VILLAGE OF ESSEX JUNCTION TRUSTEES
TOWN OF ESSEX SELECTBOARD
SPECIAL MEETING AGENDA

Online and 81 Main Street
Essex Junction, VT 05452
Monday, October 25, 2021
6:30 PM

E-mail: manager@essexjunction.org *www.essexjunction.org* *Phone: (802) 878-6951*

This meeting will be held both remotely and in person. Available options to watch or join the meeting:
- **WATCH:** the meeting will be live-streamed on Town Meeting TV.
- **JOIN ONLINE**: Join Microsoft Teams Meeting. Depending on your browser, you may need to call in for audio (below).
- **JOIN CALLING:** Join via conference call (*audio only*): (802) 377-3784 | Conference ID: 252 680 769#
- **PROVIDE FULL NAME:** For minutes, please provide your full name whenever prompted.
- **CHAT DURING MEETING: Please use "Chat" to request to speak, only. Please do not use for comments.**
- **RAISE YOUR HAND:** Click on the hand in Teams to speak or use the "Chat" feature to request to speak.
- **MUTE YOUR MIC/TURN OFF VIDEO:** When not speaking, please mute your microphone on your computer/phone.

1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
   a. Comments from Public on Items Not on Agenda
5. **BUSINESS ITEMS**
   a. *Interview and potential appointment: Ta-Tanisha Redditta for Housing Commission
   b. **Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction
   c. ***Discussion of personnel
6. **CONSENT AGENDA**
   a. Approve minutes: October 19, 2021 – (Selectboard and Trustees)
7. **READING FILE**
   a. Board member comments
   b. Memo from Robin Pierce and Owiso Makuku re: Cannabis in the Community
   c. Letter from Greater Burlington Industrial Corp. (GBIC) re: Thanks for support
   d. Upcoming meeting schedule
8. **EXECUTIVE SESSION**
   a. *An executive session is anticipated to discuss the appointments of public officials
   b. **An executive session may be needed to discuss negotiation of contracts and agreements between the Town of Essex and Village/City of Essex Junction
   c. ***An executive session is anticipated to discuss the employment of public employees
9. **ADJOURN**

Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the Chair or President, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the Chair or President. This agenda is available in alternative formats upon request. Meetings, like all programs and activities of the Village of Essex Junction and the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Unified Manager's office at 878-1341 TTY: 7-1-1 or (800) 253-0191.

Certification: 10/22/2021 ________

TOWN OF ESSEX SELECTBOARD
VILLAGE OF ESSEX JUNCTION TRUSTEES
JOINT MEETING MINUTES
MONDAY, OCTOBER 25, 2021

SELECTBOARD: Andy Watts, Chair; Sue Cook; Tracey Delphia; Dawn Hill-Fleury; Patrick Murray

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

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Marguerite Ladd, Assistant Manager; Brad Luck, Village Parks & Recreation Director; Robin Pierce, Village Community Development Director

OTHERS PRESENT: Bob Burrows; Marcus Certa; Matt Carmoli; Kevin Collins; Annie Cooper; Patty Davis; Erin Dickinson; Max Dodson; Betsy Dunn; John Egan; Bill Ellis, Town Attorney; Gina Halpin Barrett; Deb McAdoo; Melanie Needle; Mary Post; Roseanne Prestipino; Ta-Tanisha Redditta; Claudine Safar, Village Attorney; Angel Segarra; Kristen Shamis, Village Attorney; Ken Signorello; Harlan Smith; Margaret Smith; Mike Thorne; Doug Wilson; Irene Wrenner; Lorraine Zaloom; R M; Joe P

1. CALL TO ORDER

Mr. Watts called the Town of Essex Selectboard to order for the Joint meeting with the Village of Essex Junction Board of Trustees at 6:30 PM.

Mr. Brown called the Village of Essex Junction Board of Trustees to order for the Joint meeting with the Essex Selectboard at 6:30 PM.

2. AGENDA ADDITIONS/CHANGES

None.

3. APPROVE AGENDA

No changes, approval not required.

4. PUBLIC TO BE HEARD

Mr. Watts explained that this is the time during the meeting for members of the public to speak on items not included in tonight's agenda. He encouraged the public to be civil, brief, use appropriate language, refrain from personal attacks, and address comments to either the Selectboard Chair or Village President.

Ms. Dunn expressed concern about the use of executive session and stated that Boards should not be conducting votes during this time.

Ms. Wrenner said that there was a recent announcement on private social media regarding the future of Village management and said that such announcements should occur during public meetings.

Mr. Certa said that the audio quality on Town Meeting TV is currently inaudible and encouraged this to be fixed. Mr. Duggan suggested utilizing the call-in feature or joining the meeting via Microsoft Teams for better audio quality.

5. BUSINESS ITEMS

a. Interview and potential appointment: Ta-Tanisha Redditta for Housing Commission

Mr. Watts said that he had not participated in discussions on Housing Commission nominations due to a conflict of interest. This conflict of interest is no longer present, and he said he would be moderating the interview, however he will be abstaining from the vote due to his earlier lack of participation.

Ms. Redditta said that she is interested in joining the Housing Commission since she was previously homeless when she moved to Vermont. Mr. Murray asked Ms. Redditta to discuss her community involvement in Essex. She said that she has volunteered with the Red Cross and has served on the Economic Development Commission. Mr. Brown asked Ms. Redditta what she would like to accomplish on the Housing Commission. Ms. Redditta said that there is a strong need for 3- to 4-bedroom apartments in Essex, and that she would like to see this addressed. Ms. Delphia asked Ms. Redditta for her opinion on the top three priorities for the Housing Commission in the next year. Ms. Redditta discussed new residential units, working with displaced residents, and learning more about the work of the Commission. Ms. Cook asked Ms. Redditta if she is familiar with inclusionary zoning, Ms. Redditta said that she was not. Mr. Watts said that the Boards will vote on this appointment during executive session.

b. Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction

<u>Memorandum of Understanding (MOU)</u>

Mr. Watts said the Selectboard suggested adding a “second tier” of agreements, which are not as impactful to budgeting as some of the others and could be discussed after the vote. Mr. Brown and Ms. Thibeault expressed concern that not reaching an agreement on one document could make all the rest moot. Mr. Brown said some of these do not seem like second tier agreements and should be primary issues. Mr. Tyler agreed and asked that verbiage regarding an agreement to “negotiate in good faith” be added as a counter proposal. Ms. Safar said that the phrase “negotiate in good faith” has some legal meaning, however, it can be open to significant interpretation and will not guarantee that an agreement is achieved. She also expressed concern that, should one agreement not be approved, it could make all the hard work in coming to other agreements completely moot. Mr. Ellis said that he has stated before that the Selectboard would not accept individual agreements, but that all agreements need to be approved if there is to be any agreement at all. The Boards decided to work to prioritize the agreements. Mr. Brown said that he wished the following agreements would be prioritized as top tier: Police Services, Tax Delinquencies, Reappraisal and Appraisal, Shared Financial Services, and IT. After some discussion, Mr. Watts said this suggestion would be taken under advisement with the Town’s legal counsel. Ms. Cook noted that termination terms were listed in two different places in the document and suggested that this be consolidated. This will be discussed with legal counsel. Mr. Watts brought the Trustees’ attention to the fact that the MOU is only valid until the end of the current legislative biennium. Mr. Chawla said that he would like to see it extended to the next biennium. Mr. Watts expressed concern that this could bind future Boards to the agreement. Ms. Thibeault said that once all the agreements have been decided, the MOU will no longer be needed. Mr. Chawla encouraged the Selectboard to have flexibility in the second-tier agreements, hoping that disagreements on these issues will not hold the communities back.

<u>Police Services Agreement</u>

After some discussion, it was decided to leave the first period of review for this agreement at two years. Ms. Delphia asked for the term “material event” to be clarified in the document. The Selectboard discussed options for allowing the finance department flexibility in when they conduct an audit. Mr. Brown said the Trustees are not concerned with when the audit takes place, so long as it occurs during the year. The other Trustees indicated their agreement, and the language was changed to require the audit to be held by the end of the second quarter.

There was some discussion regarding whether school crossings would be considered a "special event" and Mr. Kerin said that he feels that a special event is something that is unplanned and irregular. The other Trustees concurred.

Mr. Watts brought the Trustees' attention to Selectboard changes to the document that detail what would happen should the Town budget fail, and changes to police services result from this. Mr. Tyler asked for an example of an additional service that would benefit the Town and not the City, as detailed in the contract. Mr. Duggan gave traffic control as an example. Mr. Tyler expressed concern that this would not allow the police department the autonomy to move staff as they see fit. Mr. Watts said that this was included as a counter to a clause the Trustees had requested including additional services that would benefit the City and not the Town. He suggested eliminating the language for both situations. Ms. Cook suggested obtaining input from the police department. Ms. Cook asked about automatic termination language and said that the establishment of a City police department is listed as one cause for this. She said more planning would be needed for the Town should this occur. Ms. Delphia concurred. Mr. Brown suggested offering a one-year notice for the City to let the Town know that it is planning on establishing an independent police department.

The following will be reviewed by the Town's legal counsel: the definition of a material event, unique services for the city or town, and automatic termination upon notice of creating an independent police department.

<u>Delinquent Tax Agreement</u>
Mr. Watts said it seems like the City is proposing to collect taxes for the Town, and that the Selectboard is not comfortable with this. Mr. Luck said that the Selectboard has expressed concern about collecting taxes from people who are no longer residents, and this is currently in the City charter, which can no longer be changed. Mr. Watts said that it should be clarified when exactly City residents will stop being residents of the Town. Mr. Tyler said that when the legislature approves the charter, all Village residents will be City residents and no longer Town residents, regardless of where in the budget cycle they are. Ms. Delphia said that her understanding would be that the City would pay the taxes for all former Town properties, and then be responsible for collecting the amount from property owners. Mr. Watts said that this document needs many more details if the Town is not going to collect their own taxes. He also brought up questions regarding the legality of the Town managing taxes in another municipality. Ms. Cook asked who would determine the legality, and Mr. Watts said that the legislature would. Ms. Shamis concurred and said that there is minimal precedent for this. Mr. Ellis said that the legislature may significantly change the charter when it reviews it. Mr. Tyler said that this is no different than the fact that City voters will continue paying for the police building bond via their City taxes. Mr. Brown said that there is no way to alleviate Mr. Watts's concerns until separation occurs, and either the Boards move forward, or they will not come to agreement.

For a future meeting, the Selectboard will write terms to include to ensure that the Town will receive payment. Mr. Watts requested public input; none was given.

<u>Information Technology Agreement</u>
Ms. Thibeault asked why the Town IT Director would be required to approve a written plan for accessing materials. Mr. Watts said that this is needed because this will directly impact the Town's ability to function and protect their information security. Ms. Safar suggested adding language stating that the approval should not be unreasonably withheld. She also strongly encouraged the Village to take out language pledging indemnity for damage that their IT consultants might cause. Ms. Delphia expressed

concern with this and asked who would be held responsible for a data breech. Legal counsel for the Town and Village will work to develop appropriate language to address this. Ms. Shamis encouraged the Village to include language stating that IT costs would be paid to the Town on a "reasonable hourly basis." Mr. Watts said that this could create problems budget-wise and asked if it was expected for the IT transition to occur within a year. Mr. Brown said that it is hoped that this will occur, however there are provisions included in case this does not happen. Mr. Watts brought up a concern regarding payment dates and said that, during the transition period, Town IT staff will still be providing services to the City. Separation related work costs should be separate from this day-to-day work. Mr. Luck said costs for IT transition is included in the City budget. It is possible that the Town staff may only be responsible for extracting the data and giving it to the City IT contractor. Mr. Chawla suggested the possibility of adding a true-up in this agreement, like what is included in the Police Services Agreement. Ms. Cook also asked that fees for current contracts for phones, copiers, and other IT services be included in this, as breaking these contracts could be very expensive. Mr. Ellis said that language should be put in stating that all early termination fees would be the responsibility of the City. Ms. Thibeault said that these contracts and their potential terminations need to be fully researched and detailed prior to signing, Mr. Murray concurred. Mr. Watts expressed concern with the verbiage that the agreement would terminate the agreement "when the migration is complete." He also expressed concern that the Town has not budgeted for migration and may need to hire additional staff for this purpose. Mr. Duggan said that the IT department could track the work that they spent on the migration and bill the City for this cost. Mr. Watts said that, without additional staff, it could not be guaranteed that migration would happen within the first year. Mr. Brown said that the Village could get proposals from vendors, and the vendors could discuss the impact with the IT Director. Ms. Cook asked if the Village data has been kept separate from the Town data, and Mr. Tyler said that this is unknown. He also said that the level of work required for this project is unknown, but that he feels that it will not require an additional IT staff member. Mr. Watts requested public input. Ms. Cooper said that she wanted to remind the Selectboard that Village residents are also represented by the Selectboard, and tonight she did not feel like the Board was representing the needs of Village residents.

~~**b. Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction**~~

c. Discussion of personnel

This was discussed during executive session.

<u>6. CONSENT AGENDA</u>

a. Approve minutes: October 19, 2021 – Selectboard and Trustees

TRACEY DELPHIA made a motion, seconded by SUE COOK, to approve the Consent Agenda. The motion passed 5-0.

GEORGE TYLER made a motion, seconded by RAJ CHAWLA, to approve the Consent Agenda. The motion passed 5-0.

7. <u>READING FILE</u>

a. Board member comments: Mr. Chawla asked what type of public input would be sought regarding cannabis regulation. Mr. Duggan and Mr. Teich said that public input would be sought to determine if a vote on the issue should be held, and what zoning regulations might be required. Mr. Teich said that the state has determined that cannabis cannot be sold within 500 feet of a school. He also said that communities have limited abilities to set regulations for cannabis. Mr. Watts said communities are automatically opted out of cannabis retail sales unless they vote to opt-in. Ms. Delphia said that there is no longer a deadline for when a vote on retail cannabis must occur. The Trustees will be discussing this issue in more detail at their meeting the next day.

b. Memo from Robin Pierce and Owiso Makuku re: Cannabis in the Community
c. Letter from Greater Burlington Industrial Corp. (GBIC) re: Thanks for support
d. Upcoming meeting schedule

8. EXECUTIVE SESSION

a. An executive session may be requested to discuss the appointments of public officials

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard enter into executive session to discuss proposed public official appointments in accordance with 1 V.S.A. Section 313(a)(3), to include the Trustees, Unified Manager, Deputy Manager, and Assistant Manager. Motion passed 5-0.

GEORGE TYLER made a motion, seconded by DAN KERIN that the Selectboard enter into executive session to discuss proposed public official appointments in accordance with 1 V.S.A. Section 313(a)(3), to include the Selectboard, Unified Manager, Deputy Manager, and Assistant Manager. Motion passed 5-0.

~~**b. An executive session may be needed to discuss negotiation of contracts and agreements between the Town of Essex and Village/City of Essex Junction**~~

c. An executive session may be requested to discuss the employment of public employees

TRACEY DELPHIA made a motion, seconded by SUE COOK, that the Selectboard enter into executive session to discuss the employment of public employees in accordance with 1 V.S.A. Section 313(a)(3), to include the Trustees, Unified Manager, Deputy Manager, Assistant Manager and HR Director. Motion passed 5-0.

GEORGE TYLER made a motion, seconded by DAN KERIN, that the Selectboard enter into executive session to discuss the employment of public employees in accordance with 1 V.S.A. Section 313(a)(3), to include the Selectboard, Unified Manager, Deputy Manager, Assistant Manager and HR Director. Motion passed 5-0.

DAWN HILL-FLEURY made a motion, seconded by SUE COOK, for the Selectboard to exit executive session. Motion passed 5-0 at 10:36 p.m.

RAJ CHAWLA made a motion, seconded by AMBER THIBEAULT, for the Trustees to exit executive session. Motion passed 5-0 at 10:36 p.m.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, for the Selectboard to appoint Alison Levy to the Housing Commission. Motion passed 4-0-1, with ANDY WATTS abstaining.

DAN KERIN made a motion, seconded by AMBER THIBEAULT, for the Trustees to appoint Alison Levy to the Housing Commission. Motion passed 4-0-1, with GEORGE TYLER abstaining.

9. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by SUE COOK, for the Selectboard to adjourn. Motion passed 5-0 at 10:41 PM.

RAJ CHAWLA made a motion, seconded by DAN KERIN, for the Trustees to adjourn. Motion passed 5-0 at 10:41 PM.

Respectfully Submitted,
Darby Mayville
Recording Secretary

Approved this 1st day of November, 2021
(See minutes of this day for corrections, if any)

Tracey A Delphia

Tracey Delphia, Clerk, Selectboard