



TRUSTEES MEETING NOTICE & AGENDA
TUESDAY, APRIL 28, 2015 at 6:15 PM
LINCOLN HALL MEETING ROOM, 2 LINCOLN STREET

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG** [6:15 PM]
2. **EXECUTIVE SESSION/PERSONNEL**
 - a. Interview for Capital Program Review Committee – Kevin Collins
3. **BOARD REORGANIZATION**
 - a. Oath of Office for Newly Elected Trustees
 - b. Board Elections
4. **AGENDA ADDITIONS/CHANGES**
5. **GUESTS, PRESENTATIONS AND PUBLIC HEARINGS**
 - a. Comments from Public on Items Not on Agenda
 - b. Report from CSWD Representative Alan Nye
 - c. FYE 16 CSWD Budget Presentation – Tom Moreau
 - d. Request for Approval of Local Emergency Operations Template – Brad LaRose
 - e. Presentation and Discussion of Planning and Zoning Services – Greg Duggan
6. **OLD BUSINESS**
 - a. Appointment to Capital Program Review Committee through 8/31/17 – Pat Scheidel
 - b. Accept Design Five Corners Report from Julie Campoli – George Tyler
 - c. Discuss Amendment to Motor Vehicle Ordinance – Pat Scheidel
 - d. Discuss Essex Governance Group Final Report – Elaine Sopchak
7. **NEW BUSINESS**
 - a. Memo about Renewal of Village Center Designation – Robin Pierce
 - b. Email Update about 4 Pearl Street – Robin Pierce
 - c. Approve Amendment to Fringe Benefit Policy – Pat Scheidel
 - d. Approve Bid Award for Main Street Drainage Enclosure Project – Pat Scheidel
 - e. Approve Bid Award for Hillcrest Drainage and Waterline Improvements – Pat Scheidel
 - f. Review and Sign Acknowledgement of Ethics Policy
8. **MUNICIPAL MANAGER’S REPORT**
 - a. Trustees meeting schedule
9. **TRUSTEES’ COMMENTS & CONCERNS/READING FILE**
 - a. Board Member Comments
 - b. Tree Advisory Committee Minutes 4/21/15
 - c. Certification of Results for Annual Election 4/14/15

10. **CONSENT AGENDA**

- a. Approve Minutes of Previous Meeting 4/14/15
- b. Approve Warrants including check #10051319 through #10051389 totaling \$480,760.26
- c. Approve Request for Street Closings for Brite Night 5K Run on 7/18/15
- d. Approve Street Vending Permit Request for The Ice Cream Man

11. **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
April 28, 2015**

BOARD OF TRUSTEES: George Tyler (Village President); Dan Kerin, Andrew Brown, Elaine Sopchak. (Lori Houghton was absent.)
ADMINISTRATION: Patrick Scheidel, Municipal Manager; Lauren Morrisseau, Assistant Manager & Finance Director; Susan McNamara-Hill, Village Clerk/Treasurer; Robin Pierce, Development Director.
OTHERS PRESENT Kevin Collins, Brad LaRose, Theresa Fletcher, Alan Nye, Greg Duggan, Diane Clemens, John Alden, Tom Moreau.

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Village President, George Tyler, called the meeting to order at 6:15 PM and led the assemblage in the Pledge of Allegiance.

2. EXECUTIVE SESSION – Personnel

MOTION by Andrew Brown, SECOND by Dan Kerin, to go into Executive Session to interview a candidate for a volunteer position in accordance with the Open Meeting Law, 1VSA§313(a)(3), to include the Trustees, Municipal Manager and Assistant Manager. VOTING: unanimous (3-0)[Elaine Sopchak not present for the vote]; motion carried.

Executive Session was convened at 6:16 PM.

MOTION by George Tyler, SECOND by Dan Kerin, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous (4-0); motion carried.

Executive Session was adjourned at 6:26 PM. Following a brief recess the regular meeting resumed at 6:30 PM.

3. BOARD REORGANIZATION

Oath of Office for Newly Elected Trustees

Village Clerk, Susan McNamara-Hill, administered the Oath of Office to newly elected trustees.

Board Elections

Village President

MOTION by Dan Kerin, SECOND by Andrew Brown, to nominate George Tyler as Village President. There were no other nominations. VOTING: unanimous; motion carried.

George Tyler is Village President.

Village Vice President

MOTION by George Tyler, SECOND by Andrew Brown, to nominate Dan Kerin as Village Vice President. There were no other nominations. **VOTING: unanimous; motion carried.**

Dan Kerin is Village Vice President.

4. AGENDA ADDITIONS/CHANGES

Additions:

- Under Old Business - Renewal of Village Center Designation and update on 4 Pearl Street.
- Under Presentations - Q & A sheet on the exploration of the future of planning and zoning services and draft scope of work, dated April 1, 2015.
- Under Reading File - Notice of Violation, dated 4/15/15.
- Under Reading File – Update on water quality legislation (H.35) from Jim Jutras, dated April 27, 2015.
- Under Reading File - Public hearing notices for May 20, 2015 by Regional Planning.

APPROVE AGENDA

MOTION by George Tyler, SECOND by Elaine Sopchak, to approve the agenda as amended. VOTING: unanimous (4-0); motion carried.

5. GUESTS, PRESENTATIONS, PUBLIC HEARINGS

1. Comments from Public on Items Not on Agenda

There were no comments from the public at this time.

2. Report from CSWD Representative, Alan Nye

Alan Nye reported the following:

- There are now five votes (weighted vote) for the village and town on the CSWD Board by combining the two member municipalities under one representative.
- Alan Nye also serves on the CSWD Executive Board, Finance Committee, and as the Secretary/Treasurer for the CSWD Board. Mr. Nye is fiscally conservative.
- The cost of waste disposal in Chittenden County (and the state) will increase due to Act 148. In Year 2020 collection and composting of household organic material will be mandatory. Homeowners can do backyard composting as well.
- CSWD is working with haulers on variable rate pricing.
- Recycling containers must be available next to trash containers in public places per Act 148.
- As tonnage going into the landfill is reduced the amount of revenue generated is also reduced so CSWD had to increase the solid waste management fee. A reserve fund to offset additional increases was established. Once the reserve is exhausted new ways to make management fees available to CSWD must be found. Staff is researching this matter presently.
- There will not be a fee charged to member communities again this year.

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- The village received \$1,400 in community clean up funds for Christmas tree disposal this year, and a year ago CSWD provided funds to the village and town to clean up Sunderland Brook behind Rite Aid.
 - There are recycling container grants available. Contact Mr. Nye for more information.
 - Mr. Nye will provide quarterly reports on CSWD activities and will seek guidance and comment on any questionable votes.

Pat Scheidel asked if CSWD is active in lobbying in Montpelier. Mr. Nye said there is a CSWD staff member who works closely with the legislature and ANR. CSWD is a leader in the state in meeting Act 148 requirements and the legislature and ANR look strongly to CSWD in solving issues.

3. FY16 CSWD Budget Presentation

Tom Moreau, CSWD General Manager, presented a summary of the proposed FY16 CSWD budget, noting the following:

- Revenues are flat and expenses are up 4.8% mainly due to Act 148 requirements. The state is not funding the mandates.
- CSWD will be able to comply with the new legislation more easily than the outlying counties because CSWD has a MRF and a compost facility in place.
- The state mandate is to reduce municipal solid waste to 2.71 pounds per person per day. CSWD is at three pounds now for Chittenden County and the state overall is at 3.4 pounds. Northeast Kingdom is at 1.6 pounds because there is no industry in that area.
- Education is needed on Act 148. The budget includes \$138,000 for advertising and two half-time positions plus overlap for the new General Manager (Tom Moreau is retiring).
- Commodity prices for recyclables are at an all-time low. Markets are shrinking. Oil prices are down so plastic prices are down. Steel prices are down. As a result CSWD had to increase the tip fee at the MRF. Even with the tip fee increase the cost is still less than the cost to landfill the material.
- There is only one remaining landfill in Vermont and the price per ton has increased.
- A strategic plan for CSWD is being done and will be complete this year.
- CSWD spent a lot of time investigating consolidated collection and decided the best approach is to let each member town determine if they want to pursue franchising or consolidated collection in their town.
- Staff is considering collecting organics in different colored bags rather than a separate container so the bags can simply be removed at the transfer station.

Dan Kerin asked about enforcement of the state mandates. Tom Moreau said CSWD's experience has been when there is a law there is an increase in participation by up to 20% of the population. CSWD cannot go through an individual's trash which is considered private property, but will provide more education and outreach to get compliance by the public. If composting and recycling is easy and convenient, people will do it.

George Tyler thanked Tom Moreau for his many years of service and expertise provided to CSWD, making CSWD a model of efficiency. Tom Moreau was wished well in his upcoming retirement. Chittenden County and the state will be at a great loss.

MOTION by George Tyler, SECOND by Elaine Sopchak, to approve the FY16 CSWD budget as presented. VOTING: unanimous (4-0); motion carried.

4. Approve Local Emergency Operations Plan (LEOP)

Police Chief, Brad LaRose, referred to the Village of Essex Junction 2015 Local Emergency Operations Template, noting the law changed and now requires that the board member verifying approval of the emergency plan must have completed one of two basic courses in emergency response training. Dan Kerin has this training. Chief LaRose said the village and town emergency plans are essentially the same. Resources will be shared in an emergency. Essex Selectboard approved the town's local emergency operations plan already.

MOTION by Dan Kerin, SECOND by Andrew Brown, that the Trustees approve the 2015 Essex Junction Emergency Operations Plan template as presented. VOTING: unanimous (4-0); motion carried.

5. Presentation/Discussion of Planning and Zoning Services

Greg Duggan stated the study of planning and zoning services for the village and town is based on the outcomes from Heart & Soul of thoughtful growth and unified planning between the town and village. Money was included in the town budget to hire a consultant to examine planning and zoning services in the town and village. Ariana McBride and Delia Clark have been hired. A steering committee with a representative mix of people from the community, from village and town boards, and staff will be formed. The scope of work includes identifying the working group to study the issues. A community kickoff event will be held in June to inform the public. The working group will meet to look at planning issues and structures. The consultants will provide an update at the meeting on May 4th with the Selectboard and Trustees. A report will be generated with findings and recommendations to be presented to the Selectboard and the Trustees who will then determine how to move forward.

George Tyler pointed out the Community Development Director and Planner is one person in the village while the town has two separate positions. Greg Duggan explained the town's Development Director handles long term planning and visioning while the Planner reviews development proposals for compliance to the regulations and presentation to the planning commission.

Elaine Sopchak asked if Regional Planning or the state community development department will have input and provide guidance on the final product. Greg Duggan said the consultants will have a copy of the ECOS Plan and all resources will be informed. Regional Planning has made note that Essex and Essex Junction are the only communities without a Development Review Board structure. Ms. Sopchak commented community development is not just planning and zoning, but includes outreach,

communication, economic development, grant funding. Pat Scheidel pointed out much of planning and zoning is regulated by state law, and economic development in the town is a function of the town manager. The study is looking at the governance portion of planning and zoning. Other items, such as outreach, communication, will be incorporated if the planning and zoning matter moves forward. Elaine Sopchak suggested the EGG neighborhood assembly approach could be applied in the planning and zoning process as a way to help with communication and to gather public input.

George Tyler said the question of who will govern the combined body of planners and zoners needs to be answered. Also, the Trustees must have a clear understanding of what the study will accomplish. Greg Duggan said the scope of work is good and the recommendations should be clear on whether there should be a combined body or not. Andrew Brown stressed the recommendation should be clear on having consolidated planning and governance of that body.

Dan Kerin mentioned the village schools are in the process of consolidating boards. This could be looked at by the consultants as an example.

Pat Scheidel advised not predetermining outcomes and to listen to what the people want. The town and village charters will answer some questions. There is no need to rush through the process. Lots of questions need to be asked.

George Tyler urged looking at the structure in place now and identifying what is good and what is not, what works and what does not. Concrete examples should be used. Heart & Soul and EGG made many recommendations that the village is already doing.

6. OLD BUSINESS

1. Appointment to Capital Program Review Committee

MOTION by Dan Kerin, SECOND by Andrew Brown, to appoint Kevin Collins to the Capital Program Review Committee through August 31, 2017.

DISCUSSION: Mr. Collins' credentials, background in business and engineering, and historical knowledge of the village were cited as assets to the committee.

VOTING: 3 ayes, one abstention (Elaine Sopchak); motion carried.

2. Accept Design Five Corners Report from Julie Campoli

Robin Pierce noted the Planning Commission is updating the Land Development Code and hopes to incorporate some of the report from Julie Campoli. The report will be posted on the village website and public comment will be requested. A joint meeting with the Trustees and the Planning Commission will be scheduled to discuss how to implement the plan and next steps. Julie Campoli will be invited to the joint meeting.

MOTION by George Tyler, SECOND by Elaine Sopchak, to accept the Design Five Corners Report by Julie Campoli. VOTING: unanimous (4-0); motion carried.

3. Renewal of Village Center Designation

Robin Pierce stated there are benefits with the Village Center Designation that could apply to development that will occur along the crescent connector. There could also be benefit to overlapping the Vermont Neighborhood Designation.

MOTION by Elaine Sopchak, SECOND by Dan Kerin, to authorize staff to renew the Village Center Designation via application to the Department of Housing and Community Development. VOTING: unanimous (4-0); motion carried.

4. Update on 4 Pearl Street

Robin Pierce reported the issue with trucks on Park Terrace has been addressed. The sidewalk has not been impacted by the site work. The Village Engineer is inspecting the work to ensure the approved plan is being followed. John Wells is the site superintendent.

5. Amendment to Motor Vehicle Ordinance

Pat Scheidel reported the Police Chief does not recommend allowing noncompliance with the law. The Village Attorney advised granting a waiver to the traffic ordinance is not a good idea, but the regulations can be amended for the duration of the project at 4 Pearl Street. An amendment to the ordinance will take 60 days to go into effect. Parking on the street for a temporary time period can be suggested to the residents.

George Tyler pointed out the amendment can be temporary and tightly focused. The residents are being impacted by the construction and need some relief.

Pat Scheidel will add the amended ordinance language to the next agenda for review.

6. Discuss Essex Government Group (EGG) Final Report

The Trustees provided feedback on the EGG report as follows:

- The report seems to be subjective, saying a certain number of people must attend town meeting, but never specifying a number.
- There is hesitation to make changes as a “knee jerk” reaction.
- There could have been repeat responses to the surveys by individuals and also responses from people out of the village.
- The recommendations are ambiguous and subjective by referring to “many people”, but not defining “many”.
- There is agreement voting should be done on the same day.
- The recommendations on communication could be strengthened.
- Some of the approaches should be tried to see the outcome.
- The recommendations are great, but significant and will require possible charter changes, staff and resources.
- An analysis and stronger findings to push in the direction of the recommendations would have been good.
- Rather than same day voting which was the impetus the respondents identified their priority as better collaboration between the village and town (that is occurring now). The analysis should have focused more on same day voting.

Elaine Sopchak noted the budget was quickly exceeded and the consultant volunteered their time to finish the report so more analysis could not be done. The basis of the work was a small group who were unhappy with the voting, but the outcome was recommendation for more communication. Communication was a constant throughout the process. Communication underlies all. The recommendations should be taken as a package, but that will take a long period of time so one option is to begin with one item and go forward from there. The first step could be empowering neighborhoods with involvement in the planning discussion. Over the summer ideas can be explored with staff on how to enhance the next village annual meeting.

7. NEW BUSINESS

1. Approve Amendment to Fringe Benefit Policy

Staff reported the IRS rules require \$50,000 or more of life insurance must be taxed.

MOTION by Andrew Brown, SECOND by Elaine Sopchak, to adopt the revised policy as presented and rename as “Fringe Benefit Policy”. VOTING: unanimous (4-0); motion carried.

2. Approve Bid Award: Main Street Drainage Enclosure Project

It was noted the low bid is significantly lower than the project estimate.

MOTION by George Tyler, SECOND by Andrew Brown, to award the bid for the Main Street drainage enclosure project to Desroches Construction Services, Inc. in the amount of \$576,500. VOTING: unanimous (4-0); motion carried.

3. Approve Bid Award: Hillcrest Drainage and Water Line Improvements

MOTION by Dan Kerin, SECOND by Andrew Brown, to award the bid for the Hillcrest drainage and water line improvement project to Ormond Bushey and Sons, Inc. in the amount of \$256,244. VOTING: unanimous (4-0); motion carried.

4. Review/Sign Ethics Policy

The Trustees each signed the Ethics Policy to acknowledge receipt and review of the document.

8. MUNICIPAL MANAGER’S REPORT

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

- May 12, 2015
- May 26, 2015
- June 9, 2015
- June 23, 2015
- July 14, 2015
- July 28, 2015
- August 11, 2015
- August 25, 2015
- September 8, 2015

Special Meetings/Events:

- May 4, 2015 @ 7:30 PM – Joint Meeting with Essex Selectboard
- May 23, 2015 @ 10 AM – Memorial Day Parade
- July 18, 2015 @ 5 PM – Block Party & Street Dance

2. Medical Leave

Pat Scheidel will be out on medical leave from May 6, 2015 to May 20, 2015 for surgery.

3. Water Breaks

Lauren Morrisseau alerted the Trustees to the financial impact of the numerous water breaks this winter. Excavation and repair costs alone are \$107,000 so far. The water bill from Champlain Water District has not yet been received. Costs will be covered by the Water Department enterprise fund. Staff will follow up with Rick Jones on review of the repair work and the plan moving forward.

9. TRUSTEES COMMENTS/CONCERNS & READING FILE

1. Board Member Comments

None.

2. Reading File

- Minutes
 - Tree Advisory Committee 4/21/15
- Certification of Results for Annual Election 4/14/15

10. CONSENT AGENDA

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

1. **Approve Minutes of Previous Meeting 4/14/15.**
2. **Approve Warrants Check #10051319 to Check #10051389 totaling \$480,760.26.**
3. **Approve Street Closings for Brite Night 5k Run on 7/18/15.**
4. **Approve Street Vending Permit for The Ice Cream Man.**

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

11. ADJOURNMENT

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

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

The meeting was adjourned at 8:45 PM.

RScty: M.E.Riordan

