



TRUSTEES MEETING NOTICE & AGENDA
TUESDAY, SEPTEMBER 13, 2016 at 6:30 PM
LINCOLN HALL, 2 LINCOLN STREET, ESSEX JUNCTION, VT 05452

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **GUESTS, PRESENTATIONS AND PUBLIC HEARINGS**
 - a. Comments from Public on Items Not on Agenda
 - Carol Bennett, Dunbar Drive
5. **OLD BUSINESS**
 - a. Adoption of Amended Land Development Code – Pat Scheidel
 - b. Draft Resolution Regarding the RGSC Recommendations – George Tyler
6. **NEW BUSINESS**
 - a. Report on Special Taxing Districts – Elaine Sopchak
 - b. Approval for NECR to work in the Village ROW – Pat Scheidel
7. **MANAGER'S REPORT**
 - a. Trustees meeting schedule
8. **TRUSTEES' COMMENTS & CONCERNS/READING FILE**
 - a. Board Member Comments
 - b. Minutes from Other Boards/Committees:
 - Planning Commission 8/18/16
 - Bike/Walk Advisory Committee 8/22/16
 - c. VLCT Municipal Budgeting Workshop 9/27/16
 - d. Memo from VLCT re: 2017 Draft Municipal Policy
 - e. Memo from VLCT re: 2016 Candidate Forum Kit
 - f. Letter to George Tyler from Anne Duany Whyte re: height limits in the Village Center
 - g. Email to George Tyler from Nancy L'Ecuyer re: no six stories
 - h. Email to Trustees from Susan Littlefield re: waiver for height on village buildings
 - i. Email to George Tyler from Kate Hennessey re: 4 story building code
 - j. Email to George Tyler from residents on Owaissa Avenue
 - k. Email to George Tyler from Joe and Genie Cornacchia re: 4 stories high
 - l. Email to George Tyler from Darell Whitaker re: please don't increase height limit
9. **CONSENT AGENDA**
 - a. Minutes of Previous Meeting 8/23/16
 - b. Expense Warrant #17008 dated 8/26/16 in the amount of \$747,218.83
 - c. Expense Warrant #17009 dated 9/2/16 in the amount of \$82,768.34
 - d. Request to close Hawthorn Circle for a block party on 9/17/16

10. **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
September 13, 2016**

BOARD OF TRUSTEES: George Tyler (Village President); Dan Kerin, Andrew Brown, Lori Houghton, Elaine Sopchak [arrived 7 PM].

ADMINISTRATION: Pat Scheidel, Municipal Manager; Lauren Morrisseau, Finance Director/Assistant Manager.

OTHERS PRESENT: Frank & Judy Naef, Diane Clemens, Anne Whyte, John Alden, Carol Bennett, Nick Meyer, Bridget Meyer, Chris Chiquoine, Daryl Stultz, Ally Vile, Brad Luck, Irene Wrenner, Saramichelle Stultz, Mike Plageman, Marla Durham, Annie Cooper, Janet Wilson, Colin Flanders (Essex Reporter).

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 CHANGES/APPROVAL

The following change(s) to the agenda were noted:

- Add to Reading File – Letter from Nick Meyer, dated 9/10/16, re: revised LDC; Email from Dee Gannon, dated 9/12/16, re: Briar Lane reconstruction project; Email from Stephen Lizewski, dated 9/12/16, re: Rosewood Lane water line replacement; Email from Peter Sloan, dated 8/23/16 re: a cap on building height of four stories in the village center without possibility of waivers.
- Add to Consent Agenda – Warrant #17010, dated 9/9/16; Letter from Jeff Goodrich, dated 9/12/16, re: Essex Homecoming Request.

**MOTION by Dan Kerin, SECOND by Andrew Brown, to accept the agenda as amended.
VOTING: unanimous (4-0)[Elaine Sopchak not present for vote]; motion carried.**

3. GUESTS, PRESENTATIONS, PUBLIC HEARINGS

1. Comments from Public on Items Not on Agenda

Chris Chiquoine

Chris Chiquoine again requested projected start and end times for concerts at the fairgrounds be posted so neighboring residents can plan accordingly. Mr. Chiquoine asked if the German car show received a fine for the disruptive noise from parties at the event and what will happen next year. George Tyler said a waiver was not issued for the event so a fine could not be issued for a violation. It is assumed next year there will be tighter controls in place. Pat Scheidel added Robin Pierce will be meeting with Tim Shea at CVE to discuss enforcement and how future business will be impacted if the event does not stay within the parameters. Chris Chiquoine suggested granting a waiver next year and setting limits per the noise agreement, monitoring the event and issuing a fine for any violations. Mr. Chiquoine asked to be notified when the meeting with Tim Shea will take place.

Anne Whyte

Anne Whyte, School Street, asked if a waiver was requested and granted for the parking spaces at the end of Park Terrace by Park Street. George Tyler said he did not know. Ms. Whyte asked about the special meeting on streets that was to be held, expressing concern that with the approach of winter nothing will be done and the issues are not going away. After attending many meetings and sending numerous emails since March nothing is resolved. There is language in the Land Development Code (LDC) regarding weight limits on streets with exceptions for deliveries. There will be many deliveries to 4 Pearl Street. Heavy trucks are going up Park Street onto School Street now. Robin Pierce seemed to indicate the weight limit is waived for any street the trucks are on. There is no enforcement of the weight limits or truck traffic. The site at 4 Pearl Street is an ongoing commercial-residential setup so the matter of trucks needs to be addressed. The same situation will occur when 9 & 11 Park Street are developed.

Lori Houghton said the discussion of Park Terrace and other streets in the village should be put on a future agenda.

Carol Bennett

Carol Bennett, Cushing Drive, long time home owner in the village, said her flower gardens by her current residence (condo in Whitcomb Heights) were removed by the homeowners' association board which appears to be practicing selective enforcement of the rules because no other flowerbeds in the development were removed. Ms. Bennett said she is circulating a petition to get the rules about gardens changed and her attorney is pursuing the matter of selective enforcement. Having the village write a letter stating flowers can be planted in the public right of way around the mailboxes would be appreciated (the flowers Ms. Bennett planted by the mailboxes were also removed). Ms. Bennett said she is seeking to be on the homeowners' association board to be involved in the decision making for Whitcomb Heights.

George Tyler will draft a letter and send a copy to Ms. Bennett.

Janet Wilson

Janet Wilson, School Street, stated drivers turning from School Street onto Pearl Street have their view blocked by a sign. George Tyler assured the sign was not posted to block the view for drivers.

Staff will investigate the matter.

4. OLD BUSINESS**1. Adopt Amended Land Development Code (LDC)**

George Tyler stated many comments have been received on the LCD, mainly on the building height limit. The six story limit was put into the LDC in 2007. The Trustees are considering whether the limit should remain in the LDC.

COMMENTS

Nick Meyer, former member of the Planning Commission who worked on the update of the LDC, suggested removing language in the LCD that allows review of both the conceptual plan and final plan for a PUD application in the same meeting and requiring separate review of the

conceptual plan and the final plan to add transparency and allow the Planning Commission to be involved in the process rather than have staff working with the applicant to have the application fit into the LDC. Mr. Meyer also spoke in support of a four story building height limit in the village.

Frank Naef showed a digital rendering of a six story building on Park Street relative to Park Terrace for size comparison.

Diane Clemens, current member of the Planning Commission, pointed out per the May 5, 2016 Planning Commission minutes language was to be included in the LDC that said building height shall be no higher than that permitted in the district above preconstruction grade unless approved by the Planning Commission. This language was approved to avoid adding another half or full story to a building. Review of the updated LDC shows this language is not included.

George Tyler stated research of curb cuts and the parking spaces on Park Terrace showed a curb cut is access to a driveway and if a curb cut is to be closed the waiver for this must be approved by the Trustees. Location of curb cuts is determined by the Planning Commission through the site plan review process. Anne Whyte said the bank that was previously on the 4 Pearl Street site had two curb cuts on Park Terrace. The new development at 4 Pearl Street added a curb cut for egress from the underground parking garage. It is not known if a waiver was granted for this or for the parking spaces on Park Terrace where there was a solid curb. The developer asked for narrower parking spaces. George Tyler stated parking spaces are not considered curb cuts. Ms. Whyte said per the Act 250 approval for the project there were to be three curb cuts, but there are four now. Also, there was to be a 30' buffer and sidewalk installed which has not been done. George Tyler said the Village Engineer, Public Works Director, Planning Commission, and Act 250 reviewed the development and it has to be assumed all looked at the LDC.

Anne Whyte stated there is an extra parking lot being built behind 8 Park Terrace. The barn that was there has been demolished and is now a parking lot. There is no record of discussion by the Planning Commission of the parking lot. None of the neighbors were notified. There is a zoning permit for the parking lot which is part of the 4 Pearl project, but not part of the original process. Diane Clemens said the building at 6 Pearl Street is historic. The non-historic portion of the structure was town down. The matter was handled by staff. The Planning Commission did not see the application. Andrew Brown suggested getting more information on the matter from staff. Anne Whyte said the project at 4 Pearl needs sunshine and mutual respect for residents and the developer. Lori Houghton recalled the Trustees wanted the Development Director to stay connected to the project and provide updates to the Trustees. Anne Whyte said answers to questions should be in hand before a Certificate of Occupancy is issued. Elaine Sopchak asked if the parking lot is permanent or temporary. Frank Naef said there are poured concrete curbs around the lot so it appears to be permanent.

Building Height

The Trustees made the following comments:

- Andrew Brown mentioned the benefits of having a waiver to allow two additional stories on a building include economic development, advantageous for developers to conduct infill at a faster rate, broaden the tax base, more residents, increase business development,

and increase utilization of existing businesses. There has not been much support expressed in the community for six story buildings in the village and since the LDC must be updated every eight years there is no need to rush to have six story buildings in the village.

- Elaine Sopchak said the only area in the village that may be appropriate for a six story building is the Global Foundries site. A waiver to go to six stories could be granted in the Light Industrial Zone only.
- Lori Houghton agreed with limiting waivers for additional building height to the Light Industrial Zone provided it can be confirmed the location is in this zone. Since the Light Industrial Zone borders Maple Street specific guidelines/criteria are needed in the LDC for a waiver of building height.
- Dan Kerin acknowledged the comments about additional building height in the Light Industrial Zone and the concern for height and scale of a building in the village center. The area should not be limited to four stories in case a proposal is put forth that the village wants.
- George Tyler said he is not in favor of six story buildings in the village center and is willing to have language to that end in the LDC, but is concerned about limiting expansion by Flex-A-Seal which can only expand up and not out. Even taller buildings should be allowed in the Global Foundries area. The Planning Commission will exercise judgment with regard to building height.

The Trustees agreed to the following changes to the LDC:

1. Change the language to disallow six story buildings in the village center and have specific language that taller buildings will be allowed in the Light Industrial Zone provided the criteria are met and a waiver is granted. The criteria should be enumerated.
2. Add the language about building height no higher than that permitted in the district above preconstruction grade unless approved by the Planning Commission.
3. Add the language about separate preliminary plan and final plan reviews for PUD applications.

Announcement of the language changes proposed by the Trustees will be posted on Front Porch Forum.

George Tyler mentioned he recently was informed that a rail freight center can be built at the Global Foundries site. The information will be forwarded to Global Foundries.

2. Draft Resolution on RGSC Recommendations

George Tyler reviewed issues to be addressed prior to the vote on the municipal rec district include legal advice on dissolving the existing contract with the Prudential Committee for EJRP, next steps if the vote is negative for the rec district, how to support the Rec Study Committee recommendations, and warning the vote in December. Some key financial items include the remaining debt on the bond for Maple Street Park to be paid by village taxpayers only (an entity will be needed to collect the debt; the entity could be the village administration) and perhaps phasing in the increase in tax for rec on town taxpayers because presently villagers support 100% of EJRP plus 44% of the town rec department and with the municipal rec district there will be tax equalization.

Dan Kerin spoke in support of the recommendations from the Rec Study Committee, but if the vote is negative the village should take over the rec program to continue under a separate taxing district. Other communities could be allowed to utilize the outstanding programs. Andrew Brown agreed with maintaining rec as a separate taxing district which will allow more opportunities for grants. Elaine Sopchak also agreed with having rec as a separate district or as an enterprise fund so people have a clear picture of the finances of the department. Lori Houghton stated the Rec Study Committee feels the recommendations allow the communities to come together in the rec program in the best possible way. The findings will be fully communicated to the community. Forming the rec district helps tax equity and efficiency in services at the same or better quality than presently. Villagers already vote on a separate rec budget.

George Tyler said the Trustees should inform the Selectboard that if there is a “no” vote on the rec district there should be a “breathing period” on further discussion to avoid jeopardizing other consolidation and shared service efforts. Also, the Prudential Committee as the steward of EJRP should have opportunity to be involved until the village becomes the responsible owner should the vote not support forming a rec district.

COMMENTS

Max Levy, Selectboard, said people have asked him to tell the Trustees that they support consolidation, but are not sure a municipal district is the right approach.

Mike Plageman, Selectboard, pointed out there are four other members of the Selectboard with a different opinion and to reach a conclusion to start outreach to voters is premature at this time. It is disappointing to hear that a “no” vote would negate the consolidation effort of the past three or four years which has been the best work done in some time and should continue so there is no need for a ‘cooling off’ period. George Tyler clarified his comment about a “no” vote and having a breathing period was simply to set the rec district matter aside while the Trustees and Prudential Committee continue conversation on EJRP. Also, how to interpret a vote in support of the rec district by voters in the village, but not by the voters in the town needs discussion. A positive vote by both entities is needed to move forward to form the rec district. Mike Plageman said the message is consolidation of some kind is wanted and it would be a disservice to the voters not to continue to try to consolidate the rec departments based on the success that has been realized in the past few years. Mr. Plageman said in his opinion the boards owe it to the voters to find another way. George Tyler suggested scheduling a joint meeting with the Trustees and Selectboard as soon as possible to continue the dialogue. The Prudential Committee may want to be included as well.

Marla Durham, member of the Unified Union School Board, Prudential Committee, and citizen of the village and town, reported at the last Unified Union School Board meeting there was discussion of Westford selling land and the attorney for the school district not being able to render an opinion so Westford has been using their town attorney. Superintendent DeNova is investigating other recourse. It is clear conversation is needed between the Trustees and Prudential Committee to figure out equal representation and how to resolve the issue if there is a “no” vote. Having the rec budget separate from the municipal budget is important and should be maintained. It is likely the majority in the village feels the same. Ms. Durham mentioned

petitioning the Selectboard if necessary to put the rec district on the ballot for public vote. Elaine Sopchak said 5% of registered voters of the Town of Essex which includes the village must sign the petition.

Annie Cooper, village and town resident, spoke of working for both the town and village rec departments in the past and the level of professionalism and integrity that is expected by both departments so it is sickening to hear accusation that the rec departments are trying to set up illegal activities. EJRP is a jewel in the community used by people from all over. The ability of the rec department to function well, intelligently, and with its own budget is valuable. A “yes” vote is urged to form a separate rec district. Should the vote be “no” there will be a fight to maintain a separate rec budget.

Bridget Meyer spoke in support of a joint meeting with the Trustees and Selectboard, but urged waiting until the Rec Study Committee facts and figures are available.

Irene Wrenner, speaking as a citizen and not as a member of the Selectboard, suggested holding a vote where the voters can rank three choices: (1) Keep rec under the town or under the village, (2) Combine the village and town rec departments under the town, or (3) Form a special rec district. If none of the choices receive 50% of the votes tally one vote each to the second choice to see how the populace feels. Also, the resolution says EJRP has not had an increase in tax rate in years, but the rec director said FY17 may be the last year at the present tax rate. The EJRP budget shows fund balance of \$80,000 or more has been used for each of the last three years to balance the budget or keep the tax rate low. It is concerning when fund balance is used in three consecutive years.

Saramichelle Stultz expressed relief in seeing the resolution by the Trustees and stated what is being seen at the Selectboard level is not the leadership that is wanted in general and not for the rec department specifically. It is not positive or forward thinking and not good for the community. The time is right for the December vote. If the rec departments had been combined in 2006 much time, money, and effort would have been saved. If the vote is not held now people will move on and then there will be a crunch in February to get people informed once again. Time should not be wasted. The consolidation effort has been awesome thus far and needs to continue in a positive way. All on the Selectboard should do the same.

Brad Luck EJRP, expressed appreciation to provide clarity to the taxpayers, patrons, and staff if there is a “no” vote. Regardless, on July 1, 2017 EJRP will transition somewhere. Staff is concerned about having a job so clarity is needed. The rec department does not want to be in the position of having to transition year after year. Regarding the rec budget and use of fund balance, the rec department is tasked with holding a level tax rate, but the programs are reaching capacity so maintaining a level budget will be a challenge. The dependence on fund balance is slowly dwindling. Also, the school district, and EJRP is presently under the school district, cannot maintain a fund balance and is required to reinvest and that is why the fund balance is used.

Lori Houghton stated many working families rely on the rec departments for childcare service and are nervous about the future of the service so information needs to be communicated on a

“no” vote. Regarding ranked choices for voting, the committee looked at the choices and drafted pros and cons for each.

Elaine Sopchak spoke of the importance of preplanning.

George Tyler stated people outside the village do not understand the commitment to childcare and after school care that is part of the village rec program which the village does not want to jeopardize. The village practices continuous quality improvement. The quality is there with the rec program so there is no need to rebuild from the ground up.

Dan Kerin said together is better and the rec department should be a separate taxing district with a separate budget.

Marla Durham mentioned there are 36 different languages spoken in the town and village. The rec departments are a great value because young people can participate at an early age.

Regarding the questions and answers and information sheets on the resolution and the recommendation for the rec departments, it was suggested there be direction on where to go for further information and language be added supporting the December 13th vote by both the Trustees and Selectboard.

MOTION by Dan Kerin, SECOND by Elaine Sopchak, to approve the resolution to support and advocate for the recommendation of the Rec Governance Study Committee to create a Union Municipal Recreation District with the addition of language reading: “The Board of Trustees resolve to warn the December 13, 2016 vote and urge the Selectboard to do the same.”

DISCUSSION: George Tyler stressed the possibility of consolidating rec departments will not end with a “no” vote, but clarity is needed on what action to take in that case.

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

5. NEW BUSINESS

1. Report on Special Taxing Districts

Elaine Sopchak reviewed her research of the Slivinski Report (Goldwater Institute) and reported the report has inaccuracies and is misleading with respect to the unified rec district. Many of the concerns cited are irrelevant or do not apply. In essence there is no spending cap by the state, special tax district money will not be used elsewhere because rec will have a separate budget, there could be variation in tax rate and the district will be audited annually, votes for the district will be held on the annual town/village meeting day, district board members will be elected, there are 802 taxing districts in the state presently with many more in New England, and many of the recommendations mentioned in the report are already being done.

Irene Wrenner suggested the book “Imperfect Union” by Christopher Barry for a statistical analysis of taxing districts rather than the subjective point of view of the Goldwater report. Ms. Wrenner contended a special tax district will cost 10% to 15% more than if the department is under the local government.

Saramichelle Stultz said there have been so many assumptions and inaccuracies made that she has a hard time taking the information from Ms. Wrenner and believing it because many of the things heard at meetings have been pertinent and accurate so it is hard to take Ms. Wrenner's word for it. Ms. Stultz said she will just have to read the book cited by Ms. Wrenner.

2. Approval of NECR Work in Village Right-of-Way

Pat Scheidel explained the request by New England Central Railroad for permission to work in the right-of-way to improve the rail crossings around Five Corners.

MOTION by George Tyler, SECOND by Lori Houghton, to approve NECR working in the village right-of-way as part of needed construction work for the Crescent Connector and to authorize the Community Development Department to issue a permit for the same.

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

6. MANAGER'S REPORT

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

- September 27, 2016
- October 11, 2016
- October 25, 2016
- November 8, 2016
- November 22, 2016

* December 13, 2016 – Special Village Meeting/Australian Vote

2. Meetings

- Rec District – there has been lots of cooperation between village and town staff.
- PACIF – is doing well and will be well funded.
- Regional Dispatch – consultants that have been interviewed are refining their budget proposals.
- Interviews – have been held for vacancies in the town.

3. Joint Meeting on Consolidation of Services

Staff will schedule a joint meeting with the Trustees and Selectboard to provide an update on consolidation of services.

4. Water Line on Rosewood Lane

Work has started on replacement of the water line on Rosewood Lane which will help with fire flow. The work was added to the Briar Lane project.

7. TRUSTEES COMMENTS/CONCERNS & READING FILE

1. Board Member Comments

- Lori Houghton said the essexrec.org website has factual information on the study committee's findings and the pros and cons for each of the seven options studied.
- George Tyler noted the paving on Maple Street by the state is what will be done this year. The other spurs into Five Corners will be done next year.

2. Reading File

- Minutes:
 - Planning Commission 8/18/16
 - Bike/Walk Advisory Committee 8/22/16
- VLCT Municipal Budgeting Workshop 9/27/16
- Memo from VLCT re: 2017 Draft Municipal Policy
- Memo from VLCT re: 2016 Candidate Forum Kit
- Letter to George Tyler from Anne Duany Whyte re: Height Limits in Village Center
- Email to George Tyler from Nancy L'Ecuyer re: No Six Stories
- Email to George Tyler from Owaissa Avenue Residents
- Email to George Tyler from Joe and Genie Cornacchia re: 4 Stories High
- Email from George Tyler from Darell Whitaker re: Please Don't Increase Height Limit

8. CONSENT AGENDA

MOTION by Lori Houghton, SECOND by Dan Kerin, to approve the consent agenda as follows and with the addition of Warrant #17010, dated 9/9/16, and the letter from Jeff Goodrich, dated 9/12/16, regarding Essex Homecoming request:

- 1. Approve Minutes of Previous Meetings 8/23 /16**
- 2. Expense Warrant #17008, dated 8/26/16, in the amount of \$747,218.83.**
- 3. Expense Warrant #17009 dated 9/2/16, in the amount of \$82,768.34.**
- 4. Expense Warrant #17010 dated 9/09/16, in the amount of \$179,610.27.**
- 5. Request to Close Hawthorn Circle for a Block Party on 9/17/16**

VOTING: 4 ayes, one abstention (Andrew Brown); motion carried.

9. ADJOURNMENT

MOTION by Dan Kerin, SECOND by Lori Houghton, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 9:12 PM.

RScty: M.E.Riordan

