



**TRUSTEES MEETING NOTICE & AGENDA**  
**TUESDAY, MARCH 24, 2015 at 6:30 PM**  
**LINCOLN HALL MEETING ROOM, 2 LINCOLN STREET**

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **GUESTS, PRESENTATIONS AND PUBLIC HEARINGS**
  - a. Comments from Public on Items Not on Agenda
  - b. Joint Meeting with Prudential Committee
    - Report on Essex Junction Recreation & Parks Department
4. **OLD BUSINESS**
  - a. Approval of Whitcomb Heights II Open Space Agreement – Robin Pierce
  - b. Approval of Whitcomb Heights II Nature Trail Easement Deed – Robin Pierce
  - c. Update on Crescent Connector and Approval of Formal Name – Robin Pierce & Ande Deforge
5. **NEW BUSINESS**
  - a. Approval of Grant Application for Tree Canopy Grant – Robin Pierce
6. **VILLAGE MANAGER'S REPORT**
  - a. Various meetings
  - b. Trustees meeting schedule
7. **TRUSTEES' COMMENTS & CONCERNS/READING FILE**
  - a. Board Member Comments
  - b. Minutes from Other Boards/Committees:
    - Bike/Walk Advisory Committee 3/16/15
    - Tree Advisory Committee 3/17/15
  - c. Letter to NECR General Manager about Train Derailment at Five Corners
  - d. Email from Gracie Engel Peirce Regarding Sidewalks on Hillcrest Road
  - e. Email from Tami Koester Regarding Sidewalks on Hillcrest Road
  - f. Email from Carmen Colley Regarding Sidewalks on West Hillcrest Road
  - g. Email from Lindsay Willis Regarding Sidewalks on Hillcrest Road
  - h. Email from Julie Cimonetti about Whitcomb Heights II Open Space and Nature Trail Issues with Responses from George Tyler and Tom Weaver
8. **CONSENT AGENDA**
  - a. Approve Minutes of Previous Meeting 3/10/15
  - b. Approve Warrants including check #10051104 through #10051199 totaling \$495,272.65
9. **ADJOURN**

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

**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
March 24, 2015**

**BOARD OF TRUSTEES:** George Tyler (Village President); Dan Kerin, Andrew Brown, Lori Houghton. (Elaine Sopchak was absent.)

**ADMINISTRATION:** Lauren Morrisseau, Assistant Manager & Finance Director; Robin Pierce, Development Director, Rick Hamlin, Village Engineer.

**OTHERS PRESENT** Mary Jo Engel, Diane Clemens, Shirley Zundell, Brad Luck, Nick Meyer, Jon Harris, Connie Dollinger, Tim Kemerer, Jaime Kelly, Thomas Weaver, Dan O'Rourke, Dave Shaw, Carmen Colley, Tami Koester, Darren Schibler, John Trombley, Julie Cimonetti, Steve Eustis, Marla Durham, Mike Smith, Judy DeNova, Jennifer Ashe, Paul O'Brian, Ande Deforge.

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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**

Additions:

- Email from Shirley Zundell, dated 3/21/15, re: Whitcomb Heights II Open Space Agreement
- Memo from Robin Pierce, dated 3/24/15, re: Crescent Connector Update

**3. APPROVE AGENDA**

**MOTION by Dan Kerin, SECOND by Andrew Brown, to approve the agenda as amended. VOTING: unanimous (4-0); motion carried.**

**4. GUESTS, PRESENTATIONS, PUBLIC HEARINGS**

1. Comments from Public on Items Not on Agenda

*Communications*

Nick Meyer, Essex Junction Planning Commission, referred to the recent article in the local newspaper regarding consolidation of planning services, noting the village planning commission has not been involved in the discussions. Mr. Meyer urged better communication between committees. George Tyler assured the comment will be duly noted and the discussions thus far have been extremely preliminary.

*Sidewalks on Hillcrest*

Erin Knox, Hillcrest, requested sidewalks on Hillcrest be included on a future agenda for discussion. Also, after the drainage project is complete the road will need resurfacing at a minimum due to the poor condition of the paving. George Tyler explained the village Capital Project Committee reviews infrastructure needs in the village and will take the

request for sidewalks under consideration. The committee meetings are open to the public and comments are welcomed. The recent bond approval covers the drainage work that will be done on Hillcrest, but does not include sidewalks.

## 2. Joint Meeting with Prudential Committee

Members of the Prudential Committee in attendance: Mike Smith, Marla Durham, Jennifer Ashe, Tim Kemerer.

CSSU staff in attendance: Judy DeNova (Superintendent), Paul O'Brian (CSSU), Brad Luck (Rec Director).

Brad Luck gave an update on the activities of EJRP for the past year (2014) and future plans, noting all programs and activities are well attended with wait lists for many programs. Mr. Luck reviewed the current organizational chart, Rec Advisory Committee members, maintenance/upgrades to facilities and equipment purchases, and various camps, activities, and events facilitated by EJRP. The FY2016 rec budget and capital plan will be voted at the school district annual meeting. The budget is a level tax rate and the capital plan maintains the same funding level (1% investment). The master plan for EJRP will be undated next year. National accreditation of the rec program is being undertaken. Further discussion is needed on rec impact fees and facility and program needs when the bond expires in 2019.

George Tyler observed EJRP is filling a huge need in the community (village and town) with the summer childcare program. Brad Luck said it is a struggle because the numbers keep increasing and at some point an increase in funding may be requested.

Dan Kerin suggested pursuing a community indoor gym or auditorium once the bond for the pool is paid.

There was discussion of consolidation of the governance of the school districts in the supervisory union (RED study). Many questions need to be answered and issues resolved such as sharing data because now there are different ways to track data and different assessments by the village and town school districts. Also, declining enrollment means programs cannot be sustained and learning is impacted when funds are restricted. There are questions such as whether the Rec Department should stay associated with the schools or be separate from CSSU oversight and support, or whether a park district should be formed. With a park district the village and town rec departments will fall under a new governance structure with the budget and capital plan still approved by the voters. Judy DeNova stated there is opportunity to consider different pathways with consolidation. CSSU and the Prudential Committee are aligned on the big picture goals. Details will be figured out going forward. There is a \$300,000 transition grant available that includes study of consolidation. Following further discussion there was agreement the Trustees should postpone adding discussion of consolidation of the school districts and EJRP to a future agenda until after the community decision on the RED study.

## 5. OLD BUSINESS

1. Approve Whitcomb Heights II Open Space Agreement & Nature Trail Easement Deed

George Tyler noted the revisions to the documents have only been available for review in the last few days. More time is needed by all parties to look at the documents.

**MOTION by George Tyler, SECOND by Lori Houghton, to recommend that the Board of Trustees not make an agreement at this time and provide a two week notice before any tentative final agreement is made.**

**DISCUSSION: Andrew Brown pointed out people have come out on multiple occasions on the issue so it is a disservice not to take action. Dan Kerin said the delay will allow the full board and the Municipal Manager to be present. There were no further comments.**

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

There was discussion of the following:

*Declarations and Ownership*

- Tom Weaver, South Street Associates, explained the condominium clusters (Cluster I & II) and the master association.
- Dan O'Rourke, attorney for South Street Associates, explained the master declaration for the property has declarant rights that establish the pedestrian path and convey the open space. The rights are reserved to South Street Associates which is the declarant.
- Shirley Zundell opined the land is owned by the master association and the condominium owners own the master association. South Street Associates can convey the trail and open space, but once conveyed the condominium association (owner) is responsible.
- George Tyler said the Village Attorney will review the issue of the declaration.
- Tom Weaver suggested the attorneys representing all parties have a meeting of the mind to meet the legal requirements.

*Open Space and Nature Trail*

- George Tyler asked about Section 908 of the Land Development Code regarding dedicated open space. Robin Pierce explained Section 908 applies to public open space, such as community parks. Whitcomb Heights II open space is by way of an easement which is different.
- George Tyler said the open space agreement appears to say no one is allowed access to the open land. Robin Pierce said residents should have access. That is why there are easements and the land is open (no development allowed) in perpetuity.
- Dan O'Rourke said he is not sure how Section 908 applies in this case.
- Lauren Morrisseau said in her reading of the open space agreement it does not appear to say the land is open to the public. The agreement says the open space grants the right of public view, but does not say access. Tom Weaver assured the intent was for people to have appropriate access and not endanger the wetlands or the rare and endangered species in the area. Inappropriate access will not benefit anyone. Half the area is wetlands and nearly impassable. People will not want to be walking there, but if someone wants to go onto the land they can.

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- Andrew Brown said there are two agreements – the open space agreement that says the land is not open to the public except for the nature trail and the trail easement that says it is open to the public. Dan Kerin pointed out by state law unless land is posted the public can have access. The easement indicates the public must stay on the path.
  - George Tyler suggested the language in Section 4 of the agreement (Limitation on Scope of Easement) be clarified to protect the environment yet allow non-intensive, limited access. Dan Kerin cautioned that once it is known the land is open to the public it may become over used. Dan O'Rourke said if the goal is to preserve the land in its natural state then the way the agreement is now written may be best.
  - Tom Weaver said he would like the village to prohibit hunting on the open land so the "No Trespass" signs are not needed.
  - George Tyler summarized the Trustees agree the intent is to protect the open space area and that is what the agreement does as now written. The village will not take control of the property. Finalized document(s) will be reviewed by all parties before being signed by the Trustees.

#### *PUBLIC COMMENTS*

Jaime Kelly, 25 Lavoie Drive, pointed out bikes are using the trail now even though there are signs posted. Ms. Kelly contended if the public is allowed access to the open space the same will happen there (i.e. the area will not be respected and protected). George Tyler stated someone breaking the law is an enforcement issue.

Jon Harris, 102 South Street, recalled the Whitcomb family gave people access to the land when they owned it. The solar array that is on the farm now allows people access to the land. The Trustees are urged to look at the language in the solar agreement and use similar language in the easement and open space agreements. Language about environmental impacts should be outlined in the open space agreement. Regarding the nature trail, the trail is being used. Signage posted with the first phase of Whitcomb Heights normalized use for the condominium owners.

Steve Eustis, Wilkinson Drive, suggested language be included in the agreements stating that no trails shall be built in areas other than the formal trail, and language should be added to Section 4 to prohibit hunting so the land does not have to be posted. Reference in Section 4.B to ag/farm use of the land should be deleted if this does not apply. The open space should not have intensive use, but should be able to be accessed by people for passive use (i.e. observing plants and animals).

Darren Schibler, member of the town conservation committee and village resident, suggested the area be posted as a natural or sensitive area to help manage access, but allow access for science and discovery. Mr. Schibler asked that his committee be kept informed on the issues.

Julie Cimonetti, 6 Poplar Court, stated the language in Section 4.C seems to imply the area is open for hunting, but hunting should be prohibited on the entire parcel for safety

purposes. Tom Weaver said if the village has an easement over the open space then the Trustees have the ability to prohibit hunting there. George Tyler said the Village Attorney will review the matter and provide advice on how to prohibit hunting (rifle and bow). Dan Kerin commented to prohibit hunting or trespass on private property the land must be properly posted.

Connie Dollinger, 106 South Street, suggested posting the area as a wildlife sanctuary. Also, the trail easement says walking, but not running or jogging is allowed. George Tyler explained the language states walking to avoid being liable for falls from running or jogging on the trail.

There were no further comments.

#### *Plan of Action*

George Tyler summarized the plan of action:

- Distribute a clean copy of the documents.
- Village Attorney will review the documents, strike reference to ag/farm use of the land, address restriction/prohibition of hunting, and add language to allow access to the open space in a manner that is not intense and protects the wetlands and rare and endangered species.
- The Trustees will review the comments from the Village Attorney.
- All parties will have opportunity to review the documents before a meeting is scheduled for signing the documents.

Any comments should be forwarded to the village. Tom Weaver asked to receive the comments so there is time to respond before the documents are in their final form. Steve Eustis requested the village notify the interested parties of the deadline for comments to be submitted for consideration by the Trustees and Village Attorney, and that all parties (village, attorneys, condo association, residents) have the opportunity to review the documents before scheduling the meeting for signing.

#### 2. Crescent Connector Update and Formal Name Approval

Robin Pierce reported the railroad's consultant is working with the village's consultant on design of the railroad crossing. The emphasis with the crossing will be on motor vehicles, not rail cars. Regarding the road name, the recommendation is to extend "Railroad Street" to cover the entire length of the road from Park Street to Main Street and renumber the properties accordingly.

George Tyler asked if additional studies are needed for the roadway project. Robin Pierce said no additional studies are needed. The studies that have been done show if the circ highway were built traffic flow at Five Corners would improve by 10%. With the crescent connector traffic flow at Five Corners will improve 12%.

Ande Deforge, VTrans, reported the goal for the project is 2016, but the project is now in the right-of-way phase which could take more time than anticipated so the timeline could slip. An appraiser has been hired to determine fair market value of the land. Robin Pierce

said the village is meeting with property owners beginning April 14<sup>th</sup>. Ande Deforge stated the project is funded as a circ alternative project and is moving forward. Monthly projects meetings are held to work through any issues. VTrans has a slate of project requirements and is nearly done with the preliminary plan and permitting.

Andrew Brown said the residents on Railroad Street should be notified their house number will be changing before the name change is made. Following further discussion the Trustees agreed to revisit the road name after the residents are notified.

## **6. NEW BUSINESS**

### **1. Approve Grant Application for Tree Canopy**

Robin Pierce explained the application for a grant up to \$5,000 with a 50/50 match for trees and the proposal to partner with the forestry program at CTE to create an urban tree nursery to plant and maintain trees in the village. Money will be saved by the village on street trees in the long term. Mr. Pierce said there is money available in the economic and community development budget for the matching funds. CTE will pick up the cost of the program after the grant.

George Tyler noted an email from Bob Travers, CTE, in support of the proposal.

Nick Meyer, Tree Advisory Committee, said the grant is a staff initiative. The committee has not discussed the proposal. Partnering with CTE and the forestry students is a great idea. Arborist Warren Spinner who is also a member of the Tree Advisory Committee advised the concept is good, but there is a lot of work to do. The bulk of the work that needs to be done is in the summer so assurance is needed there will be coverage. Nick Meyer offered to have the Tree Advisory Committee work with CTE.

Lori Houghton requested a plan from CTE on how the money will be used and written confirmation the village will receive the urban street trees at no cost.

**MOTION by Dan Kerin, SECOND by Lori Houghton, to approve the tree canopy grant application with the following caveats:**

- 1. CTE will forward the curriculum plan that shows how the program will be implemented and that the program is sustainable throughout the year.**
- 2. CTE will send written confirmation that the village will receive urban street trees at no cost.**

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

## **7. MUNICIPAL MANAGER'S REPORT**

### **1. Meeting Schedule – Regular Trustees Meetings @ 6:30 PM**

- April 14, 2015
- April 28, 2015
- May 12, 2015
- May 26, 2015
- June 9, 2015

- June 23, 2015
- July 14, 2015
- July 28, 2015

Special Meetings/Events:

- April 1, 2015 @ 6 PM – Village Community Supper
- April 1, 2015 @ 7 PM – Village Annual Meeting
- April 14, 2015 – Australian Ballot Voting
- May 23, 2015 @ 10 AM – Memorial Day Parade
- July 18, 2015 @ 5 PM – Block Party & Street Dance

2. Public Meeting

There is a public meeting facilitated by Regional Planning on April 2, 2015 at 6 PM to discuss ideas on how to improve the Amtrak train station. Andrew Brown suggested the meeting be held following the village annual meeting since many villagers will be in attendance. George Tyler will check with Regional Planning on holding the meeting after the annual meeting. Diane Clemens noted the meeting is included on the meeting agenda for the Village Planning Commission on April 2<sup>nd</sup>.

3. Bike/Walk Committee

Rick Hamlin announced the “slow roll” event in May being planned by the Bike/Walk Committee to kick off the bike season. The event will be held at Maple Street Park. The committee will work with Darby Mayville on publicizing the event.

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

1. Board Member Comments

- Dan Kerin announced Brian Roy, Assistant Rec Director, asked him to attend the showing of the documentary “Hungry Heart” about a Vermonter struggling with drug addiction.
- George Tyler stated the Capital Project Committee will review and rank the sidewalk request from residents on Hillcrest. Sidewalks are not part of the drainage project. Andrew Brown noted residents on Hillcrest will be notified when the committee is reviewing the sidewalk request. Public interest is one of the ranking criteria.
- George Tyler mentioned the developer of the project at 4 Pearl Street purchased the adjoining parcel and offered the house on the site to the village. The developer wants to use the lot for parking. The developer was told the village was not interested in the house, but the Trustees did not make that decision and would like clarification on the course of events and who spoke on behalf of the village with regard to the house as well as what the village policy is with regard to a property offer.

2. Reading File

- Minutes
  - Bike/Walk Advisory Committee 3/16/15
  - Tree Advisory Committee 3/17/15
- Letter to NECR General Manager re: train derailment at Five Corners



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- Emails from the following individuals regarding sidewalks on Hillcrest Road:
    - Gracie Engel Pierce
    - Tami Koester
    - Carmen Colley
    - Lindsay Willis
  - Email from Julie Cimonetti re: Whitcomb Heights II open space and nature trail and responses from George Tyler and Tom Weaver

**9. CONSENT AGENDA**

**MOTION by Lori Houghton, SECOND by Dan Kerin, to approve the consent agenda as follows:**

- 1. Approve Minutes of Previous Meeting 3/10/15**
- 2. Approve Warrants Check #10051104 to Check #10051199 totaling \$495,272.65.**

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

**10. ADJOURNMENT**

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

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

The meeting was adjourned at 9:40 PM.

RScty: M.E.Riordan

