



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

Online and 81 Main Street  
Essex Junction, VT 05452  
**Monday, November 22, 2021**  
**6:30 PM**

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*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: 190 363 614#
- **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. \*Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction
  - b. Presentation and potential action on request from Tree Farm Management Group to renew contract
  - c. Discussion about local option tax
  - d. \*\*Discussion and potential action about employment of public employee
6. **CONSENT AGENDA**
  - a. Approve minutes: October 25, 2021 (Trustees only); November 15, 2021 (Selectboard only)
7. **READING FILE**
  - a. Board member comments
  - b. Upcoming meeting schedule
8. **EXECUTIVE SESSION**
  - a. \*An executive session may be needed to discuss negotiation of contracts and agreements between the Town of Essex and Village/City of Essex Junction
  - b. \*\*An executive session may be needed 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: 11/19/2021 

## TRUSTEES & SELECTBOARD

November 22, 2021

### TOWN OF ESEX SELECTBOARD VILLAGE OF ESSEX JUNCTION TRUSTEES JOINT MEETING MINUTES November 22, 2021

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

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

**ADMINISTRATION and STAFF:** Evan Teich, Unified Manager; Greg Duggan, Maureen Gillard, Marguerite Ladd, Brad Luck, Ally Vile

**OTHERS PRESENT:** Paul Austin, Gina Halpin Barrett, Bob Burrows, Daron Byerly, Andy Champagne, Diane Clemens, Kevin Collins, Annie Cooper, Patti Davis, Erin Dickinson, Mike Dimitroff, Betsy Dunn, Jonathan D., Bill Ellis, Steven Eustis, Jim Goudie, Jonathan D. Griffin, Betsy Hoffmeister, Lori Houghton, Jill Lampron, Diane Landry, Deb McAdoo, Amy Minor, Meg Munson, Peter M., Brenda Naruki, David O'Leary, Matt Paradee, Rachael Parker, J. Percy, Paul Ross, Claudine Safar, Zachary Sears, Angel Segarra, Eric Senn, Caroline Smith, Dennis Thibeault, Doug Wilson, Irene Wrenner, Lorraine Zaloom, Erica.

#### **1. CALL TO ORDER**

Andy Watts called the meeting of the Town of Essex Selectboard to order at 6:30 PM.

Andrew Brown called the meeting of the Village of Essex Junction Trustees to order at 6:30 PM.

#### **2. AGENDA ADDITIONS/CHANGES**

#### **3. AGENDA APPROVAL**

Because the agenda was not amended, no approval was needed at this time.

#### **4. PUBLIC TO BE HEARD**

##### **a. Comments from public on items not on agenda**

Patti Davis said that she has been moving rocks in front of the end of Saxon Hill to help the police try to control ATVs from going on the Saxon Hill Trails. She requested having a sign and a metal gate installed to prevent ATV traffic from going on the trail.

#### **5. BUSINESS ITEMS**

##### **a. \*Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction.**

Mr. Watts began discussion of this item, which focused on the four draft agreements pertaining to shared services, including a Memorandum of Understanding, a Delinquent Tax Agreement, an Information Technology Agreement, and a Police Services Agreement.

The Boards first focused on the Memorandum of Understanding, which encapsulates the Delinquent Tax, Information Technology, Police Services, Reappraiser and Assessor Services, and Shared Financial Services Agreements, but also contains "Tier 2" issues to work out, such as Right of First Refusal for 81 Main Street, a Stormwater Agreement, Indian Brook access, EJRP program access, Senior Center and Bus, Tree Farm building use and maintenance, and shared boards, commissions, and committees. Mr. Brown said that because the Trustees will take the charter before the legislature in January, he would like to approach the conversation about Tier 2 arrangements by establishing a general framework for agreements now, rather than try and develop complete contracts prior to January. Mr. Watts replied that it had not been clear that the Trustees intended to go to the legislature in January with these agreements, and that the Selectboard had not necessarily been working on that timeline.

Mr. Murray facilitated the remainder of the meeting on behalf of the Selectboard.

The Boards discussed the Delinquent Tax Agreement. Ms. Delphia noted that the scope of the agreement has moved away from its original intent, which was around how to handle delinquent taxes. She suggested removing the added language around tax collection processes to refocus on the original topic, and suggested adding in language around a termination date and the ability to amend the agreement. Others from the Selectboard and Trustees agreed.

The Boards discussed the Information Technology Agreement. They reviewed additional language in Item #3, ultimately suggesting further edits to tighten up language around damages and indemnities. They reviewed additional language in item #6, and the Village Attorney (Ms. Safar) suggested more flexible language around a contract extension in case delays arise.

The Boards then discussed the Police Services Agreement. They agreed to modify language around a reduction in police services if the budget fails to pass, clarifying that the failure to pass the budget is what would necessitate the reduction in police services. Ms. Thibeault asked that the Selectboard and City Council are listed as the contacts in the Notice section, to be consistent with other agreements.

**DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard table this item until after Business Item #5b. The motion passed 4-0.**

**GEORGE TYLER made a motion, seconded by DAN KERIN, that the Trustees table this item until after Business Item #5b. The motion passed 5-0.**

Upon resumption of discussion of this item, Mr. Brown said it would be helpful to develop a bulleted list of items, desired outcomes, and whether there is a financial impact for each item, which could be given to staff attorneys who could then draft an agreement based on those high-level points.

The Boards then discussed the Senior Center. Mr. Teich suggested first agreeing on whether the Town and Village want to share the Senior Center, and then discussing other programming that might occur in the space in addition to senior programming. Ms. Delphia said that the Senior Center is an asset to both communities and it would make sense to keep it the way it is (and not reinvent the wheel). The Boards agreed to continue sharing the Senior Center. Mr. Teich asked if the Village would like to share in the Senior Center bus expenses with the Town. He noted that the Town would still be the leasee and the employer, but that the Village could share in the cost. The Boards agreed to continue sharing the Senior Center bus services. Mr. Tyler noted said that staffing of the Senior Center is a detail that would need to be worked out.

Ms. Delphia suggested that some of the shared services could be packaged up together in one agreement with a flat fee associated with it, and that the agreement (or agreements) could be reviewed periodically. She then suggested continuing programming as it stands currently and reviewing the programs and arrangements at a later date. The Boards agreed to use this approach for Indian Brook, EJRP, the Senior Center and bus, and joint boards. Mr. Brown asked about shared financial services, since the two entities are looking to have their own separate finance departments now. He asked whether the Town and Village could enter into an MOU where their finance staff work collaboratively to separate the financials. Selectboard members agreed with this.

The Boards will discuss Right of First Refusal for 81 Main Street, Tree Farm building use, and the Stormwater Agreements at their subsequent Joint Boards meeting in December.

b. Presentation and potential action on request from Tree Farm Management Group to renew contract

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Ally Vile spoke about this item, saying that the contracts related to the Tree Farm Recreation Facility, which is currently managed by the Tree Farm Management Group, are set to expire in July 2022. She said that staff of both the Essex Junction Recreation & Parks Department and the Essex Parks & Recreation Department recommend extending the contracts for a transition period until 2024, after which the two departments would assume joint responsibility for managing the site.

Giles Willey and Eric Sven Eklof, both representatives of the Tree Farm Management Group, spoke in support of extending the lease for another ten years (rather than just two). Mr. Willey said that TFMG has managed the facility exceptionally well for the last 20 years, and that the proposal to transition the facility back to the municipalities seemed abrupt and less of a collaborative decision than a unilateral one. Mr. Eklof noted that both municipalities have a seat on the TFMG board and expressed concern that both municipalities may be too busy handling the separation issue to take on the management of the facility in the next two years.

Mr. Tyler said that the facility in question is a large piece of public property and the Village and Town have a fiduciary responsibility. He said that this is not about the municipalities questioning the competence of the group, but is their responsibility to manage public assets.

Mr. Brown asked why two years isn't enough time. Mr. Willey said he is worried about quality. He said that the Tree Farm itself had 19 reservees in the current season, and 3 provided 80% of the revenue. He expressed concern that several of the reservees would decide to leave unless they are brought into the conversation. Mr. Chawla suggested that a three or four year transition period could be a good compromise, rather than two.

Mr. Luck acknowledged the good work that the Tree Farm Management Group has done for the last 20 years, but said that the Town and Village want to provide access to a municipality-owned public space, with appropriate oversight, checks, balances, and audits. He added that they want to ensure that the assets of the people are being managed appropriately, so want municipal oversight. He said that they can be run without taxpayer money as an enterprise fund. Mr. Willey said that if the Village and Town want more transparency and want to review finances every month, he said that the TFMG could produce that information.

Mr. Murray asked about unresolved issues or complaints pertaining to the Tree Farm Recreation Facility. Mr. Teich replied that there have been instances of dogs being in the wrong places (on the field rather than on the pavement), a lack of garbage cans, and issues with users having their cars locked into the parking lot when the gates to the facility are locked.

Mr. Luck said that when something is municipally-run, there is an avenue for when residents have concerns about the facilities. He added that though the recreation departments are proposing to take over oversight and management for the facility, there are no planned anticipated changes for the future use of the facility.

Mr. Murray opened up the discussion to the public.

Melinda Monroe spoke in support of the Tree Farm and expressed concern about which municipality the Tree Farm would be turned over to, given the separation activities occurring. She added that this decision feels rushed.

Steven Eustis said that there has been limited access to the Tree Farm in the last several years and the trails have not been mowed, and that they should be. He expressed support for the recreation departments' proposals, saying that another ten-year lease is too long.

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Annie Cooper said it would be good to have a two-year transition, rather than ten years.

Caroline Smith said that prior to the transfer of this facility should have a documented, approved business plan well in advance of the transition of management.

Lorraine Zaloom said that she would like to see specifics on the planned transfer. She asked about quantification of labor, since staffing is a huge cost. She also asked if there is going to be buildings added.

Patty \_\_\_\_ said that neither municipality is organized enough to handle dog waste, rules, ordinances, and both municipalities need to work these details out prior to any kind of transfer.

Betsy Hoffmeister said that this is not the right time for the recreation departments to take over.

Paul Austin spoke in support of the Tree Farm. He also expressed concern about the Tree Farm moving to the municipalities and then opening up year-round, which would add costs to the municipalities.

Chris \_\_\_\_ expressed concern that this proposal was put forward with no detail.

Irene Wrenner spoke of the principles agreed to in the MOU between the Town and Village and Tree Farm Management when the first agreement was executed. She expressed concern that the Town and Village do not have a relationship currently that is conducive to joint management of the park.

Mr. Tyler noted that Brad Luck and Ally Vile were directed by the Boards to come up with a plan, but they are not driving this decision. He proposed adding another year or two to the lease, saying that it could buy some partnership with the Tree Farm Management group. Mr. Kerin agreed. Mr. Chawla said he is comfortable moving forward as proposed and believes that a strong transition can be achieved over the next two years. Ms. Thibeault said she is comfortable moving ahead as proposed.

Ms. Hill-Fleury proposed extending the contract to four years, asking for financial reports, and appointing new representatives from the City and the Town. Ms. Cook agreed, saying that two years is too quick, and that they should have open and collaborative discussions with the Tree Farm Management Group. Ms. Delphia said that she would like more information before making a final decision. Mr. Murray proposed a three-year extension as a compromise between the Town and Village Boards.

Mr. Chawla said he would like to see financial transactions sooner than the end of the contract. He said he is not concerned with this property in the context of separation.

Mr. Teich said that staff would like to take this input, circle back with the management group, put together an extension document, and bring it back to the Joint Boards for their consideration.

**TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard offer a lease agreement to the Tree Farm Management Group, for four years and that Essex Parks and Recreation and Essex Junction Recreation and Parks assume the management of the Tree Farm facility thereafter, with the understanding that the lease agreement would need to be developed with that transition plan and business plan. The motion passed 4-0.**

**GEORGE TYLER made a motion, second by DAN KERIN, that the Trustees offer a lease agreement to the Tree Farm Management Group, for four years and that Essex Parks and Recreation and Essex Junction Recreation and Parks assume the management of the Tree Farm facility thereafter, with the understanding that the lease agreement would need to be developed with that transition plan and business plan. The motion passed 5-0.**

c. Discussion about local option tax

Mr. Duggan summarized this item, saying that the next opportunity to place it on a ballot for voter approval is in March of 2022. He noted that the State has made available projections on what the local option tax would generate as a community, saying that if the municipalities adopted all local option taxes available to them, it would generate around \$1.6 million (including sales tax and meals/rooms tax). He noted that cannabis would be included under the sales tax. He noted that staff will be fielding a survey in the next week to try and gauge input from residents and business owners about a local option tax. He said that in talking with the State, they will be able to geographically differentiate between the Town and Village. He noted that other municipalities around Essex have implemented local option taxes.

Ms. Hill-Fleury noted that a local option tax has been defeated in the past, and asked why staff think that the community would support it now. Mr. Teich replied that prior votes had been floor votes, and that this would be placed on a ballot. He said that the Village and the Town are net exporters of sales tax to neighboring municipalities (like Williston), and would likely support this kind of revenue coming into their municipalities instead. Mr. Tyler expressed support for adopting a local option tax for Essex. Mr. Chawla said that surveys should be fielded with enough accompanying background information for respondents to be informed enough for the survey data to be useful.

Paul Ross spoke about the option tax. He said that businesses are moving into the community because there is no local option tax, and expressed concern that implementing one would drive businesses away.

Irene Wrenner expressed skepticism about the utility of fielding a survey and asking for community input if the municipalities don't take that information into account when making decisions. She also expressed concern about misinformation being spread by the municipalities about various topics. Mr. Duggan noted that Town and Village staff only put information out to the public that is accurate.

**TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard extend their meeting until 11:30 pm. The motion passed 4-0.**

d. **\*\*Discussion and potential action about employment of public employee**

This was discussed in Item #8 below.

**6. CONSENT ITEMS:**

- a. Approve minutes: October 25, 2021 (Trustees only); November 15 (Selectboard only)

**TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard approve the consent agenda. The motion passed 4-0.**

**GEORGE TYLER made a motion, seconded by RAJ CHAWLA, that the Trustees approve the consent agenda. The motion passed 5-0.**

**7. READING FILE:**

- a. Board member comments: Ms. Hill-Fleury thanked Town public works staff for their work cleaning leaves and debris out of one of the cemeteries.
- b. Upcoming meeting schedule

**8. EXECUTIVE SESSION:**

- a. **\*An executive session is anticipated to discuss the negotiating of contracts and agreements between the Town of Essex and Village/City of Essex Junction**
- b. **\*\*An executive session may be needed to discuss the employment of public employees**

## TRUSTEES & SELECTBOARD

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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 Selectboard/Trustees, Village Attorney, Town Attorney, Unified Manager, HR Director, Assistant Manager, and Deputy Manager. The motion passed 4-0.

GEORGE TYLER made a motion, seconded by RAJ CHAWLA, that the Trustees 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/Trustees, Village Attorney, Town Attorney, Unified Manager, HR Director, Assistant Manager, and Deputy Manager. The motion passed 5-0.

The Selectboard and Trustees entered into executive session at 10:50 PM.

DAN KERIN made a motion, seconded by GEORGE TYLER, that the Trustees exit executive session. The motion passed 5-0 at 11:11 PM.

DAWN HILL-FLEURY made a motion, seconded by SUE COOK, that the Selectboard exit executive session. The motion passed 4-0 at 11:21 PM.

### 9. ADJOURN:

DAN KERIN made a motion, seconded by GEORGE TYLER, that the Trustees adjourn. The motion passed 5-0 at 11:11 PM.

DAWN HILL-FLEURY made a motion, seconded by SUE COOK, that the Selectboard adjourn. The motion passed 4-0 at 11:21 PM.

Respectfully Submitted,  
Amy Coonradt  
Recording Secretary

Approved this \_\_6TH\_\_ day of \_December\_\_\_\_\_, 2021

(See minutes of this day for corrections, if any)

  
\_\_\_\_\_  
Tracey Delphia, Clerk, Selectboard