



**TRUSTEES MEETING NOTICE & AGENDA**  
**TUESDAY, OCTOBER 14, 2014 at 6:00 PM**  
**LINCOLN HALL MEETING ROOM, 2 LINCOLN STREET**

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG** [6:00 PM]
2. **EXECUTIVE SESSION/PERSONNEL**
  - a. Interview for Bike/Walk Advisory Committee - Raj Chawla
  - b. Interview for Tree Advisory Committee - Linwood Martel
3. **AGENDA ADDITIONS/CHANGES** [6:30 PM]
4. **APPROVE AGENDA**
5. **GUESTS, PRESENTATIONS AND PUBLIC HEARINGS**
  - a. Comments from Public on Items Not on Agenda
  - b. Bryan Davis of CCRPC about Town and Village Bicycle and Pedestrian Plan
  - c. Update from Charlie Baker, Executive Director of Chittenden County Regional Planning Commission (7:15 PM)
6. **OLD BUSINESS**
  - a. Draft Massage Therapy Establishment Regulations - Elaine Sopchak
  - b. Draft Letter to the Essex Resort & Spa – Elaine Sopchak
  - c. Agreement for Pearl Street Link Project Engineering Services – Robin Pierce
  - d. Amendments to the General Rules and Personnel Regulations – Susan McNamara-Hill
  - e. Lincoln Hall Building Envelope Evaluation - Lauren Morrisseau
7. **NEW BUSINESS**
  - a. Memo about Shared Village and Town Public Works Service Delivery – Pat Scheidel
  - b. Set FYE 16 Budget Goals
8. **MANAGER’S REPORT**
  - a. Various meetings
  - b. Trustees meeting schedule
9. **TRUSTEES’ COMMENTS & CONCERNS/READING FILE**
  - a. Board Member Comments
  - b. Minutes from Other Boards, Commissions and Committees:
    - Capital Program Committee 9/2/14
    - Planning Commission 9/18/14
    - Bike/Walk Advisory Committee 9/22/14
    - Tree Advisory Committee 10/6/14
  - c. Email from Prudential Committee about Summer Meeting Highlights
  - d. VLCT Fall Selectboard Institute 11/8/14
  - e. Email from Woods End Drive Resident about Reconstruction Project
  - f. Email from School Street Resident about Reconstruction Project
  - g. Chittenden Solid Waste District Annual Report for FYE 14
  - h. News Release from Champlain Water District about Award for Best Tasting Water

10. **CONSENT AGENDA**

- a. Approve Minutes of Previous Meeting 9/23/14
- b. Approve Warrants Check #10050092 to Check #10050208 totaling \$955,844.50.
- c. Approve Closing of Hawthorn Circle for Neighborhood Block Party
- d. Approve Banner Application for 2015 Vermont Quilt Festival
- e. Approve EJP Request to Waive Ban on Open Burning 10/25/14 and 12/12/14

11. **ADJOURN**

***Meetings of the Trustees are accessible to people with disabilities. For information on access or this agenda, call the Village Manager's office at 878-6944.***

**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
October 14, 2014**

**BOARD OF TRUSTEES:** George Tyler (Village President); Andrew Brown, Dan Kerin, Elaine Sopchak, Lori Houghton.  
**ADMINISTRATION:** Pat Scheidel, Municipal Manager; Lauren Morrisseau, Assistant Manager & Finance Director; Susan McNamara-Hill, Village Clerk/Treasurer; Robin Pierce, Community Development Director.  
**OTHERS PRESENT:** Maureen Slayton, Michelle Robbins, Beth Wilbur, Lee Wiebe, Bryan Thomas, Michele Boomhower, Bryan Davis, Angela Scott, Kelly Reagan, Barbara Mulhern.

---

**1. CALL TO ORDER and PLEDGE OF ALLEGIANCE**

Village President, George Tyler, called the meeting to order at 6 PM.

**2. EXECUTIVE SESSION**

**MOTION by George Tyler, SECOND by Lori Houghton, that the Trustees make a specific finding that the premature public knowledge of candidates for volunteer positions would clearly place the Village of Essex Junction at a substantial disadvantage, and further, that the Trustees enter Executive Session to interview candidates for volunteer positions in accordance with 1VSA§313(a)(3) to include the Trustees, Municipal Manager, and Assistant Manager. VOTING: unanimous (5-0); motion carried.**

Executive Session convened at 6:01 PM.

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

Executive Session was adjourned at 6:15 PM and the regular meeting reconvened.

*ACTION FOLLOWING EXECUTIVE SESSION*

**MOTION by Elaine Sopchak, SECOND by Andrew Brown, to appoint Raj Chawla to the Bike/Walk Advisory Committee and Linwood Martel to the Tree Advisory Committee. VOTING: unanimous (5-0); motion carried.**

At 6:30 PM President Tyler resumed the regular meeting and led the assemblage in the Pledge of Allegiance.

**3. AGENDA ADDITIONS/CHANGES**

Add under Old Business:

- Draft letter to Jim Glanville
- Restoration Proposal for Lincoln Hall

**4. APPROVE AGENDA**

**MOTION by George Tyler, SECOND by Lori Houghton, to approve the agenda as amended. VOTING: unanimous (5-0); motion carried.**

**5. GUESTS, PRESENTATIONS, PUBLIC HEARINGS****1. Comments from Public on Items Not on Agenda**

None.

**2. Bryan Davis, CCRPC, re: Town and Village Bicycle and Pedestrian Plan**

Bryan Davis reviewed the process and involvement of both the village and town in the update of the bike/ped plan which builds on past work. The plan addresses:

- Sidewalk network
- Paths and trails network
- Present and future needs to enhance the networks
- Bike parking facilities
- Way finding signage
- Treatment at Five Corners if Main Street by Brownell Block is turned into a ‘festival street’ area or the intersection is reduced to four-way instead of five-way
- Cost figures for significant bike/ped projects
- Low cost items the municipalities can do (striping, different paint schemes, maintenance, signs, parking, path connections)
- Funding and local share (20%)
- Working with CCRPC on grant opportunities
- Showcasing streets with open street events.

Next steps include approval of the plan by the Trustees and the Town Selectboard. There was mention of informing developers of projects in the village and town of planned paths. Robin Pierce said the Planning Commission suggested a map showing the location of existing and proposed paths be shown to landowners and developers.

**MOTION by Lori Houghton, SECOND by Dan Kerin, to adopt the Essex Town and Village Bike and Pedestrian Plan as presented on 10/14/14 by CCRPC. VOTING: unanimous (5-0); motion carried.**

**3. Update on Chittenden County Regional Planning Commission**

Michele Boomhower, CCRPC Assistant Director, reported on progress made in assisting communities in meeting their planning objectives. The FY2014 annual report outlines participation by CCRPC in activities in Essex Junction in the past year as well as regional projects. A copy of the report was provided to the Trustees and Dan Kerin’s participation on the CCRPC Board was acknowledged. Ms. Boomhower noted Regional Planning’s work plan drives what is accomplished. A core amount is paid by the village to CCRPC for services plus a 20% match for projects in the village. The Trustees need to review CCRPC’s objectives in the work plan and provide feedback. Michele Boomhower also mentioned the Neighbor Rides Program (successful, especially in providing rides to the elderly), update of public participation plan which helps identify the level of engagement

on the spectrum of engagement for a project (CCRPC Board to adopt the plan), survey of interest by towns in regional service coordination, and state level work on TMDL and river corridor maps issued by the state which will be utilized in a regulatory manner similar to floodplain maps.

George Tyler asked about federal funding. Michele Boomhower said federal funding is unknown at this time. A long term transportation bill has been elusive, but Vermont has benefited from the small state minimum (there is no guarantee this will continue though).

Pat Scheidel asked if CCRPC has assisted other village or towns with their comprehensive plans. Michele Boomhower assured CCRPC is willing to assist any interested towns.

## **6. OLD BUSINESS**

1. Draft Massage Therapy Establishment Regulations

2. Draft Letter to The Essex Resort & Spa

George Tyler gave a brief history of what precipitated the drafting of regulations for massage therapy establishments. Elaine Sopchak added the draft regulations are based on a template from a national draft ordinance on human trafficking and prostitution. The purpose and intent of the ordinance is to stop illicit massage parlors in the village. Staff, legal counsel and the police have reviewed the draft ordinance. The fingerprint requirement (\$25 cost per person) is so a history of massage practitioners in the community can be established. The permit and fee of \$50 for the establishment is a one-time occurrence paid at the time of application. Licenses will not be issued. The permit process is a way for the municipality to ensure compliance to the rules and a way for a business to have credibility just as state/national licensing gives credibility. Without the ordinance there is no way to stop illicit businesses. The exemption in the regulations will be generalized for massage services provided on-site at businesses/spas. Practitioners in health establishments or affiliated with health establishments will fall under the exemption outlined in the ordinance. A legal opinion is needed on whether to remove the exemption for nonprofit organizations. The ordinance is not retroactive to businesses already in operation, and the ordinance at this point only addresses tenants in commercial space and not home based businesses.

Dan Kerin expressed concern about the burden being put on legitimate businesses by the regulations and that illicit operations will find ways to exist despite the ordinance. Mr. Kerin also noted there are already federal laws and enforcement handling these matters.

Pat Scheidel noted there will be a public hearing on the draft ordinance before adoption followed by a 30 day appeal period before the ordinance is in effect.

### *PUBLIC COMMENTS*

The following massage therapists provided comments as noted below on the ordinance:

- Maureen Slayton
- Beth Wilbur
- Lee Wiebe

- 
- Barbara Mulhern
  - Bryan Thomas
  - Angela Scott
  - Kelly Reagan
  - Michelle Robbins

Comments included the following:

- There is national and board certification, registration, and/or licensing for massage therapists. AMTA-VT (association of massage therapists) has 210 members who support fair and consistent regulation of the practice of massage therapy.
- Many massage therapists are nationally certified and continue to hold licenses from other states.
- Massage therapists operate private practices, not massage parlors. Some massage therapists provide service at spas, resorts, other health service offices (chiropractor, athletic training) or from home.
- Massage therapists want to be treated as other non-physician health care practitioners licensed in the State of Vermont (chiropractors, dentists, nurses, and others).
- The proposed ordinance will have a negative impact on law abiding therapists.
- Statewide licensure of massage therapy professionals is needed. The Trustees are invited to participate in the statewide effort of licensure. With state licensure 500-650 hours of training is required, participation must be in an accredited program or documentation of education must be shown, background checks are done, and a committee works with the Office of Professional Regulation.
- AMTA-VT was not consulted in the drafting of the ordinance.
- The draft ordinance does not ask for proof of liability insurance. Massage therapists must know if their clients have any health conditions or are on medicines.
- Massage therapy is a respectable profession. The draft ordinance focuses on human trafficking which is degrading to the profession.
- There should be a health establishment permit for health professionals that would include fitness centers, personal trainers, dentists, glamor nails shops and others as a way to register in the municipality.
- Having national certification does not eliminate the problem of prostitution or human trafficking. Community members need to speak up when there is a questionable business. Also, the onus should be on the landlords who rent space to these illicit businesses.
- Requiring fingerprints and background checks for massage therapists is discrimination toward one small group where a problem does not exist.
- Some therapists do massage therapy on a limited basis (i.e. one day a month out of a chiropractic office) and the cost to meet the requirements in the ordinance will have an impact.
- The ordinance penalizes those who supply valid services.
- Some massage therapy practices include chiropractic and athletic training services as well as massage therapy, and employ several people. Compliance to the

---

ordinance would be very cumbersome. Private business owners/operators should be able to make their own decisions as to who to hire and what services to offer, and not be singled out. Health care processes should not have to go through the ordinance.

- The requirement in the ordinance that doors cannot be locked impacts safety/security and privacy of clients.
- The ordinance is coming down on massage therapists to get at prostitution, but this will not solve the problem. There are many loopholes that are difficult to investigate or close. The illicit business operators (Chinese and Russian mafia) have significant funds so fees are not an issue and the business can be readily relocated outside of Essex Junction if necessary. A collaborative effort in the greater metropolitan area is needed to eliminate these illicit business operations.
- The ordinance is not clear on whether a new permit is needed when a practice relocates to another address/location or is operated as a home occupation.
- Reiki spiritual massage technique is not addressed in the draft ordinance.
- Massage therapists have been fighting against the bad image of “massage parlor” for a long time. The focus of the ordinance should be away from the massage therapist and more toward the way the business is run.
- Some items in the ordinance needing clarification include:
  - Definition of “massage establishment” relative to commercial property or personal property (i.e. home);
  - Whether the fee is one time or not;
  - Whether information requested is business information or personal information;
  - Whether the information being kept on file for 10 years is information other businesses would be asked to provide and be held for 10 years;
  - Whether audit of the permits is part of the process;
  - Grandfathering businesses may not eliminate any existing illicit massage businesses;
  - Whether entrances/exits in home-based private practices will be in violation of the ordinance;
  - The action of “adjusting” is outside the scope of practice for massage therapists so the term should be deleted in the ordinance.
- There should be health establishment licenses and permits for all health professionals otherwise it feels like massage therapists are being targeted and discriminated against. There is question as to whether other professions require a photograph next to the license as is required per the draft ordinance.
- The initiative against illicit places of business is appreciated because it is an issue and still occurring. Planning and zoning boards should be involved to better filter out these businesses.
- Revoking a license for five years may not be adequate. The license of an offender should be revoked forever.
- Fingerprinting and background checks are good if a therapist is to be in a room with a client who may not be clothed.
- Massage therapists or any professional for that matter do not want to work with anyone under the influence, but there is question of whether the massage therapist

will have sufficient training to make the determination the client is ‘under the influence’.

- There are reasons breasts may be touched during a therapy session, such as with breast cancer or mastitis cases.
- Many massage therapy practices have signs saying something other than “massage” and will be out of compliance with the ordinance.
- A high level of professionalism is very important to the profession and practitioners.
- Legislation is needed to have buildings owners know who they are renting to in order to protect against human trafficking activities.

### 3. Agreement for Pearl Street Link Project Engineering Services

Robin Pierce explained the link project as part of the circ alternatives. George Tyler noted the \$147,189 fee for the consultant is covered by VTrans.

**MOTION by George Tyler, SECOND by Lori Houghton, to authorize the Municipal Manager to execute the Agreement for Consulting Engineering Services with Lamoureux & Dickinson Consulting Engineers, Inc. for the Pearl Street Missing Link project. VOTING: unanimous (5-0); motion carried.**

### 4. Amendments to the General Rules and Personnel Regulations

Susan McNamara-Hill explained the amendments pertaining to the way health insurance is paid (needs to be changed to a percentage or the cost increase will be totally borne by employees) and clarification of terminology with part-time work and benefits.

**MOTION by Lori Houghton, SECOND by Elaine Sopchak, to amend Section 304.1 and Appendix III of the General Rules and Personnel Regulations as presented. VOTING: unanimous (5-0); motion carried.**

### 5. Lincoln Hall Building Envelope Evaluation

Lauren Morrisseau reported additional repair work is needed on Lincoln Hall including two chimneys (work is being done with the roof replacement) and foundation work (to be added to Phase 1 of the restoration work). The cost of work in Phase 1 is \$141,000, Phase 2 is \$133,000, and Phase 3 is \$45,000. There was discussion of increasing the annual allotment to the capital fund or repurposing any remaining money from the bonds for the Lincoln Hall renovation work. There was also discussion of getting a second expert opinion on the work.

Staff will ask LISZT to identify a timeline for the work (i.e. what can be done in Year 1 and Year 5 and so on) and research getting a second expert opinion. The capital project review committee will rank the Lincoln Hall work.

## 7. NEW BUSINESS

### 1. Shared Village and Town Public Works Service Delivery

Pat Scheidel reviewed his memo on shared public works service delivery and reported staff should be ready by the joint meeting on November 10, 2014 to show the refined

service delivery system to be presented to the public at town meeting. Public works is the second largest service center and a good place to start to see if the community is willing to take the next steps.

**MOTION by George Tyler, SECOND by Lori Houghton, to accept the communication from Patrick Scheidel to the Trustees, dated 10/2/14, and place the information on file. VOTING: unanimous (5-0); motion carried.**

## 2. Set FY2016 Budget Goals

The goal is an overall increase of 3% or less while still addressing needs and maintaining the same level of service. There will be an automatic increase in the tax rate due to the bond payment. Health care cost increase is 7%.

## 8. VILLAGE MANAGER'S REPORT

### 1. Meeting Schedule

- October 28, 2014 @ 6:30 – Regular Trustees Meeting
- November 10, 2014 @ 6:30 – Joint Meeting with Essex Selectboard
- December 9, 2014 @ 6:30 – Budget Day (full day meeting)
- December 23, 2014 @ 6:30 – Regular Trustees Meeting

### Special Meetings/Events

- December 12 @ 6 PM – Tree Lighting and Train Hop

### 2. Staff Meetings

Meetings are on-going with staff.

### 3. VLCT Annual Meeting

VLCT held its annual meeting at Lincoln Hall.

## 9. TRUSTEES COMMENTS/CONCERNS & READING FILE

### 1. Board Member Comments

- George Tyler noted correspondence was received regarding the high quality of services from the Village Engineer with the Woods End and School Street projects.
- George Tyler mentioned his tour of the waste water treatment plant.
- Lori Houghton said the crescent connector information meeting had a broad group of attendees (landowners, business owners, concerned citizens). Rick Hamlin stood in at the end and did a great job.
- Dan Kerin said he will look for ways to fund the work on Lincoln Hall at the next buildings committee meeting.

### 2. Reading file:

- Capital Program Committee minutes 9/2/14
- Planning Commission minutes 9/18/14
- Bike/Walk Advisory Committee minutes 9/22/14
- Tree Advisory Committee minutes 10/6/14
- Email from Prudential Committee re: Summer Meeting Highlights

- VLCT Fall Selectboard Institute 11/8/14
- Email from Woods End Drive Resident re: Reconstruction Project
- Email from School Street Resident re: Reconstruction Project
- Chittenden Solid Waste District Annual Report FY14
- News Release from Champlain Water District re: Award for Best Tasting Water

**10. CONSENT AGENDA & READING FILE**

**MOTION by Andrew Brown, SECOND by Dan Kerin, to approve the consent agenda as presented:**

1. **Approve Minutes of Previous Meeting 9/23/14**
2. **Approve Warrants Check #10050092 to Check #10050208 totaling \$955,844.50.**
3. **Approve Closing Hawthorn Circle for Neighborhood Block Party.**
4. **Approve Banner Application for 2015 Vermont Quilt Festival.**
5. **Approve EJRP Request to Waive Ban on Open Burning 10/25/14 and 12/12/14.**

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

**11. ADJOURNMENT**

**MOTION by George Tyler, SECOND by Dan Kerin, to adjourn the meeting.**

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

The meeting was adjourned at 9:55 PM.

RScty: M.E.Riordan

