

**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
May 13, 2014**

**BOARD OF TRUSTEES:** George Tyler (Village President); Dan Kerin, Elaine Sopchak, Lori Houghton, Andrew Brown.  
**ADMINISTRATION:** Lauren Morrisseau, Assistant Manager & Finance Director; Susan McNamara-Hill, Village Clerk/Treasurer; Rick Jones, Public Works Superintendent.  
**OTHERS PRESENT:** Diane Clemens, Tom Moreau, Randy Clark, Frank Naef, Judy Naef, Anne Whyte, Carole Kunkowski, Jessica Martin, Hugh Gibson, Elizabeth Skinner, Linda McKenna, Henri de Marne, Will Wetzel.

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**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 to Old Business – Letter from Henri de Marne, dated 5/12/14
- Advance on Agenda – CSWD budget presentation; Bid award for dump truck
- Move to New Business – Citizen communications and charrette

**3. GUESTS, PRESENTATIONS, PUBLIC HEARINGS**

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

**4. OLD BUSINESS**

1. Request Exploration of Additional Steps for Unification of Town and Village Services  
Village Manager, Pat Scheidel, will pursue with Jeff Carr and Mary Morris the study of the village and town governance structure and recommendations for further efficiencies.

2. Review/Discuss Recent Citizen Communications re: Planning Commission Meetings and Comprehensive Plan Revision Process  
Discussed under New Business.

3. Discuss Timeline/Process for Village Downtown Charrette  
Discussed under New Business.

**5. PRESENTATIONS**

1. CSWD FY15 Budget Presentation

Tom Moreau, CSWD General Manager, reported:

- The FY15 CSWD budget reflects expenses up 4.3% and revenues up 7.3% mainly due to reinstatement of the compost program. Revenues are up due to sale of materials (compost, scrap metal, newspaper, cardboard, aluminum cans, plastic

bottles). Expenditures are up due to added staff for compost and the paint program, cost of living increase (.83%), and health insurance increase (15%).

- Per Act 148 organics must be removed from the waste stream by 2020. CSWD is prepared.
- The paint recycling program (Local Color) is reinstated.
- Markets are steady right now for recyclables.
- Equipment at the MRF is being upgraded with new technology.
- There will be no fee increase at the Drop Off Centers.
- There was a small increase in the biosolids contract.
- The solid waste management fee amount anticipated the Myers C&D facility.
- The tire and appliance roundups may be reinstated. Tires are being found on roadsides.
- Consolidated collection which is more efficient and less costly is under discussion.

#### *COMMENTS*

Linda McKenna asked about food down garbage disposals. Tom Moreau explained the more food put into the system the more sludge produced which is not the highest and best use of food waste.

Frank Naef asked if polystyrene styrofoam will be recycled. Tom Moreau said the best value for this material is fuel for generators. A recyclable market for the material is not developing. Shippers may be able to reuse the material. CSWD is investigating taking carpet and rigid plastic such as kiddie pools and slides.

**MOTION by Lori Houghton, SECOND by Dan Kerin, to approve the CSWD FY15 budget. VOTING: unanimous (5-0); motion carried.**

#### **6. NEW BUSINESS**

1. Request from CCSU for Hash Marks at 51 Park Street

**MOTION by George Tyler, SECOND by Andrew Brown, to follow the advice of the Village Engineer with regard to hash marks on the pavement in front of 51 Park Street and not approve the request from CCSU. VOTING: unanimous (4-0)[Elaine Sopchak not present for vote]; motion carried.**

Lori Houghton mentioned complaints about not being able to exit South Street onto Park Street. Rick Jones will install “Yield to Green” signs on South Street to help rectify the matter.

2. Bid Award for Dump Truck for Public Works Dept.

Rick Jones reported only one vendor met the specifications in the bid for the dump truck and staff recommends following the bid process.

Randy Clark, Clark’s Truck Center, explained Clark’s Truck Center has done business with the village for a number of years and the slight difference in the specifications in the bid is due to the manufacturer. Options were provided that exceeded the specifications at

a significant savings. Essentially the Clark vehicle meets or exceeds the specifications and saves the village thousands of dollars. The village has a fleet of International trucks and has had no issues.

**MOTION by Lori Houghton, SECOND by Dan Kerin, to award the bid for the dump truck to the lowest qualified bidder, R.R. Charlebois, Inc., for the not-to-exceed amount of \$122,130. VOTING: unanimous (4-0)[Elaine Sopchak not present for vote]; motion carried.**

Rick Jones gave a brief update on the water situation on Maple Street. Champlain Water District tested the water and is waiting for the results. The village is doing a two week flush cycle.

3. Approve Grant Application for Library for Preservation Trust of VT

**MOTION by Andrew Brown, SECOND by Lori Houghton, to authorize staff to submit the Robert Sincerbeaux Fund grant application to be used to evaluate the condition of the Brownell Library. VOTING: unanimous (4-0)[Elaine Sopchak not present for vote]; motion carried.**

4. Reappointments to CCRPC Planning Advisory Committee (PAC)

**MOTION by Dan Kerin, SECOND by Lori Houghton, to (re)appoint Robin Pierce as the village representative and John Alden as the alternate on the CCRPC PAC.**

**DISCUSSION: There was mention of the charge of CCRPC in coordinating planning and growth activities across the region. It was suggested the appointees confirm their interest in the position and report on the work of the PAC. There was agreement the appointment should be tabled until the first Trustees meeting in June.**

**VOTING: prior to the vote Dan Kerin withdrew the motion.**

5. Review/Discuss Policy re: Sidewalks

George Tyler confirmed the Board of Trustees policy that there is one sidewalk with new development and two sidewalks on Class 1 roads. Rick Jones will do a map of sidewalks on Class 1 roads in the village. Lori Houghton suggested the maps be reviewed at a future meeting (June or July) and the Bike/Walk Committee be asked to attend.

#### *COMMENTS*

Village residents made the following comments:

- Park Terrace does not have sidewalks and the snowbanks in winter are higher than the children are tall making it dangerous to cross the street.
- People are now accustomed to one sidewalk. To install sidewalk on narrow streets means private property would have to be taken by eminent domain.
- The RKG study, dated 2/15/10, mentioned the lack of sidewalk and safety on Park Terrace, installing a bulb-out, and changing to one way traffic. Sidewalk, a bike lane, and one lane street could improve the street and safety.
- Brickyard Road has sidewalk going around tree roots so there can be sidewalk and trees together.

- The sidewalk that is plowed is opposite of the bus route on South Street. There should be better coordination with the sidewalk plowing, streetlights, and bus stops.

#### 6. Review/Discuss Recent Citizen Communications re: Planning Commission Meetings and Comprehensive Plan Revision Process

George Tyler clarified the Board of Trustees cannot discuss a particular development project in the village (that is the purview of the Planning Commission), but will be holding a community meeting (charrette) on how to improve the village downtown area. The village recently completed Heart & Soul exercises and is in the process of updating the comprehensive plan. All the events are opportunities for public input.

#### *COMMENTS*

The following comments were made:

- The conflict with residents trying to provide input and having representation based on that input came about because of a development plan at Five Corners. The Planning Commission should represent with equal weight the proposal and the public. [The Trustees explained residents are entitled to a consistent, clear set of rules and predictable process, and that is the due process that is determined by state law. The process cannot be changed mid-stream if there is a controversial project. Comments can be made on the future of the village during update of the comprehensive plan. The Planning Commission is a judicial body that is appointed by the Trustees and bound by codes that must be enforced. The earlier in the project review process the public makes comment the more likely the input will be taken into consideration and changes suggested to the applicant. The developer of the project at Five Corners did consider the comments from the public and made some modifications. The Planning Commission takes under advisement public comment on the comprehensive plan during the update period.]
- Many people felt the Planning Commission was not abiding by the development code with the project at Five Corners and that the residents were being overlooked on purpose in order to get the project through. According to the Village Development Director the building at Five Corners will set the tone for further development in the village. It is discouraging and demoralizing to not be heard and this causes lack of participation at public meetings.
- There was no communication that changes such as allowing a maximum of three story buildings at Five Corners could be made in the plan. The process to change the plan or the development code is not explained.
- There has been talk of a vision of high density (smart growth principles) and the term “urban” was used, but the village is not urban. The comprehensive plan does not reflect urban, but rather reflects scale and historic character. [The Trustees noted Essex Junction is considered an urban area under the 2010 census.]
- According to the Village Development Director the ‘downtown designation’ is for cities and larger communities, but this term is being used for the village.
- There is lack of transparency in the village in terms of the website. There is no list of members on the Planning Commission or Zoning Board. There should be links to pertinent information. The most recent draft of the comprehensive plan should

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be available to the public in different ways if public comment is wanted. The Development Director is the gatekeeper and adds to the lack of transparency. [The Trustees noted the Planning Commission is prohibited by law to have private conversations with citizens on projects. The public has access to the Board of Trustees for comments. Approved projects are posted on the website and the Chair of the Planning Commission has an email box to receive communications. The Trustees plan to discuss communication issues at the upcoming retreat. Education is an important piece. The vision in the comprehensive plan is a result of the work of the Planning Commission and staff over the years. There has been very little public input because no one attends the meetings to provide input. The comprehensive plan is like a vision statement while the development code is the nuts and bolts of developing in the village. The charrette is a visioning project and the public is invited to participate.]

- Residents adjacent to a project are notified, but the general public is not aware unless connected through the grapevine in some way. People do not really know about giving input at the beginning of the process. There is frustration because of differences in interpretation of the vision statement and village plan, and once a project is built it will not go away. The process is at fault, not the residents or the Planning Commission. What is happening in the village should be advertised in all ways so people can participate.
- Chapter 117 of Vermont statute on planning and development of communities emphasizes community involvement and input as much as possible. The law appears to encourage more input than less, more access than less. The Trustees need to look at improving the process and consider creating an extension of the legislative thinking to the way the Planning Commission functions. One suggestion is to have a member of the larger community sit on the Planning Commission as a nonvoting member to represent the community at large so if a developer comes before the Planning Commission during the public comment portion of a meeting to discuss a proposal that is not a warned agenda item the public will be made of aware. This is done in Scarsdale, New York and New York City. [The Trustees explained the community elects the Board of Trustees and the Trustees appoint individuals to the Planning Commission. If the Trustees feel the Planning Commission is failing in the job then the members can be replaced. The village charter does not allow the Trustees to sit on the Planning Commission or Zoning Board, but the meetings can be watched on video and copies of the minutes are received. Regarding a liaison to the community, every trustee is a liaison and can be contacted by the public. The Planning Commission can be contacted via the Village Development Director.]
- It is not clear how to contact board or commission members.
- There does not appear to be provisions in state statute about revisions to the comprehensive plan linking to the land development code. [The Trustees explained after the comprehensive plan update is finalized the Planning Commission will review the code to ensure consistency. The comprehensive plan is a vision of the development of the village and the code gives the specifics to developers to build what is envisioned by the plan.]

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- Warning should be published so the public knows of a development especially if there will be an impact on the community.
  - An alternate suggestion for development at Five Corners is to close Main Street (Route 15) to the railroad tracks and create four corners and a green space where the bank building is located. Traffic can use the crescent connector and businesses can locate along that road. The green space could become a gathering place for people with shops selling sandwiches and such. The proposed building at Five Corners is out of scale and will commit the village to look like Winooski by the roundabout. The village is not urban. Once the building at Five Corners is built there will be pressure to do the same on another corner. More apartments are not needed. There are vacancy signs now for apartments in the village. [The Trustees agree the vision of a public green at Five Corners is great, but the village does not own the property. Ideas for the downtown can be discussed with an understanding of the constraints to determine what can realistically be done.]
  - Even though a development meets the rules, the Planning Commission should have the power to say the building is out of scale and not in the overall plan of the community. [The Chair of the Planning Commission noted there is design review in the Village Center District. The rules in the Land Development Code pertain to height, density, parking. The Planning Commission ensures an application meets the rules. The application for the building at Five Corners exceeded the requirements and the developer in fact gave back to the village on some items.]
  - There is conflict of people required to follow the rules and people wanting to give input. The people who know the rules should communicate to the people wanting to give input. A flowchart and interactive website could be set up to communicate information to the people.
  - The residents do not want a moratorium on development as has been rumored. There was suggestion that there be no redevelopment of the bank site, but the Planning Commission should look at the plans as proposed, not direct the developer to “go bigger” which does not reflect the voice of the majority of the village. A project of this magnitude needs a village meeting. The Planning Commission has the right to request 3-D models in order to see scale. The proposed building is massive and out of scale.
  - People will not realize something is happening until construction begins and once the building is done the way is opened for more.
  - The traffic study for the proposed development is based on false premises.
  - The cost for residents to hire an attorney for representation at the Act 250 hearing for the development at Five Corners is \$2,500. Residents have party status and are putting together a presentation on the proposal for Act 250. The Act 250 board appears to be giving the village residents more attention than the village Planning Commission.
  - If public streets are the domain of the Trustees then the impact of the proposed building at Five Corners on Park Terrace, a public street, should be a consideration by the Trustees.
  - No one told residents about the right to appeal the decision on the proposal and if this was known the residents may have done something before the application went to Act 250 review.

- The residents are cynical and feel their comments are falling on deaf ears and their voices are not being heard which is very discouraging.
- It appears the Planning Commission can make changes based on opinion versus fact. One example is the removal of the existing trees. [The Trustees explained the Planning Commission has seven members and decisions are made by a majority vote. Regarding the trees at Five Corners, the existing trees are dying and have to be removed. There is a list of recommended trees for planting in the village. People serving on the Planning Commission do so because they have an interest in a particular area, such as landscaping or trees.]

The Trustees acknowledged the good suggestions and comments on better communications. There is a communications policy, but there also must be a dialogue with the public. All village meetings are available on Channel 17 and are legally warned by staff. Per the open meeting law ‘electronic meetings’ cannot be held. Suggestions for improved communications include:

- Complete facilitation training to learn how to better “hear” and respond to the public.
- Install a banner or electronic sign outside Lincoln Hall announcing happenings in the village.
- Advertise via newspaper, village website, Front Porch Forum, village newsletter. Front Porch Forum is for neighbors to talk to neighbors, not for village government to step in. There is a module for public input on the village website which could be advertised on Front Porch Forum.

The Trustees will further discuss communication issues at the upcoming retreat.

#### 7. Discuss Timeline/Process for Village Downtown Charrette

The Trustees agreed the RFP should be revisited to ensure everything is included and if a charrette is part of that. Heart & Soul could be the facilitator of the charrette. Developers, landowners, and other stakeholders should be contacted for input. Economic development funds could be used for the charrette. Renderings of ideas for the village downtown could be displayed at the farmers market and visitors could mark their preference. Information about the charrette could be sent through the schools. A display could be set up at Maple Street Park on a busy evening to get input from people using the park. Desired outcomes of the charrette include better communication, more dialogue on the planning process, and more concrete vision so developers have a clear idea of what the community wants.

George Tyler will work with staff to identify possible funding sources for the charrette. There will be further discussion of the charrette at the Trustees retreat.

### 7. VILLAGE MANAGER’S REPORT

#### 1. Meeting Schedule

- June 10, 2014 @ 6:30 – Regular Trustees Meeting
- June 24, 2014 @ 6:30 – Regular Trustees Meeting
- July 8, 2014 @ 6:30 – Regular Trustees Meeting
- July 22, 2014 @ 6:30 – Regular Trustees Meeting

## Special Meetings/Events:

- May 27, 2014, 11 AM – 5 PM – Trustees Retreat
- June 3, 2014 @ 3 PM – 5 PM – Employee Appreciation Party
- July 4, 2014 @ 9:30 PM – Fireworks at Maple Street Park
- July 19, 2014 @ 5 PM-10 PM – Block Party & Street Dance

**8. TRUSTEES COMMENTS/CONCERNS & READING FILE**

## 1. Board Member Comments

- Dan Kerin announced his term on the Rec Advisory Council ends in June.
- Elaine Sopchak announced there are new rules on the open meeting law and Executive Session
- Lori Houghton announced the farmers market begins May 30<sup>th</sup>.

## 2. Reading file:

- Minutes of Planning Commission Work Session (4/17/14)
- VLCT Workshop on Dog Control 5/29/14
- VT Natural Resources Board Act 250 Hearing 4 Pearl Street 4/24/14
- Letter from VTrans re: VT 2A Speed Limit Request
- Memo from Dennis Lutz re: Award of Impaired Waterways Flow Restoration Plan

**9. CONSENT AGENDA & READING FILE**

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

1. **Approve Minutes of Previous Meetings (4/29/14).**
2. **Approve Warrants including check #10049182 through #10049293 totaling \$355,228.26.**
3. **Approve Request for Street Closings and Events for Memorial Day 5/24/14**
4. **Approve 2014 Five Corners Farmers Market Contract**

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

**10. ADJOURNMENT**

**MOTION by Andrew Brown, SECOND by Dan Kerin, to adjourn the meeting.**

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

The meeting was adjourned at 9:50 PM.

RScty: M.E.Riordan 