

**CITY OF ESSEX JUNCTION CITY COUNCIL
REGULAR MEETING AGENDA
TOWN OF ESSEX SELECTBOARD
SPECIAL MEETING AGENDA**

Online & 2 Lincoln St.
Essex Junction, VT 05452
Wednesday, September 28, 2022
6:15 PM

E-mail: manager@essexjunction.org &
manager@essex.org

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This meeting will be in-person at 2 Lincoln Street and available remotely. Options to watch or join the meeting remotely:

- **WATCH:** the meeting will be live streamed on [Town Meeting TV](#)
- **JOIN ONLINE:** [Join Zoom Meeting](#)
- **JOIN CALLING:** (toll free audio only): (888) 788-0099 | Meeting ID: 944 6429 7825; Passcode: 635787

1. **CALL TO ORDER** [6:15 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **RECOGNITION**
 - a. Consider Resolutions of Appreciation: Brad Luck & Wendy Hysko – City Council only
5. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
6. **BUSINESS ITEMS**
 - a. *Discussion and Potential Action of Tree Farm Management (memos from Brad Luck & Ally Vile)
 - b. **Discussion and Potential Action of Contracts that are Exempt from Public Records Laws
7. **CONSENT ITEMS**
 - a. Approve Check Warrants #17320 (09/16/2022); #17321 (09/23/2022) – City Council only
 - b. Approve minutes: September 14, 2022 – City Council only
 - c. Consider approval and adoption of the Warning for Special City meeting to be by held Australian ballot on November 8, 2022 (memo from Susan McNamara-Hill) – City Council only
8. **READING FILE**
 - a. Board member comments
9. **EXECUTIVE SESSION**
 - a. *An executive session may be needed to discuss negotiating or securing real estate purchase or lease options
 - b. **An executive session may be needed to discuss contracts that are exempt from public records laws
10. **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 of the City Council, like all programs and activities of the City of Essex Junction and the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the City Manager's office at 802-878-6944 or the Town Manager's office at 802-878-1341 TTY: 7-1-1 or (800) 253-0191.

CITY OF ESSEX JUNCTION
TOWN OF ESSEX
JOINT CITY COUNCIL/TOWN SELECTBOARD MEETING MINUTES
WEDNESDAY, SEPTEMBER 28, 2022

COUNCILORS PRESENT: Andrew Brown, President; Raj Chawla, Vice-President; Amber Thibeault; George Tyler

SELECTBOARD PRESENT: Andy Watts, Chair; Kendall Chamberlin; Tracey Delphia, Vice-Chair; Dawn Hill Fleury; Ethan Lawrence, Clerk

ADMINISTRATION and STAFF: Greg Duggan, Town Manager; Regina Mahoney, City Manager; Wendy Hysko, Library Director; Marguerite Ladd, Essex Town Deputy Manager; Brad Luck, Essex Junction Recreation Director; Ron Hoague, Police Chief; Harlan Smith, Director of Parks & Facilities; Ally Vile, Essex Town Recreation Director

OTHERS PRESENT: Elizabeth Dunn, Christopher Kline, Bruce Post, Mary Post, Ken Signorello

1. CALL TO ORDER

Mr. Brown called the meeting of the City Council to order at 6:30 PM.

Mr. Watts called the special meeting of the Essex Selectboard to order at 6:30 PM.

2. AGENDA ADDITIONS/ CHANGES

None.

3. APPROVE AGENDA

No changes, thus no approval required.

4. RECOGNITION

a. Consider Resolutions of Appreciation: Brad Luck & Wendy Hysko – City Council only

Mr. Brown said that the City Council greatly appreciates the work of Mr. Luck and Ms. Hysko.

Mr. Chawla read the following resolution:

WHEREAS The electorate of Essex Junction chose to petition the Vermont Legislature to fully separate from Essex Town and become an independent city; and

WHEREAS The decisions of the electorate compelled the Essex Junction Trustees to seek a municipal manager to manage Essex Junction regardless of whether separation was to become law; and,

WHEREAS Brad Luck and Wendy Hysko proposed becoming Interim Co-Managers, enhancing their existing responsibilities to fulfill the duties of Essex Junction's Manager; and,

WHEREAS Since February 26th, 2022, Brad Luck and Wendy Hysko have successfully managed the municipality through the initial transition from a Village to City; and,

WHEREAS During this time, Brad Luck and Wendy Hysko continued to ensure the Essex Junction community received the level of services the community has come to expect; and,

WHEREAS In addition to managing the day-to-day responsibilities Brad Luck and Wendy Hysko managed Essex Junction while overseeing such initiatives as the creation of a Development Review Board, Land Development Code updates, creating a Cannabis Control Board and related Land Development Code enhancements, hiring of new leadership positions, hiring of the first City Manager, and more.

NOW, THEREFORE BE IT RESOLVED The City of Essex Junction City Council hereby express our deepest and sincerest appreciation for Brad Luck and Wendy Hysko's excellent service to our community.

Motion by RAJ CHAWLA, second by AMBER THIBEAULT, to approve the resolution as written. Motion passed 3-0-1, with GEORGE TYLER abstaining.

5. PUBLIC TO BE HEARD

None.

6. BUSINESS ITEMS

a. Discussion and Potential Action of Tree Farm Management (memos from Brad Luck & Ally Vile)

Mr. Luck detailed the recent history of the Tree Farm management, and differing opinions and decisions made by both the Town and Village. Mr. Duggan said that the intention of tonight is to determine if the intention of the current third-party Memorandum of Understanding (MOU) can be agreed upon. Mr. Brown said that most of this discussion would occur during Executive Session since it involves a third-party contract. The Boards discussed the accuracy of this comment, and Mr. Duggan said that the Selectboard had been under the understanding that discussion would occur during public session. Mr. Brown said the discussion of the MOU itself would occur during public session, and the remainder of the discussion would occur during Executive Session.

Mr. Watts said that the Selectboard would like to put together a lease extension agreement that includes some of the concerns that have been raised, including property access and transparency. He believes that these could be monitored during the four-year period and other options investigated should the benchmarks not be met. He does not believe that it is possible to make any other changes to the current agreement at this point, as there is a four-year stipulation to beginning discussion in the current agreement. The Boards reviewed the terms of the existing agreement, including debate over the amount of notice, if any, required to be given to the Tree Farm Management Group should their services no longer be required. Mr. Brown said that it is difficult to speak to the intent of an agreement that was created twelve years ago. Mr. Lawrence said that a contract extension is a continuation of the current terms for a longer period of time, not a totally new contract terms.

Mr. Tyler said that the last time the two Boards met to discuss this issue, they appeared to be more in agreement. Mr. Watts said that he had seen a "takeover plan" from the Village and that Town staff recommended that this issue be tabled. Mr. Chawla said that, at the last discussion, the two Boards agreed upon three years; however, the Selectboard chose to have the agreement at four years. The two Boards

discussed exactly how much time has passed with this agreement and exactly when it would end. Ms. Delphia said that when this agreement was passed, that the Town thought that an agreement for the Tree Farm would be in place prior to separation. Mr. Chawla said that he is not comfortable with such a large parcel being managed by an outside group and said that the Village did not have a recreation department when the original agreement was made. He said that the possibility of this parcel being municipally managed needs to be discussed prior to any agreement being signed.

The Boards talked extensively about the timing of this issue and how the two Boards got to two separate opinions on the issue. These include canceled joint meetings, separation debates, and changes in board composition. Mr. Tyler asked if, at the end of the four-year lease, the Selectboard would want the desire to be municipal takeover of the property. Mr. Watts said that this was a possibility but not guaranteed. Mr. Chawla said that the original resolution did say that the municipal management would be the result of the four-year agreement and said that the two Boards need to resolve the differences between the end goals between the two Boards. Ms. Hill-Fleury asked why the City was in such a hurry to take over the Tree Farm. Mr. Brown said that this is not the case. Ms. Delphia said that the Selectboard is uncertain if this property should be under municipal control and is not opposed to this.

Mr. Watts suggested that each Board look through the document and send changes to one another. The Boards discussed the possibility that they may not be able to come to an agreement by the end of the year when it expires. The remainder of the discussion took place in Executive session.

Mr. Brown requested public comment. Ms. Dunn said that it seems as if the two Boards are renegotiating the contract, not simply getting an extension.

b. Discussion and Potential Action of Contracts that are Exempt from Public Records Laws
This was discussed during Executive Session.

7. CONSENT ITEMS

Motion by RAJ CHAWLA, second by GEORGE TYLER to approve the consent agenda. Motion passed 4-0.

a. Approve Check Warrants #17320 (09/16/2022); #17321 (09/23/2022) – City Council only

b. Approve Minutes: September 14, 2022 – City Council only

c. Consider approval and adoption of the Warning for Special City meeting to be held Australian ballot on November 8, 2022 (memo from Susan McNamara-Hill) – City Council only

8. READING FILE

a. Board Member Comments: Mr. Chawla asked that the City send another reminder letter to the construction site and the end of Pearl Street, as they have been consistently blocking the sidewalk. Ms. Delphia asked if the accounts payable approved in the Consent Agenda were for both the Town and City. Ms. Ladd confirmed that this was not the case. Mr. Watts invited all attendees to the Explore Essex event this weekend. Mr. Tyler said that the City Council needs to discuss the renovation of Lincoln Hall and the Public Works building at an upcoming meeting. Mr. Brown welcomed Ms. Mahoney, as this is her first meeting as the City Manager.

9. EXECUTIVE SESSION

b. An executive session may be needed to discuss contracts that are exempt from public records laws

142 **RAJ CHAWLA made a motion, seconded by GEORGE TYLER, that the Selectboard/City Council**
143 **make the specific finding that general public knowledge of contracts would place the Town/City at a**
144 **substantial disadvantage. Motion passed 4-0.**

145
146 **RAJ CHAWLA made a motion, seconded by GEORGE TYLER that the City Council enter into**
147 **executive session to discuss contracts, pursuant to 1 V.S.A. § 313(a)(1)(A) to include the City**
148 **Council/Selectboard, City Manager, Deputy Town Manager, and Police Chief. Motion passed 4-0.**

149
150 **TRACEY DELPHIA made a motion, seconded by ETHAN LAWRENCE, that the Selectboard make**
151 **the specific finding that general public knowledge of contracts would place the Town at a substantial**
152 **disadvantage. Motion passed 5-0.**

153
154 **TRACEY DELPHIA made a motion, seconded by ETHAN LAWRENCE, that the Selectboard enter**
155 **into executive session to discuss contracts, pursuant to 1 V.S.A. § 313(a)(1)(A) to include the City**
156 **Council, City Manager, Deputy Town Manager, and Police Chief. Motion passed 5-0.**

157 **a. An executive session was needed to discuss negotiating or securing real estate purchase or lease**
158 **options**

159
160
161 **ETHAN LAWRENCE made a motion, seconded by TRACEY DELPHIA, that the Selectboard enter**
162 **executive session to discuss the negotiating or securing of real estate purchase or lease options in**
163 **accordance with 1 V.S.A. Section 313(a)(2) and to include the Town Manager, Deputy Town**
164 **Manager, Director of Parks and Recreation, City Council, City Manager, Director of Essex Junction**
165 **Recreation and Parks and Harlan Smith. Motion passed 5-0.**

166
167 **RAJ CHAWLA made a motion, seconded by GEORGE TYLER, to find that premature general**
168 **public knowledge regarding contracts associated with the Tree Farm Recreation Facility would**
169 **clearly place the City at a substantial disadvantage because the Council risks disclosing its**
170 **negotiation strategy if it discusses the contract terms in public. Motion passed 4-0.**

171
172 **RAJ CHAWLA made a motion, seconded by GEORGE TYLER go into executive session to discuss**
173 **contracts under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes and to negotiate**
174 **or secure real estate purchase or lease options under Title 1, Section 313(a)(2) of the Vermont**
175 **Statutes, and include Regina Mahony, Brad Luck, Harlan Smith, members of the Essex Selectboard,**
176 **Greg Duggan, Marguerite Ladd, and Ally Vile. Motion passed 4-0.**

177
178 **GEORGE TYLER made a motion, seconded by RAJ CHAWLA, to exit executive session. Motion**
179 **passed 4-0 at 9:45 p.m.**

180
181 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to exit executive session.**
182 **Motion passed 5-0 at 9:45 p.m.**

183
184 **RAJ CHAWLA made a motion, seconded by GEORGE TYLER, that the board authorize staff to**
185 **create a three year lease between the City and the Tree Farm Management Group for review by the**
186 **boards. Motion passed 4-0.**

187
188 **TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the board authorize**
189 **staff to create a three year lease between the Town and the Tree Farm Management Group for**
190 **review by the boards. Motion passed 5-0.**

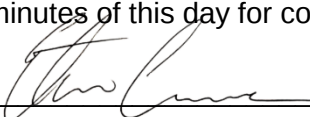
10. ADJOURN

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY, to adjourn. Motion passed 5-0 at 9:48 p.m.

RAJ CHAWLA made a motion, seconded by GEORGE TYLER, to adjourn. Motion passed 4-0 at 9:48 p.m.

Respectfully Submitted,
Darby Mayville
Recording Secretary

Approved this 17th day of October, 2022
(see minutes of this day for corrections, if any)



Ethan Lawrence, Selectboard Clerk