

LIST OF AGENDA AMENDMENTS AND HANDOUTS
VILLAGE OF ESSEX JUNCTION TRUSTEES
REGULAR MEETING AGENDA
April 27, 2021

AGENDA ADDITIONS

- 6h. Consider approval of a resolution authorizing the National Pollutant Discharge Elimination System (NPDES) discharge permit

ADDITIONAL HANDOUTS

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VILLAGE OF ESSEX JUNCTION
TRUSTEES MEETING MINUTES
April 27, 2021

TRUSTEES PRESENT: Andrew Brown, President; George Tyler, Vice President; Raj Chawla; Dan Kerin; Amber Thibeault

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Maureen Gillard, Recreation & Parks Afterschool Enrichment Coordinator; Marguerite Ladd, Assistant Manager; Brad Luck, Essex Junction Recreation and Parks (EJRP) Director; Robin Pierce, Community Development Director; Harlan Smith, Grounds & Facilities Director

OTHERS PRESENT: Jonathan Breen; Bob Burrows; Marcus Certa; Andy Champagne; Heidi Clark; Annie Cooper; Renee Dall; Rep. Karen Dolan; Jen Ellis; Erin Ennis; Alan Fay; Dr. Forbes; Matt Gilbert; Micah Hagan; Richard Hamlin; Elaine Haney; Rep. Lauri Houghton; Patrick Ivory; Tamara Jaques; Lauren Jordan; Patrick Kaigle; Tim Kemerer; Kathleen Laverty; Edward Malina; Deb McAdoo; Bridget Meyer; Timothy Miller; Scott Moore; Patrick Murray; Sarah Nosek; Jaye O'Connell; Kenneth O'Connell; Mary Post; Roseanne Prestipino; Tim Shea; Brian Shelden; Ken Signorello; Gabrielle Smith; Warren Spinner; Saramichelle Stultz; Mike Sullivan; Mike Thorne; Melanie Tupaj; Ann Wadsworth; Irene Wrenner; Jillian; Mary; R M ;Sarah; Susanna; Town Meeting TV Jordan

1. **CALL TO ORDER**

Mr. Brown called the meeting to order at 6:32 PM.

2. **AGENDA ADDITIONS/ CHANGES**

Ms. Ladd requested the addition of an agenda item for the consent agenda: 6h. Consider approval of a resolution authorizing the National Pollutant Discharge Elimination System (NPDES) discharge permit. Ms. Thibeault made a request to move two items from the consent agenda to business items: 6c, Consider approval of granting Champlain Valley Expo an amplified sound waiver for four, local, high school graduations; and 6f, Approve minutes: April 7, 2021; April 14, 2021.

3. **APPROVE AGENDA**

ANDREW BROWN made a motion, seconded by GEORGE TYLER, that the Trustees move item 6c to become item 5f; 6f to become 5g; item 4a to take place right after 5a and to add the portion Marguerite mentioned to the consent agenda as item 6h. The motion passed 5-0.

4. **PUBLIC TO BE HEARD**

a. ~~Comments from public on items not on the agenda.~~

This agenda item took place after item 5a.

5. **BUSINESS ITEMS**

a. ***Conversation regarding separation from the Town of Essex with Village attorney's office**

This business item took place at this time during the meeting, instead of as item 8a.

ANDREW BROWN made a motion, seconded by GEORGE TYLER, that the Trustees make the specific finding that general public knowledge of confidential attorney-client communications made for the purpose of providing professional legal services to the body would place the Village at a substantial disadvantage. The motion passed 5-0 at 6:36 PM.

ANDREW BROWN made a motion, seconded by GEORGE TYLER, that the Trustees enter into executive session to discuss confidential attorney-client communications made for the

55 purpose of providing professional legal services to the body, pursuant to 1 V.S.A. § 313(a)(1)(F)
56 to include the Village Attorney, Unified Manager, Assistant Manager and Director of Recreation
57 and Parks. The motion passed 5-0 at 6:36 PM.

58 **GEORGE TYLER** made a motion, seconded by **RAJ CHAWLA** to close the executive session.
59 The motion passed 5-0 at 7:20 PM

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61 **ANDREW BROWN** opened the meeting back up at 7:32 PM.
62

63 **4a. Comments from public on items not on the agenda.**

64 Mr. Smith asked the Trustees to consider whether their meeting procedures could be adjusted to
65 keep meetings on track. He wondered if there is a better way to adhere to the open public meeting
66 laws, with consideration to Roberts Rules of Order.
67

68 Ms. Ellis wondered who would decide how to separate the Village from the Town and thought the
69 Selectboard should not engage in the discussion. She said she was put off by a recent
70 Selectboard discussion of the issue and would like to see a clean break from the Town. Mr. Luck
71 said the evening's agenda would be the first conversation with the Trustees about the goals,
72 operating principles, scope of work, grassroots efforts, and community feedback on separation.
73

74 Mr. Kemerer said he is in favor of separation and would be open to the Village sharing services
75 with another municipal entity, but should consider Williston, Winooski, and South Burlington as well
76 as the Town of Essex to determine what would work best.
77

78 Ms. Tupaj said that there was an implication, during a recent Selectboard meeting, that Mr. Luck's
79 appointment to the separation effort, may not have been appropriate. She wondered how
80 separation would work, who would be involved with creating a charter and what the Village is
81 legally bound to. Mr. Brown said Mr. Luck was appointed to coordinate the effort because he is
82 qualified and would not have a conflict of interest, as an employee who is fully paid by the Village.
83 Mr. Brown said they will put together a plan with community involvement, and when a decision
84 needs to be made that directly impacts the Town, the Selectboard may be involved.
85

86 **b. Work session on possible separation from the Town of Essex**

87 Mr. Luck led this work session by first requesting that the separation effort be named. Mr. Brown
88 suggested naming it "Essex Junction Independence" (EJI), and the Trustees agreed. Mr. Luck
89 reviewed an outline of five major bodies of work, within EJI: Creating a Charter; Organizational
90 Structure & Budget; Work with the Selectboard; Listen to Village Residents; Educate & Inform. Mr.
91 Luck described each body of work, as written in his memo for this agenda item, and made the
92 following suggestions: utilize the existing charter as a shell for creating a charter; use the word
93 "could", when discussing the organization and budget, because ultimately a manager may make
94 many of the decisions; tap into community feedback loops; help people understand separation.
95

96 Mr. Tyler made multiple observations and suggestions about the Scope of Work: to not
97 underestimate the effort that may need to go into crafting a Charter; prioritize if the Village should
98 have a mayor or a manager and what powers this employee would hold; utilize some of the
99 elements of the merger charter; consider changes to the Design Review Committee and the
100 Zoning Board; aim to maintain status quo of services during the Organizational Structure and
101 Budget body of work; include more involvement with the Selectboard through the Scope of Work.
102

103 Mr. Brown, Mr. Luck and Mr. Chawla said the Trustees should take a broad view of EJI during this
104 meeting, then more details would be included moving forward. Mr. Chawla said the 5 bodies of
105 work are interconnected and that the Trustees should determine first steps and what could wait.
106 Mr. Luck said a detailed timeline would be crafted for the next meeting. Mr. Kerin said he

107 appreciated starting the separation effort independently, as the Board of Trustees, to determine
108 what they want to do and then develop an amicable process with the Selectboard.
109

110 The Trustees agreed with Mr. Luck that, notwithstanding additional forthcoming details, the 5
111 bodies of work effectively encompass EJI.
112

113 Mr. Luck presented a snapshot of the separation effort's potential expenses, with reasonable
114 estimates, and he discussed the importance of public feedback. He said a memo from Ms. Macy
115 suggested where the funds may be found in the FY2021 and FY2022 budgets. He said each work
116 session during the Trustees' meetings, will begin with public comments and he will send questions
117 from the work sessions to the Trustees at the end of the meetings. He also proposed using a
118 community-feedback Google form to ask the public how they think the separation effort is going.
119 Mr. Chawla cautioned that survey comments may be discoverable through public records search.
120 Mr. Teich clarified that if a separate agency conducted the surveys, the information would not be
121 searchable as public records. Mr. Luck said staff will be given information about the work sessions
122 shortly after each meeting and a link to information on the effort will be created for the home page
123 of the Essex Junction website.
124

125 Mr. Luck provided a broad timeline for EJI through to a November vote and discussed community
126 conversations that would be planned along the way. He said the public energy for this effort would
127 be captured with pop-up, interactive activities to create a community vision and values. Mr. Luck
128 said Elaine Haney volunteered and will chair this effort. Mr. Chawla wondered if the topics being
129 discussed with the community conversations should be aligned and coordinated with the charter
130 planning. Mr. Luck clarified that the Trustee meetings could include check-ins with Ms. Haney but
131 the Trustees would focus on the governance effort. Mr. Tyler expressed confidence in Ms. Haney's
132 experience and qualifications for this role.
133

134 Mr. Luck suggested, and the Trustees agreed, that \$10,000 from Recreation and Parks be
135 reallocated to the community conversations.
136

137 Mr. Luck talked about plans for the May 11 work session, including talking with Essex's
138 Representatives, looking at a more detailed timeline, and generating a list of 5-7 big items that
139 should be addressed first for the charter. Mr. Brown requested that they start finding out what the
140 community prefers for a management structure: mayor or manager with what amount of power. Mr.
141 Kerin wondered when they would discuss splitting up the existing Memorandums of Understanding
142 (MOUs) between the Village and Town with the Selectboard. Mr. Luck suggested that the Trustees
143 consider scheduling a full-day retreat for mid-June to work on EJI.
144

145 c. **Discussion and potential action on letter from VTRANS re: Essex Junction Crosswalk**
146 **Beacons – Lincoln/Central, Main/Pleasant, and Main/Church**

147 Mr. Pierce presented the issue of whether the Trustees would budget for the implementation of
148 Rectangular Rapid Flashing Beacons (RRFB), even though a recent grant request was denied. He
149 said one of the three locations for a RRFB was identified as a dangerous crosswalk by petition
150 from the community. He suggested using the Bike/Walk Advisory Committee's (BWAC) FY2021
151 fund balance, in addition to Economic Development funds, to purchase two RRFBs. Mr. Hagan,
152 chair of the BWAC, agreed that the committee's fund balance could be used for RRFBs, after their
153 \$400 donation to the Essex CHIPS Bike Fix & Swap event. Mr. Brown said the feedback provided
154 from the state regarding the grant that was submitted, was that they need more information but
155 would likely fund the project if they reapply. He said \$17,000 is enough for two beacons and this
156 funding could be used as a match for a July grant for the third RRFB. The Trustees discussed the
157 timeline for securing funds to ensure the RRFB's can be implemented during this Summer. Mr.
158 Teich pointed out that the RRFB's are solar powered, in accordance with the energy commission's
159 objectives. The Trustees discussed the locations for the RRFBs, at the crosswalks on Lincoln

160 Street and Prospect Street; Main Street at Pleasant Street; and Main Street at Church Street. Ms.
161 Cooper suggested that the Main Street RRFB at Pleasant Street be prioritized and the Trustees
162 said the BWAC should recommend which locations take priority.
163

164 **RAJ CHAWLA made a motion, seconded by AMBER THIBEAULT, to roll over the remaining**
165 **Bike/ Walk Advisory funding from FY2021 to FY2022. The motion passed 5-0.**
166

167 d. **Discussion and potential action on refuse collection/public nuisance ordinance**
168 Mr. Pierce introduced the issue of if the Trustees wish to have an ordinance that controls the time
169 commercial trash trucks can remove trash in the Village, in response to concerns that commercial
170 trash removal is loudly taking place early in the morning. He said neighboring municipalities do
171 have ordinances such as this and he presented an example of language for what a Village
172 ordinance may say. Mr. Brown asked what times other communities limit their commercial trash
173 removal to and how the haulers would be affected by an ordinance. Ms. Ladd said neighboring
174 communities do not allow commercial trash removal between 9:00 PM- 6:00 AM (Williston and
175 South Burlington), or 8:00 PM-7:00 AM (Winooski). Mr. Kerin suggested that the Village ordinance
176 could be defined by state statute times considered for excessive noise at nighttime. Mr. Chawla
177 wondered why a 200-foot boundary from residential properties was included in the language and
178 wondered if the distance could be removed. Mr. Brown said residents were upset by commercial
179 trash removal noise coming from Post Office Square but if it is over 200 feet away, this ordinance
180 would not solve the problem. Mr. Pierce said the boundary language was standard in other
181 ordinances he reviewed. Ms. Ladd said Police Chief Hoague was amenable to including the
182 commercial trash removal language in the nuisance ordinance they have already drafted. Mr.
183 Teich pointed out that including language into a police ordinance would help with enforcement. Mr.
184 Chawla suggested that the ordinance be in line with the sound ordinance for excavation,
185 demolition, construction, or alteration of a property, which currently may not to take place in the
186 Village between 9:00 PM- 7:00 AM. Mr. Teich suggested that a 7:00 AM start time may interfere
187 with business operations.
188

189 Mr. Kaigle said he is a resident of a home by Post Office Plaza where dumpsters are emptied, with
190 very loud crashing, on Mondays and Wednesdays at 5:00 AM. He said he sees no reason why
191 trash could not be picked up at 6:00 AM or 7:00 AM. He agreed that aligning the language with an
192 ordinance already in place for construction seems reasonable and suggested that fines be
193 determined for first, second, and third offences. He said he can hear the crashing with windows
194 closed, ear buds in and a fan on, so he strongly supports the ordinance.
195

196 Ms. McAdoo agreed with Mr. Kaigle and described stops, that are similarly early and loud, on the
197 commercial waste haulers' routes.
198

199 Mr. Smith said he can also hear the 5:00 AM trash collection from his house. He said he realizes
200 that many of the dumpsters are in parking lots and delivery areas so pushing back the trash
201 collection times may result in challenges, but the ordinance should happen. He said it may take
202 effort on the part of companies to coordinate this.
203

204 Ms. Clark wondered if residential pick up would be impacted by the ordinance, and if pushing back
205 the time could result in backed up commute traffic or challenges with school drop off.
206

207 Mr. Certa wondered how many complaints have been made on this issue and said many
208 homeowners get used to the sounds of the Village, including trains. He also wondered if the Village
209 reached out to the trash removal companies to see if they can adjust their routes. He suggested, in
210 the future, they consider an environmentally-friendly solution of consolidated collection. Mr. Brown
211 said that he was unsure of how many complaints there had been and the Village did reach out to
212 trash removal companies, but nothing has changed.

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Mr. Kaigle clarified that residential trash collection is different than commercial collection. He said he believes drivers are incentivized by the number of locations they collect from, which encourages them to collect earlier in the morning. He suggested a compromise start time could be 6:30 AM. He said he reached out to trash removal companies, which resulted in change for only a couple days.

Mr. Pierce agreed to go back to the haulers to determine whether, from their points of view, it would make a difference for the ordinance be set at 6:00, 6:30 or 7:00 AM.

e. **Consider approval of use of Economic Development funds for 1 Main Street Park**

Mr. Pierce introduced the issue of whether the Trustees will approve the cost of a bid and construction drawings for the new park at 1 Main Street, to enable a contractor to be selected for the project. He talked about the steps taken so far with the charette, which was warned and received community input. He said he connected with the Capital Committee, the Planning Commission, the Town Community Development office, the BWAC, and the Trustees. He reminded them that this project includes a CAP grant for remediation of the soil, at the location, and they have been working with an Environmental Engineer. He said the soil in this area would need to be tested and capped.

The Trustees discussed the project with Mr. Pierce. Mr. Brown stated he would like formal input from the Tree Advisory Committee (TAC) about landscaping in the park. He also hoped to get more feedback from the community about what they would like for the park. He said it is unclear what the park would look like without a final design included in the meeting packet. Mr. Tyler had a strong opinion that the park be completed this spring and summer and the previous year of planning has been enough. He said if they have not received enough community input at this point, they can refer to the Design 5 Corners plan, which stated that the community wanted more green space. He expressed confidence in the level of education and expertise of those involved to be able to successfully complete the project. Mr. Kerin said he would like a layout of what the park would look like and then the project should move forward as soon as possible. Mr. Chawla said he is frustrated by the amount of time the project is taking and that it did not have good public engagement. He said the public does not understand why choices are limited for the property due to the soil, but people are excited by the idea of having a new park. Mr. Chawla suggested that along with a park layout, there should be a preamble that explains why specific decisions were made. Mr. Brown compared the project to the City Hall Project in Burlington, making a case that more community input is needed because of the park's central location.

Mr. Kemerer, a member of the TAC, said he advocated for adding trees to the property to improve the soil but did not see a final design so he was unclear about possibilities for the space. He suggested drafting a compilation of themes from the comments that have already been shared about the park along with an explanation of what can happen or not happen and why. He stated his hopes for the Village will spend extra time or money that may be needed to make the park right because it is in the center of the city.

Mr. Spinner, a City Arborist and member of the TAC, said he is concerned that the soil may not be ideal for supporting plant life, after looking at the history of the site as a service station. He discussed soil requirements to bring trees to full heights and the unintended consequences of planting trees in space that is too small to support them. He described steps to remediate ground damage from the soil being compacted by concrete under a service station. He said it may make more sense for the space to have planters and small shrubs or trees. He said that this park is going to be a legacy because it is in the heart of downtown at such an important location.

264 Ms. Cooper agreed that the community feedback should be compiled along with an explanation.
265 She compared the project to her experience of a church renovation that did not include parishioner
266 input to describe the importance of aligning the park with the community's vision.
267

268 Mr. Smith wondered if there could be a way to temporarily make the space look better while
269 creating a good park design and he suggested park caretakers be included in the conversation.
270

271 Mr. Tyler suggested that the work plans could include if new soil needs to go in once the concrete
272 is broken through and the soil is removed for testing.
273

274 Mr. Spinner talked about the importance of soil remediation when the ground has been compacted
275 to support asphalt. He said it may need to be modified, tested, and separated. He also made
276 comments about trees planted at 4 Pearl Street.
277

278 Mr. Kerin agreed that raised beds may be a solution for the space, instead of large trees, but that
279 the TAC should make suggestions. He said Mr. Pierce should work with the committee to develop
280 a process for making a community park. Mr. Brown suggested moving forward with developing a
281 document with the design and explanations. Mr. Tyler agreed it should be a community project but
282 stressed that it should not wait another year.
283

284 Mr. Pierce agreed to work with the TAC. He also reminded everyone that this project is part of an
285 action plan for soil remediation and the plan was to cap the soil, not remove it. He said he will
286 contact the environmental consultants and connect with Mr. Hamlin's office. He suggested that
287 honey locust trees may be a good species for a park such as this. He agreed to come back to the
288 Trustees after his conversations about the project.
289

290 f. **Consider approval of granting Champlain Valley Expo (CVE) an amplified sound waiver for**
291 **four, local, high school graduations**

292 Ms. Thibeault said she pulled this item from the consent agenda for more clarity on CVE's request.
293 She said, previously, CVE thought sound waivers would not be needed for local high school
294 graduations. Ms. Ladd clarified that, originally, CVE did not think waivers would be needed but now
295 it is clear that the graduations will be louder than they thought. Ms. Ladd, Mr. Pierce, and Mr. Teich
296 described the reasons for this change along with why CVE does not plan to use all 30 noise
297 ordinance waivers approved at a previous meeting of the Trustees. Mr. Shea, CVE Executive
298 Director, said the graduations will include a video wall, which must project to the east, thus
299 breaking the sound waiver's perimeter in that direction. Mr. Shea is requesting that the sound
300 agreement not exist for these graduations. He said that all four of the graduations will be over by
301 8:00 PM.
302

303 **RAJ CHAWLA made a motion, seconded by GEORGE TYLER, that the Trustees grant**
304 **additional sound waivers for the weekend of June 11th and 12th for CVE for graduation**
305 **ceremonies only. The motion passed 5-0.**
306

307 g. **Approve minutes: April 7, 2021; April 14, 2021**
308

309 **AMBER THIBEAULT made a motion, seconded by RAJ CHAWLA, to approve the April 7th**
310 **meeting minutes with the amendment to change Article 2 to be about the Land Acquisition**
311 **Fund, not merger, to reflect the accurate article starting at line 65. The motion passed 5-0.**
312

313 **AMBER THIBEAULT made a motion, seconded by RAJ CHAWLA, to approve the April 14th**
314 **minutes with the following amendments: this was a Trustee meeting not a Selectboard meeting**
315 **that was held on Wednesday, in the header; and Ms. Thibeault's name be corrected throughout**
316 **the entire document with the exception of line 6. The motion passed 5-0.**
317

- 318 6. **CONSENT ITEMS**
319 a. ****Consider adoption of 2021 Local Emergency Management Plan Update**
320 - **To authorize the Village President to sign the Local Emergency Management Plan**
321 **Municipal Adoption Form.**
322 b. **Consider approval of Memorial Day Parade Committee request to decorate 2 Lincoln lawn**
323 **for week of Memorial Day**
324 - **To give permission for the Essex Memorial Day Parade Committee to decorate the lawn**
325 **of 2 Lincoln Street with flags, banners, and yard signs from May 24-31 to honor**
326 **Memorial Day and two former community volunteers, Ed VonSitas, and Mary Tewarson.**
327 ~~c. **Consider approval of granting Champlain Valley Expo an amplified sound waiver for four,**~~
328 ~~**local, high school graduations**~~
329 This item took place as item 5f.
330 d. **Consider awarding 2021 Summer Paving bid**
331 - **To award the 2021 Summer Paving bid to Frank W. Whitcomb Construction Corp., of**
332 **New Hampshire, in the amount of \$744,532.00.**
333 e. **Annual review of Ethics Policy**
334 - **To review Article 1 of the General Rules and Personnel Regulations and the Ethics**
335 **Policy and sign the attached acknowledgement forms.**
336 ~~f. **Approve minutes: April 7, 2021; April 14, 2021**~~
337 This item took place as item 5g.
338 g. **Check Warrants: #17246 – 4/9/21; #17247 - 4/16/21**
339 h. **Consider approval of a resolution authorizing the National Pollutant Discharge Elimination**
340 **System (NPDES) discharge permit.**
341

342 **RAJ CHAWLA made a motion, seconded by AMBER THIBEAULT to approve the Consent**
343 **Agenda. The motion passed 5-0.**
344

345 7. **READING FILE**

- 346 a. **Board member comments**
347 There were no comments from the Trustees at this time.
348 b. **Upcoming meeting schedule**
349

350 8. **EXECUTIVE SESSION**

- 351 a. ***An executive session may be requested to discuss to discuss legal steps.**
352 The Trustees entered executive session earlier in the meeting as item 5a.
353

354 9. **ADJOURN**

355
356 **DAN KERIN made a motion, and RAJ CHAWLA seconded, that the Trustees adjourn the**
357 **meeting. The motion passed 5-0 at 10:14 PM.**
358

359
360 Respectfully Submitted,
361 Cathy Ainsworth