

**VILLAGE OF ENOSBURG FALLS**  
**Meeting of the Board of Trustees**  
May 10, 2016

Present: Trustees - Walter Scott, Leonard Charron, Guy Breault, Bill Spears, Jr.  
Staff – Jonathan Elwell, Caroline Marcy, Gary Denton  
Guests – Kim Wells, Pierre Boudreau, Mary Tryhorne, Sandra Brauer, Amy Brewer, Dillion Powers, Ashley Tardiff, Shawna Lovelette, Pierre Letourneau, Stacy Carpenter

Meeting called to order by Walter Scott at 6:32 p.m.

1. Modifications/Changes to Agenda

There were no modifications or changes to the agenda.

2. Review/Approve Minutes April 26, 2016

Leonard Charron made the motion to approve the minutes of the April 26, 2016 Trustee meeting as written. Seconded by Guy Breault. Unanimous.

3. Lincoln Park Bandstand Permit Request, Town of Enosburgh Recreation Department

Mary Tryhorne submitted an application on behalf of the Enosburgh Community Recreation both for use of Lincoln Park and the bandstand every Saturday from June 11<sup>th</sup> to August 27<sup>th</sup> during the hours of 9 am to 11 am. Mary explained that the Enosburgh Recreation Department is trying to promote physical activity in the community. In order to make this endeavor more visible, they are requesting use of the park and bandstand during the above stated dates and times to offer free fitness classes. The timing of the classes corresponds to the Saturday Farmer's Market with the view of supporting the Farmer's Market by creating more community involvement in the park.

Mary informed the Board that there will be four other instructors besides her conducting the fitness classes and electrical use will not be required for these events. Jon brought up the issue of liability insurance and Mary responded that she will provide a Certificate of Liability from the Town of Enosburgh. She also mentioned that she, herself, carried liability insurance in addition to several of the other instructors.

Guy Breault made a motion to approve both the Lincoln Park and Bandstand Permit applications for the above stated dates and times for the use of conducting free fitness classes. Seconded by Bill Spears, Jr. Unanimous.

4. Enosburg Falls Lions Club Water Allocation Request 689 Orchard Street

Jon introduced this agenda item by enlightening the Board concerning rules/regulations, and ordinances that the Board will need to follow when reviewing this request.

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The Village of Enosburg owns the property at 689 Orchard Street and leases this property to the Lion's Club. The lease has 26 years remaining on it. The Lion's Club has requested permission to install a 1" water service to supply their community gardens and horse pull area. However, according to Village ordinance, only a *property owner* can make a request for a water/sewer allocation. In addition, only the Board of Trustees has the authority to issue water/sewer allocations.

In order to comply with the above information, Gary Denton, on behalf of the Village of Enosburg Falls, prepared a request for one water allocation for the property located at 689 Orchard Street. Jon clarified that there are actually two separate parcels that the Lion's Club leases from the Village with two separate 911 addresses. If the Lion's Club were to request water service at the horse pull, that would require another water allocation – separate from the 689 Orchard Street allocation.

Pierre Boudreau, representing the Lion's club, stated that the Lion's Club would pay all costs associated with the water allocation including installation, the allocation cost, monthly bond charges, and all water usage fees.

Guy Breault made a motion to approve the water allocation for the property located at 689 Orchard Street with the understanding that the Lion's Club would pay all costs associated with this request. Seconded by Bill Spears, Jr. Unanimous.

5. Town of Enosburgh Recreation Committee/Enosburg Falls Lions Club Request for Community Garden 689 Orchard Street

Mary Tryhorne, representing the Town of Enosburgh Recreation Committee, and Pierre Boudreau, representing the Enosburg Falls Lions Club request permission from the Board of Trustees to allow community gardens to be installed at 689 Orchard Street. Walter Scott asked if they checked with the Zoning department to see if they need to meet any zoning regulations. Mary and Pierre affirmatively answered that they have and that there are no zoning regulations for community gardens.

Guy Breault made a motion to give permission for community gardens to be installed at 689 Orchard Street. Seconded by Bill Spears, Jr. Unanimous.

6. OVX Request for E-Cigarette Ordinance, Lincoln Park/Maple Park

Bill Spears, Jr. made the statement that he would like to table this topic until there is more research available.

Walter Scott, Chair, invited those present to speak regarding this subject. Sandra Brauer, Enosburg Falls Middle High School OVX [Our Voices Xposed –a youth prevention/tobacco control

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program] advisor, introduced Ashley Tardiff, a student at EFMHS. Ashley is a member of OVX and recently had the privilege of addressing the Vermont Legislature regarding e-cigarettes and the effects on young people. Ashley cited many statistics and facts concerning e-cigarettes but primarily focused on statistics regarding teen use. According to the 2015 Youth Risk Behavior Survey, almost a third of Vermont teenagers have tried using e-cigarettes in the past 30 days; with 19% admitting to using e-cigarettes on a regular basis.

E-cigarettes are being promoted as a “safe” alternative to cigarettes and as a tool to quit smoking. Early studies and information indicate otherwise. These studies have indicated that not only are they ineffective as a tobacco cessation tool – they have increased tobacco use especially among teenagers. Sandra Brauer stated that in her role as High School counselor, she has personally witnessed non-user teens start using e-cigarettes and then progress onto cigarettes.

Although not as harmful as cigarettes, e-cigarettes send nicotine to the brain, and users face the same risk of addiction as with other tobacco products. This is particularly harmful to young, growing brains. E-cigarettes work with a battery that heats a liquid. This gives off a vapor that the user inhales. Studies are currently being conducted to determine how the secondhand aerosol affects non-users.

Shawna Lovelette, as a Village resident and President of the EBA, respectfully requested the Board of Trustees adopt an ordinance that would restrict e-cigarette use in village parks similar to the cigarette ban currently in place.

Walter Scott responded that it could be difficult to enforce ordinances such as these since only the Sheriff’s office has the power to do so. Shawna replied that with the ordinance in place, she would feel empowered to ask offenders to discontinue use in the park. Sandra stated that during one clean-up effort before the ban on cigarettes in the parks went into effect - they collected 1826 cigarette butts. Today, there are very few discarded butts indicating that the ban has been effective – not completely in eliminating tobacco use but it has declined substantially.

Walter Scott inquired of Jon regarding the procedure to modify/add an ordinance. Jon stated the following steps:

- 1) The Board of Trustees needed to make a motion/second to pursue this topic.
- 2) Jon would consult with the Village attorney for the proper wording of the ordinance.
- 3) The Board of Trustees would need to approve/disapprove the final draft of the ordinance.
- 4) The modified or added ordinance would need to be advertised. There would be a 60-day period of time from the date of adoption. During this time, there is a 44-day public comment period. If there are no challenges during this time period, the ordinance becomes law at the end of the 60-day period of time. If the ordinance is challenged (petition signed

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by 5% of registered voters in the Village) then the Board would have to set a date for a public vote on the ordinance.

Jon continued to state that he has contacted VLCT inquiring if other municipalities have addressed this issue. The City of Burlington has banned smoking “tobacco products” and “tobacco substitutes” as defined in 7 VSA 1001 in the Church Street Market area. Amy Brewer added that Highgate has also banned e-cigarettes in addition to listing several other towns that are considering the issue.

Guy Breault made a motion to table this agenda item in order to gain further information. It was the consensus of the Board that this was an important topic that needed to be addressed. More discussion ensued regarding information available and a practical course of action. There was no second and the motion was dismissed.

Leonard Charron made a motion to authorize Jon to contact the Village attorney to draw up language for a village ordinance that would prohibit “tobacco substitutes” which would include e-cigarettes in Village parks. Seconded by Guy Breault. Unanimous.

7. Village Center Designation Extension

The Board of Trustees was directed to a memo prepared by Caroline Marcy regarding an application to amend/extend the Village Center Designation boundary line. On Tuesday, April 26<sup>th</sup>, the EBA invited a panel of guests from the State of Vermont, UDSA, and Efficiency Vermont to speak with community members regarding the benefits of our Village Center Designation.

Several community members expressed a desire to slightly extend the Village Center Designation boundary line. In particular, there was a very strong consensus in the room to extend the boundary northward along Main Street up to and including the Spavin Cure building. In addition, the following were suggested areas to amend:

- On the southern end of the village – extend to include the two municipal buildings on Village Drive – 16 and 42 Village Drive – then include the opposite side of southern Main Street that currently are not within the boundary.
- On Bismark Street, extend only to the corner of Church Street – a total of four parcels including commercial businesses and one multi-residential unit.
- On Depot Street, - the small section that is currently excluded to the corner of Pleasant St.

Guy Breault made a motion to approve submitting an application to the Department of Housing and Community Development to amend our Village Center Designation boundary lines as described above and as indicated on the attached map. Seconded by Bill Spears, Jr. Unanimous.

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8. Electric Department Bucket Truck Bids

The Trustees reviewed the recommendation for the bucket truck purchase that was prepared by Greg Clark. The three bids were:

<b>Company</b>	<b>Bid</b>
D.C Bates Equipment Co., Inc.	\$250,211
	<u>-3,500</u> Trade In
	\$247,211
Altec Industries, Inc.	\$211,827
	<u>-2,000</u> Trade In
	\$209,827
Kiley Company	\$220,290
	<u>-750</u> Trade In
	\$219,540

After reviewing all of the bid proposals and specifications, the Electric Department staff recommends that Altec Industries be awarded the bid.

After a brief discussion, it was the consensus of the Board that the truck be purchased outright without the trade-in. The Board felt that the Village could receive a better price if we put it out ourselves in a bid sale. Guy Breault made a motion to award the bucket truck bid to Altec Industries without using the older bucket truck as a trade. Seconded by Leonard Charron. Unanimous.

9. Hydro Renovation Project Update

Jon updated the Board regarding the Section 108 petition to the Department of Public Service regarding both the new bucket truck financing and hydro upgrade project financing. Under State Statute 30 V.S.A. § 108(c)(2), the Department of Public Service must rule on financing petitions within 90 days of the filing unless the municipality allows an extension. Both of our Section 108 petitions are over 90 days. By default, both projects have been “deemed to be consistent with the general good of the state” and we are all set to proceed with both projects.

A meeting with the H.L. Turner Group has been set for May 25<sup>th</sup> to review/revise/update the hydro upgrade project schedule to allow for the delay.

10. Electric Department Garage Project

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It came to Gary Denton's attention that the Electric Department Garage Project was based upon cost estimates and specifications to house the sewer vacuum truck and accessories. However, the Electric Department's bucket trucks are much larger and will require a larger configuration.

Gary was able to obtain three cost estimates for the larger garage. The three estimates range in price from \$45,827.03 to \$37,500.00. The amount budgeted for the original garage was \$35,000.00.

Bill Spears, Jr. made a motion to approve spending up to an additional \$10,000 for a total project cost not to exceed \$45,000 for the Electric Department garage project. Seconded by Leonard Charron. Unanimous.

11. Duffy Hill Ditching Project

The Trustees briefly reviewed a memo prepared by Caroline Marcy. The Village has received a Better Back Roads Grant in the amount of \$10,000 to perform ditching work on Duffy Hill Road. Garry Atherton estimated that the complete cost of the project would amount to \$18,087.80.

Our procurement policy required that any purchase over \$5,000 receive involvement from the Trustees. Anything over \$10,000 would require at least three competitive bids. Gary Denton would like to hire Scott Goodhue to perform the excavator work and trucking of the large stones. At this time, staff is requesting permission to hire Scott Goodhue at a cost not to exceed \$10,000.00.

Guy Breault made a motion to approve hiring Scott Goodhue to perform excavating work and trucking of stone on the Duffy Hill ditching project at a cost not to exceed \$10,000.00. Seconded by Leonard Charron. Unanimous.

12. Manager's Report

- S.230 Legislation: The Vt. House of Representatives has passed legislation that would give towns greater influence for siting renewable energy projects in the state of Vermont. The bill, named S.230, was passed the end of April by the House. Two things of note in the bill – the Public Service Board does still retain ultimate approval of a proposed project, and hydro power projects are exempt from the bill as hydro units fall under the jurisdiction of the Federal Energy Regulatory Commission. The last Jon knew, the bill still needed to go through at least one more reading by each body of the legislature before a final vote.
- David Mullett Resigning: David Mullett, Executive Director of Vermont Public Power Supply Authority announced this week that he will be stepping down as

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VPPSA’s Director in September of this year. Dave has served as VPPSA’s Director for six years. The VPPSA Board of Directors wishes Dave the best in the next chapter of his career, and will begin a search for a new Executive Director over the coming months.

- Vermont Division of Emergency Management and Homeland Security Gives Recognition: The State of Vermont through the Division of Emergency Management and Homeland Security has given special recognition to the Village of Enosburg Falls Water & Light Department for its tremendous efforts during the Ice Storm of December 2013 and January 2014. The certificate honoring our local department will be displayed in the Conference Meeting Room at 16 Village Drive.
- Enosburg Falls WW Treatment Facility wins Facility of the Year! - Jon received a call from the Green Mountain Water Association this week. They informed us that the Vermont Division for Environmental Conservation nominated Enosburg Falls’ Wastewater Treatment Facility for WW Facility of the Year, and we won! The award will be given in Killington May 26<sup>th</sup>. A big congratulations to Rodney Allen and Brian Ovitt for this tremendous award! It is through their diligent efforts that Enosburg Falls has such a well-run WW facility!

13. Other Business

Guy Breault wanted to bring to the Board’s attention the latest financial memo prepared by Caroline Marcy regarding the hydro generation comparison results:

<b>1st Quarter of Year Hydro Generation Summary Comparison</b>				
<b>Year</b>	<b>January</b>	<b>February</b>	<b>March</b>	<b>Total 1st Quarter of Year</b>
<b>2013</b>	<b>114,370</b>	<b>-</b>	<b>-</b>	<b>114,370</b>
<b>2014</b>	<b>213,541</b>	<b>203,344</b>	<b>230,043</b>	<b>646,928</b>
<b>2015</b>	<b>380,044</b>	<b>197,572</b>	<b>219,572</b>	<b>797,188</b>
<b>2016</b>	<b>322,946</b>	<b>319,712</b>	<b>362,528</b>	<b>1,005,186</b>

Guy Breault asked Caroline to explain the results of this spreadsheet. Caroline explained that the large increase in generation through the years was the result of just two maintenance projects. In 2014, the Kendall Plant’s heater and roller gates were repaired at a cost of \$66,000. In 2015, we had

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a full year with the heater and roller gates operating and then, in August of 2015, the Kendall tailrace project was performed at a cost of almost \$10,000. It is quite easy to see by the numbers that the rate of return on both investments has been well worth the money spent.

Caroline continued to say that although generation is up, it is still not up to the level of the fifteen “golden years” of 1993 to 2007. There is still room for much more work to do.

Guy Breault mentioned that results such as these promotes pride among staff employees and that the Electric Department employees should be commended for a job well-done in ensuring that both hydro facilities operate at their fullest potential.

Walter Scott, Chair, inquired of Pierre Letourneau if there was anything in particular that he wanted to say. Pierre first asked if the Village was happy with the current service of the Sheriff’s Department. The consensus of the Board was that they were not aware of any issues or problems.

Pierre then continued to inform the Board regarding a sewer issue with the Opera House and asked if the Village was willing to offer any assistance. The Board offered the assistance of the Public Works Director, Gary Denton, and Rodney Allen from the Wastewater Department to take a look at the problem.

14. Adjourn

There being no other business to come before the Board at this time, Bill Spears Jr. made a motion to adjourn. Seconded by Guy Breault. Unanimous. The meeting adjourned at 8:45 pm.

Respectfully Submitted,

Caroline Marcy, Director of Finance

***These minutes were approved as written at the May 24, 2016 Trustee Meeting.***