1. CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG
Mr. Brown called the meeting to order at 3:00 PM and led the Pledge of Allegiance. Members of the public who wished to give testimony were sworn in.

2. EXAMINATION OF PREMISES (SITE VISIT RAIN OR SHINE)
The Trustees commenced with a visit of the site in question to review properties at 3:03 PM. The Trustees reconvened indoors after the site visit at 3:28 PM.

3. PUBLIC HEARING to initiate proceedings and a petition pursuant to 19 V.S.A Chapter 7 to lay out a road to be named Railroad Street, a portion of the Crescent Connector project, including associated parking areas, appurtenances, and improvements, and to determine whether property owners through whose land the new section of Railroad Street passes or abuts are entitled to damages, and the amount of those damages (2 LINCOLN STREET)

a. Presentations and testimony by staff and engineers regarding condemnation
After introductions, Mr. Hamlin submitted the evidence of the meeting requirements and then provided an overview map of the Village Center. He stated that the key considerations when determining the finding of local necessity are as the project relates to public good, public necessity, and convenience for the Village of Essex Junction. Mr. Hamlin provided a summary of the purpose of and need for the Crescent Connector project, which were included in the scoping study and environmental assessment.

Mr. Hamlin provided historical context for the Crescent Connector project. He noted that the project was born out of a scoping study in 2011 with the goal to find an alternate route around Five Corners without multiple railroad crossings. The study resulted in two routes for consideration—a northern alignment (Alternative 1) and a southern alignment (Alternative 2). Based on input from residents and property owners in the during a March 2011 public meeting process, Alternative 1 was ultimately selected as the proposed and accepted route by the Trustees. After it was announced that the Circumferential Highway would not be built, the CIRC Task Force identified the Crescent Connector project as a CIRC Alternative project, providing a similar impact on traffic levels that the highway would have had. Mr. Pierce provided a list of firms, agencies, municipalities, conservation groups and professionals who reviewed and approved the Crescent Connector as a CIRC Alternative project.
As the next step in the process, an environmental assessment (EA) was conducted and presented to the public, which examined how the proposed route would impact the human environment. The Federal Highway Administration issued a Finding of No Significant Impact (FONSI) in 2014, which allowed the project to move into the design phase.

Mr. Hamlin introduced the project design process, and the layout and right-of-way plans during Phases A and B. The plans mapped easement areas, including four with permanent easement rights and two with temporary easement rights for the construction phase. Mr. Hamlin stated that all of the properties needed for the roadway work to commence have been deeded to the Village of Essex Junction, with the exception of Mr. Kalanges’ parcel. Mr. Hamlin provided further detail to describe the property owned by Mr. Kalanges, the permanent and temporary easements requested, and a purpose and need statement that reads, “As defined in the August 2011 Essex Junction Crescent Connector Road Final Scoping Report, the Purpose of the Proposed Action is to facilitate regional travel to/from destinations south, east, and northeast of the Village, as well as improve local circulation in the Village Center, improve safety, and enhance opportunities for economic development and employment growth within the Village Center. The need for the Proposed Action is based on the current levels of traffic congestion that exist within the Village at the Five Corners Intersection, which result in extensive vehicle delays, traffic volumes exceeding capacities of the adjacent roadways, disruptions to adjoining businesses, and a high vehicle crash rate for a portion of the adjacent roadway. In addition, there are properties located within the Village Center and along the NECR rail lines that have not been able to be more fully developed due to a lack of suitable accessibility.”

Mr. Hamlin provided several charts with Intersection Level of Service (LOS) with and without the Crescent Connector. The LOS study determines the traffic at the Five Corners intersection would be reduced as a result of the project and would improve by 2025 from LOS F with 93 seconds of delay under no-build conditions to a LOS E with 63 seconds of delay. Mr. Hamlin presented study results charting improved air quality, improved safety for vehicles, cyclists, and pedestrians, improved rail-highway crossings, street lighting, and enhanced economic opportunities within the Village with positive socioeconomic impacts.

Mr. Hamlin presented into evidence a letter from Mr. Kalanges received by the Village in 2010 expressing his preference for Alternative 1 from the Scoping Study.

As the final segment of the presentation, Mr. Hamlin described the costs of the project, noting that it would be approximately 81.08% funded by the Federal Highway Administration, 18.92% by the State of Vermont, and no local match. The current total projected construction cost of the Crescent Connector project is $7 million, and as of December 9th, $2,736,871.51 has been expended.

Mr. Brown asked about the current state of what would become the Crescent Connector. Mr. Hamlin responded that a portion is an access drive, a portion is parking lot and residents are not being displaced.

Mr. Tyler stated he has observed people jump into the oncoming traffic lane on Maple Street and back into the left-turning lane during busy hours, and asked Mr. Hamlin to confirm if there is a left turn lane at the connector to alleviate left-turning cars from having to enter Five Corners. Mr. Hamlin confirmed there would be a left turn lane at the connector, no left turn lane ahead at the Five Corners, and added there will be full bicycle lane accommodations.
Mr. Tyler stated the number of children currently crossing the Village Center requires police presence.

Eliza van Lennep, attorney for Mr. Kalanges, asked what the number of feet of impact from the centerline of the roadway into Mr. Kalanges' property by type of taking, specifically for each type of use such as bicycle, green strip, pedestrian, lighting, slope easement, construction easement. Mr. Hamlin stated that the centerline does not follow property line, but the farthest distance is the dimension from the property line to the back of the walk zone, which is 24.75 feet and it reduces from there. Ms. van Lennep asked if that measurement includes the construction easement. Mr. Hamlin said no and that beyond that, the temporary easements revert back to Mr. Kalanges after construction. Ms. van Lennep asked if Mr. Hamlin could offer a description of the expected physical design of the proposed drive, both in terms of access from the Crescent Connector into Mr. Kalanges property as well as the parcel along the proposed parking area. Mr. Hamlin replied that in regard to the access drive, its configuration is in a location that Mr. Kalanges indicated was his preference and will meet the standards for commercial access. The drive will be fully paved to commercial drive standards and adjacent areas will be landscaped.

b. Public comment and testimony by interested parties regarding condemnation

Ms. van Lennep provided an outline of Mr. Kalanges' position by stating that they contest the necessity of the project and their position is that the benefit to the public is not outweighed by the inconvenience and expense to the condemning property and to the owner. Ms. van Lennep further stated the benefit to the public and marginal improvement in traffic is out of scope with the impact on Mr. Kalanges and his property ownership. It is their position that the materials and appraisal provided in the Village presentation demonstrates an inadequate consideration of the impact of the proposed taking and an undue impact to Mr. Kalanges' significant tenant, Bailey Spring & Chassis. They believe that the project can be completed without the taking as proposed and there is no necessity for the taking.

Ms. van Lennep questioned Mr. Kalanges as direct testimony. Mr. Kalanges testified that he believed that a road could be constructed that does not go onto his property. Mr. Kalanges testified that he does not believe the appraisal completed for the Village by Michael Keller properly considers the impact of the taking on his entire property. Mr. Kalanges testified that he is concerned that he will lose Bailey’s and possibly other tenants if the road is built as proposed. Mr. Kalanges testified that he does not want the road built on his property.

Mr. Brown asked Mr. Kalanges what professional experience he has to determine that the road could be built without going onto his [Kalanges’] property. Ms. van Lennep confirmed that Mr. Kalanges is not testifying as a roadway expert, but that he has reviewed the plans and believes that there is land the road could be on that he does not own. Mr. Tyler asked Mr. Kalanges if he has a professional engineering analysis or opinion that points to a technical engineering flaw in the proposed plans. Ms.

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van Lennep responded that the opinions given during Mr. Kalanges’ testimony are his own and relative to the summary of his position.

A brief statement was made by David Skopin stating that as a bicycle rider, having a lane at the intersection would be where a bicycle rider really needs it and he feels that traffic could improve to better than an “E” rating. He thinks that the proposed plan is the solution.

Mr. Brown announced the evidence as closed for the necessity hearing at 4:42 PM.

c. Break

Mr. Brown excused the members at 4:42 PM for a brief recess. The meeting was reconvened at 4:56 PM.

d. Presentations and testimony by staff and engineers regarding compensation

Mr. Hamlin began the compensation hearing providing a presentation stating the project is in the right-of-way phase and that all required rights have been acquired for all properties except the Kalanges parcel. Mr. Hamlin stated that all projects receiving federal highway funds impacting real property, such as the Crescent Connector project, must comply with Title 19 of the Vermont State Statutes and the Uniform Relocation Act (Uniform Act) to provide just compensation. Mr. Hamlin provided detailed information on the four permanent and two temporary right-of-way easements required for the project. Mr. Hamlin provided documentation to show that an offer was tendered to Mr. Kalanges on October 30, 2019 and rejected by Mr. Kalanges.

Mr. Hamlin questioned Appraiser Michael Keller and proceeded to present the appraisal. Mr. Keller testified the most appropriate methodology to provide the appraisal was by sales comparison and included the evaluation of land only. Mr. Keller testified that permission was not granted to gain access to buildings for the appraisal. Mr. Keller stated no buildings are impacted by the project and do not have an impact on his final determination of just compensation.

Mr. Hamlin asked Charles Ferry, Review Appraiser for VTrans if he reviewed and checked the appraisal. Mr. Ferry confirmed that he had, that it meets guidelines and he signed off on the report. Mr. Hamlin provided details from the Appraisal Report including comparable parcels. Mr. Keller testified that the appraisal did not take into an account any special benefits that occur to Mr. Kalanges based on the roadway relocation and is based on how circumstances are currently.

Mr. Hamlin provided the description of the rights to be acquired which include four permanent easements with a total of 6684 square footage and two temporary easements with a total of 2502.4 square footage. The summary in the appraisal documentation provides a permanent taking value of $102,060 and a temporary taking value of $7,625 for a total of $109,685. Mr. Ferry testified he has determined that it is just compensation.

e. Public comment and testimony by interested parties regarding compensation

Mr. Brown asked if Trustees had questions. Mr. Brown asked why the appraiser did not have access to the buildings. Mr. Hamlin confirmed that Kalanges did not permit entry. Mr. Hamlin did not feel that it would have made a marked difference.

Mr. Scopin asked the appraiser if a landowner can make an annual profit on that commercial piece of land that is not being used. Mr. Keller replied that it would depend on what the land is used for.
Ms. van Lennep asked if Mr. Keller considered the impact and downstream effects of the loss of tenants, specifically Bailey Spring & Chassis, on the value of the property. Mr. Keller replied no.

Ms. van Lennep and Mr. Kalanges provided a summary statement contesting the summary of damages and the types of considerations made in valuing his property. Mr. Kalanges asserts that the proposed project plan as well as the construction easements from the parking area, negatively impact his tenant, Bailey Spring & Chassis, mentioning the possibility of extended construction timelines and the significant impact on special accommodations. Mr. Kalanges is concerned about the unsafe angles Bailey Spring & Chassis may need to make when operating large trucks and this may cause them to leave. If Mr. Kalanges loses one or more tenants, he would incur considerable loss both in revenue and the potential need to retrofit the building and its surroundings. Mr. Kalanges testified that he objects to the proposed taking of his property and the loss of tenants could cause considerable financial hardship. Mr. Kalanges testified that he does not believe the appraisal amount of $109,685 provides just compensation.

Mr. Brown asked Mr. Kalanges what he believes just compensation to be. Mr. Kalanges responded he is not prepared to answer at this time as his own appraisals are being conducted and are not completed. Mr. Brown asked Mr. Kalanges if any tenants have any access issues getting to their property now. Mr. Kalanges responded no.

Mr. Tyler asked for confirmation that the proposed turn off location from the new road was determined by Mr. Kalanges. Mr. Hamlin provided an analysis of turning movements for the largest fixed-unit vehicle with the largest turning radius requirements to access Bailey Spring & Chassis. Mr. Hamlin confirmed access will be easier from the south because the sharp right turn becomes a soft right turn. Mr. Hamlin confirmed the proposed construction provides a wider road and two entries onto the property, instead of one. Mr. Tyler asked Mr. Kalanges what negative and downstream effects the proposed construction has to Bailey Spring & Chassis based on the information given. Ms. van Lennep responded on behalf of Mr. Kalanges with the assertion that there are not two accesses, but two directions of approach, which do not improve access to the parcel. Ms. van Lennep further asserted the analysis diagram does not show any right hand turns and believes that trucks, particularly inoperable trucks, would have difficulties in maneuvering.

Mr. Brown asked if there is any evidence that Mr. Kalanges will lose tenants. Mr. Kalanges responded no and is basing it on his experience when changes are made with tenants.

Mr. Brown asked Mr. Hamlin if loss of income was considered in the appraisal. Mr. Hamlin confirmed that it was not and it was based strictly on the current value of the land only as outlined in the Uniform Act.

Mr. Chawla asked Mr. Hamlin to point out where the construction access will be during construction phase. Mr. Hamlin explained where access to the Kalanges parcel would be during each construction phase and a brief construction timeline.

Mr. Tyler commented that 18-wheelers are currently making the same degree turns at Five Corners.

Mr. Skopin asked if a piece of commercial land without easy access gains improved access, if it would increase in value and if there is an ability to place a value on the future status of tenants. Mr. Brown
and Mr. Hamlin responded by confirming the appraisal is based on the current state and not a future state, with no prediction of what might change in the future.

f. Close the hearing

Mr. Brown announced the evidence as closed for the compensation hearing at 5:55 PM.

4. DELIBERATIVE SESSION

The Village Trustees adjourned the public hearing and entered into a deliberative session at 5:55 PM with their legal counsel and the Unified Manager.

Respectfully Submitted,

Tammy Getchell, Assistant to the Manager