations needed if federal and state controls come up short in shutting down activities and pursuing offenders. Issues facing police include the business being revived in another location, locating and maintain witnesses, victims being moved out in the dark of night. Regulations that shift a civil investigation to a criminal investigation are needed. Chief LaRose suggested working with legal counsel to draft regulations that are solid and defensible.

Dan Kerin mentioned victims are reluctant to talk to law enforcement because they do not want to be sent back to their country. Law enforcement in the state has been told not to question the status of foreigners.

Lori Houghton asked about the percentage of victims who call out for help. Ms. Klimoski said the percentage is low mainly because of lack of awareness of help being out there.

Elaine Sopchak reviewed proposed language for “personal service establishments” in the Land Development Code and a separate section for massage parlors, noting the following:

- The purpose is to have safe and legal operations and prevent exploitation and human trafficking.
- Information on the establishment and everyone in the building will be collected upfront, much like what is done by schools with teachers.
- The business permit must be renewed each year. Any complaints will trigger a public hearing before the permit is re-issued. Any violations can result in the permit being revoked.
- A hearing will be immediate if records are falsified or there is indecent conduct.
- The permit must be displayed on the premise.
- The business must be closed from 10 PM to 7 AM.
- Locks are not allowed on the massage rooms.
- No services will be provided to intoxicated persons.
- Services must be advertised on a sign and windows cannot be covered (curtains and normal window dressings only).
- Entry/exit from the building cannot connect to another business or living quarters. Entry/exit is to a public street, not an alley.
- If a landlord knows a business is operating on his property without a permit the landlord is culpable.

Lori Houghton asked why other establishments known to attract trafficking, such as nail salons and restaurants, are not included in the new regulations. Elaine Sopchak said the Department of Labor covers these establishments. Police cannot go into a restaurant looking for criminal activity. With massage parlors a case is developed.

The Village Attorney will review the proposed language for approval by the Trustees before the section is forwarded to the Planning Commission for inclusion in the Code.

IV. OLD BUSINESS

1. Adopt FY15 Budgets and Capital Programs

Lauren Morrissette reviewed the following:

- FY15 operating budgets
 - General Fund \$3,468,826
 - Water Fund \$3,223,451
 - Waste Water Treatment Fund \$1,797,996
 - Sanitation Fund \$ 463,990
- FY15 capital fund budgets
 - General Fund Capital Reserve \$ 957,520
 - Rolling Stock Fund \$ 345,375
 - Water Fund Capital Reserve \$ 82,977
 - WWTF Capital Reserve \$ 70,457
 - Sanitation Fund Capital Reserve \$ 423,110
- Tax Rate to support General Fund budget estimated at \$.02771 (increase of 3.9%).

- Utility rate to support enterprise funds estimated to increase 5%.

MOTION by Elaine Sopchak, SECOND by Dan Kerin, to adopt the FY2015 budgets as follows:

- **FY15 operating budgets**
 - **General Fund** \$3,468,826
 - **Water Fund** \$3,223,451
 - **Waste Water Treatment Fund** \$1,797,996
 - **Sanitation Fund** \$ 463,990
- **FY15 capital fund budgets**
 - **General Fund Capital Reserve** \$ 957,520
 - **Rolling Stock Fund** \$ 345,375
 - **Water Fund Capital Reserve** \$ 82,977
 - **WWTF Capital Reserve** \$ 70,457
 - **Sanitation Fund Capital Reserve** \$ 423,110

VOTING: unanimous (4-0); motion carried.

2. Adopt Resolutions to Bond for Capital Projects at Special Village Election
 Lauren Morriseau explained the bond resolutions with corrected projected cost figures from the Village Engineer (\$3.3 million). The language in the resolutions has also been revised.

MOTION by Dan Kerin, SECOND by Lori Houghton, to adopt the “Resolution of Intent” and “Declaration of Official Intent of the Village of Essex Junction to Reimburse Certain Expenditures from Proceeds of Indebtedness” as revised.
VOTING: unanimous (4-0); motion carried.

3. Draft Scope of Services for Village Center Redevelopment
 The following suggestions were made:

- Add bullet stating what the village has established (i.e. tree committee, bike/walk committee, Heart and Soul values).
- In Section II, bullet reading: “Streamline the application review process by helping developers envision the kind of design standards and construction...” – replace “by helping developers envision” with “to help the village envision” and clarify the bullet to say “streamline the application review process to allow developers to follow with relative ease and without significant increase in cost the kind of design standards and construction compatible with the village”.
- In Section II, bullet reading: “Compare the village’s existing application review process (planning commission) with other possible models.” – delete “(DRB)”.
- In Section II, bullet reading: “Illustrate how possible long term changes in traffic flow...” – delete “such as rerouting tractor trailer truck traffic away from Five Corners and/or ‘pedestrianizing’ a short section of Main Street”.
- Add a bullet to consider county and statewide transportation. The bullet could read: “Consider, compare, discuss transportation as it exists and future goals.”
- Add a bullet in Section III to address the village working to purchase property or investment strategies (i.e. local incentives, property tax stabilization).

- With Section IV (community in the planning process) have the consultant identify where public participation could take the lead, such as with Stevens Park, for example. Following further discussion of this suggestion there was agreement not to give the consultant this task as the Trustees will determine projects and public participation.

George Tyler will meet with staff and begin drafting the RFP.

V. NEW BUSINESS

1. Approve/Sign Resolution of Appreciation for Heart and Soul of Essex

George Tyler read the resolution extending thanks and appreciation to all who participated in Heart and Soul.

MOTION by George Tyler, SECOND by Lori Houghton, to approve and sign the resolution of appreciation for Heart and Soul of Essex. VOTING: unanimous (4-0); motion carried.

2. Approve/Sign Certificate of Highway Mileage

MOTION by Elaine Sopchak, SECOND by Lori Houghton, to approve and sign the Certificate of Highway Mileage for Essex Junction. VOTING: unanimous (4-0); motion carried.

3. Approve/Sign Town Road and Bridge Standards

MOTION by Dan Kerin, SECOND by Lori Houghton, to approve and sign the Town Road and Bridge Standards. VOTING: unanimous (4-0); motion carried.

4. Approve/Sign Certification of Compliance for Road and Bridge Standards

MOTION by Elaine Sopchak, SECOND by Dan Kerin, to approve and sign the Certification of Compliance for Road and Bridge Standards. VOTING: unanimous (4-0); motion carried.

5. Discuss Draft Annual Meeting Warning

George Tyler read the draft annual meeting warning. There was discussion of holding a public information meeting on the bond vote at the annual meeting or a special information meeting prior to the annual meeting. Pictures of existing road conditions can be shown at the meeting to demonstrate the need to support the bond vote. Information will be published in the village newsletter, the annual report, and the local newspaper.

6. Discuss Community Message Board at Amtrak Station

Lori Houghton reported Jaye O'Connell and the Railroad Ave. group are interested in a community message board by the train station as a low cost way to build community space and to show what is happening in the village. Dan Kerin expressed concern about the information that is posted becoming outdated and the board and the surrounding area becoming cluttered and littered. Elaine Sopchak said in Burlington the community boards are cleared once a week and then people re-post. Pat Scheidel said the community board for the town is inside the building and is cleared on a regular basis. George Tyler

suggested CCTA might be interested in participating with a board by the bus stop. Lori Houghton will discuss the community message board idea further with Jaye O'Connell.

VI. VILLAGE MANAGER'S REPORT

1. Meeting Schedule

- 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
- May 13, 2014 @ 6:30 – Regular Trustees Meeting
- May 27, 2014 @ 6:30 – Regular Trustees Meeting

Special Meetings/Events:

- April 2, 2014 @ 6 PM – Community Supper before Annual Meeting
- April 8, 2014 @ 7 AM – 7 PM – Australian ballot voting
- May 24, 2014 @ 10 AM – Memorial Day Parade

2. Meetings

Mary Morris and Jeff Carr

Work by Mary Morris and Jeff Carr is on-going. Final report will be provided in the near future.

Storm Water Policy Coordination Committee

Update on activities was given at the meeting with staff.

Adopt Warning for Special Election on Bonds

March 3, 2014 in the morning is when the Trustees will meet to adopt the warning.

VII. TRUSTEES COMMENTS/CONCERNS & READING FILE

1. Board Member Comments

- Dan Kerin reported at the recent Rec Advisory Committee there was discussion of applicants to fill the position vacated by Mark Brislin (Assistant Rec Director) and installing a sign in the front of the building at Maple Street Park to post information on rec activities (cost estimate is \$10,000).
- Elaine Sopchak mentioned misinformation is being communicated on Front Porch Forum regarding the water bill. George Tyler noted there are fixed costs for the utility and adjustable costs which are based on usage. Susan McNamara-Hill noted the third bill is the cause for all the discussion because the amount is less than the first two bills. The third bill covers the fixed cost. Dan Kerin commented the village has the second lowest water rates in the county.
- Elaine Sopchak mentioned a recent panel discussion on sustainable communities held in Burlington and suggested the speakers be invited to talk to the Trustees on what they have done in Burlington.
- Lori Houghton recommended review of a book by Jeff Speck entitled “Walkable City” explaining how to make a community walkable, bike-able.

2. Reading file:

- Minutes of Bike/Walk Advisory Committee (1/13/14)
- Minutes of Tree Advisory Committee (1/22/14)
- Minutes of Block Party Committee (1/27/14)
- Notice of Act 250 Application for 4 Pearl Street
- Notice from DEC re: Update of WWTF Operator Certification Regulations

VIII. CONSENT AGENDA & READING FILE

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

1. **Approve Minutes of Previous Meetings (1/28/14)**
2. **Approve Warrants including check #10048683 through #10048765 totaling \$157,350.89.**
3. **Approve Banner Application for VT Home & Garden Show (4/11/14-4/13/14)**


VOTING: unanimous (4-0); motion carried.

IX. EXECUTIVE SESSION and/or ADJOURNMENT

MOTION by Dan Kerin, SECOND by Lori Houghton, to adjourn the meeting.

VOTING: unanimous (4-0); motion carried.

The meeting was adjourned at 8:40 PM.

RScty: M.E.Riordan 

Note: the three resolutions adopted at this meeting are attached to and part of the minutes of this meeting.



RESOLUTION OF APPRECIATION

WHEREAS, Heart and Soul of Essex, the Town of Essex and the Village of Essex Junction completed a two-year community planning grant through the Orton Foundation; and

WHEREAS, extensive public discussion and input was solicited in the course of public events, activities, neighborhood conversations and meetings between 2012 and 2014; and

WHEREAS, this public engagement resulted in a clear set of shared values – LOCAL ECONOMY, HEALTH AND RECREATION, COMMUNITY CONNECTIONS, EDUCATION, THOUGHTFUL GROWTH AND SAFETY; now therefore be it,


RESOLVED by the Village of Essex Junction Trustees and the Town of Essex Selectboard that:

We recognize and thank community members for participating in Heart & Soul of Essex and for contributing to the identification of shared values; and be it further


RESOLVED, that municipal officials will consider these community values when making community decisions and endeavor to make decisions that will preserve or strengthen these values.

Dated at Essex Junction, Vermont, this 11th day of February, 2014.

VILLAGE OF ESSEX JUNCTION BOARD OF TRUSTEES


George A. Tyler, Village President


Elaine H. Sopchak, Trustee


Daniel S. Kern, Vice President


Lori A. Houghton, Trustee


Andrew P. Brown, Trustee

VILLAGE OF ESSEX JUNCTION
RESOLUTION OF INTENT

WHEREAS, the Board of Trustees of the Village of Essex Junction has determined that public interest and necessity require making certain public improvements, namely, road reconstruction, water and sanitary sewer improvements, sidewalk replacement, drainage improvements and curb installation on various streets in the Village; and

WHEREAS, the Board of Trustees estimate the cost of such improvements not to exceed three million four hundred twenty thousand nine hundred thirty-one dollars (\$3,420,931); and

WHEREAS, the cost for completing said public improvements will be too great to be paid out of the ordinary annual income and revenue of the Village of Essex Junction; and

WHEREAS, general obligation bonds or notes of the Village of Essex Junction in an amount not to exceed three million three hundred thousand dollars (\$3,300,000) should be issued for the purpose of financing this project.

NOW THEREFORE BE IT RESOLVED, that the issuance of general obligation bonds of the Village of Essex Junction for the purpose of financing such improvements within the corporate limits of the Village, in accordance with the provisions of No. 120 of the Acts of 1892, as amended, and Chapters 53, 97, 101 and 120, of Title 24, Vermont Statutes Annotated, in an aggregate amount not to exceed three million three hundred thousand dollars (\$3,300,000) should be submitted to the voters of the Village of Essex Junction at a duly warned Special Village Meeting on April 8, 2014 (to be held in conjunction with the adjourned Annual Village meeting).

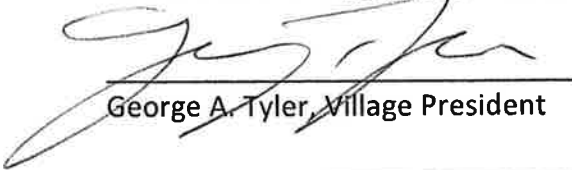
BE IT FURTHER RESOLVED by the Board of Trustees of the Village of Essex Junction that the proposition of incurring bonded debt for this purpose should be submitted to the qualified voters of the Village of Essex Junction as follows:

Article I: Shall general obligation bonds of the Village of Essex Junction in amount not to exceed three million three hundred thousand dollars (\$3,300,000), be issued for the purpose of making certain public improvements, viz., road reconstruction, water and sanitary sewer improvements, sidewalk replacement, drainage improvements and curb installation on various streets in the Village; such improvements estimated to cost three million four hundred twenty thousand nine hundred thirty-one dollars (\$3,420,931)?

BE IT FURTHER RESOLVED, that a vote on said proposition be conducted by Australian ballot, at the April 8, 2014 Special Village Meeting to be held at Essex High School at which meeting the polls will be open at 7:00 A.M. and close at 7:00 P.M; and a public hearing will be held on April 2, 2014 at 7:00 P.M. (during the Annual Village Meeting) at the Essex High School Auditorium to receive input on the proposed bond vote article.

Dated: February 11, 2014

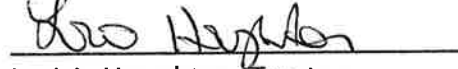
ESSEX JUNCTION BOARD OF TRUSTEES



George A. Tyler, Village President



Daniel S. Kerin, Vice President



Lori A. Houghton, Trustee

Andrew P. Brown, Trustee



Elaine H. Sopchak, Trustee

Received for record this 11 day of February, 2014 in the records of the Village of Essex Junction.



Village Clerk

DECLARATION OF OFFICIAL INTENT
OF VILLAGE OF ESSEX JUNCTION
TO REIMBURSE CERTAIN EXPENDITURES
FROM PROCEEDS OF INDEBTEDNESS

WHEREAS, the Village of Essex Junction, Vermont, (the "Issuer") intends to make public infrastructure improvements to be considered by the Issuer at a special meeting thereof to be held on April 8, 2014 (the "Project"); and

WHEREAS, the Issuer expects to pay certain capital expenditures (the "Reimbursement Expenditures") in connection with the Project prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long-term basis;

WHEREAS, the Issuer reasonably expects that for that part of the Project consisting of design and construction costs, debt obligations in an amount not expected to exceed \$3,100,000 will be issued and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, the Issuer declares its reasonable official intent to reimburse prior expenditures for the above-described part of the Project with proceeds of a subsequent borrowing;

NOW THEREFORE, the Issuer declares:

Section 1. The Issuer finds and determines that the foregoing recitals are true and correct, and that all of the capital expenditures covered by this Resolution were or will be made not earlier than 60 days prior to the date of this Resolution.

Section 2. This declaration is made solely for the purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3. The Issuer hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures, within 18 months of either the date of the first expenditure of funds by Issuer for such Project or the date that such Project is placed in service, whichever is later (but in no event more than three years after the date of the original expenditure of Issuer funds for such Project), and to allocate an amount not to exceed \$3,100,000 of the proceeds thereof to reimburse itself for its expenditures in connection with the Project.

Section 4. The Issuer's debt obligations for the aforementioned purpose will not be "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986.

Section 5. All prior actions of the officials and agents of Issuer that are in conformity with the purpose and intent of this Resolution and in furtherance of the Project shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 6. All other resolutions of the legislative body of the Issuer, or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 7. It is hereby found that all discussions and deliberations of the legislative body of the Issuer leading to the adoption of this Resolution occurred at one or more meetings of the legislative body conducted pursuant to public notice and open to public attendance.

Section 8. This declaration shall take effect from and after its adoption.

The undersigned, Village Clerk of the Issuer, hereby certifies that the foregoing is a full, true and correct copy of the declaration of the legislative body of said Issuer duly made at a meeting thereof held on the date, specified below, and that said declaration has not been amended, modified or revoked.



Village Clerk

February 11, 2014