Town of Essex
Selectboard
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Regular Meeting Agenda

Monday, December 5, 2022 – 6:30 PM
81 Main St., Essex Junction, VT 05452

This meeting will be in person and online. Available options to watch or join the meeting:
• **JOIN ONLINE:** Zoom Meeting ID: 987 8569 1140; Passcode: 032060 or https://zoom.us/j/98785691140?pwd=WENqeFhITGVDS0Q5blROdkhuS3RkZz09
• **JOIN CALLING:** (*toll free audio only*): (888) 788-0099 | Meeting ID: 987 8569 1140; Passcode: 032060

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 about proposed charter changes from Charter Review Committee
   b. Consider approving public hearings for proposed amendments to the Town of Essex Charter - January 17, 2023 and January 30, 2023
   c. Consider awarding contract for reappraisal
   d. Discussion and potential action about updating the Town of Essex logo and website redesign
   e. Continue fiscal year 2024 General Fund budget work session
   f. Discussion about Town Meeting ballot and votes
   g. *Consider authorizing Town Manager to execute contract with Williston for shared dispatch services
   h. **Discussion and potential action about the negotiating or securing of real estate purchase or lease options
6. **CONSENT ITEMS**
   a. Approve minutes: November 21, 2022
   b. Approve check warrants: #18058 - 11/18/2022
7. **READING FILE**
   a. Board member comments
   b. Upcoming meeting schedule
   c. Email from Irene Wrenner re: Energy Committee Resignation
   d. Chittenden Solid Waste District Notice of Public Hearing
8. **EXECUTIVE SESSION**
   a. * An executive session is anticipated to discuss contracts
   b. **An executive session is anticipated to discuss the negotiating or securing of real estate purchase or lease options

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Certification: ______ ______ 12/02/2022

TOWN OF ESSEX SELECTBOARD
REGULAR MEETING
MINUTES OF MEETING
December 5, 2022

SELECTBOARD: Andrew Watts, Chair; Tracey Delphia, Vice Chair; Ethan Lawrence, Clerk; Kendall Chamberlin; Dawn Hill-Fleury.
ADMINISTRATION: Greg Duggan, Town Manager; Tammy Getchell, Assistant to the Manager; Ron Hoague, Chief of Police; Karen Lemnah, Assessor; Dan Roy, Finance Director; Tom Yandow, Facilities Manager.
OTHERS PRESENT: Alexis Dubief, Gina Halpin Barrett, Georgia Lavigne, Lauren Layman, Rachael Lizotte, Tim Miller, Bruce Post, Ken Signorello, Gillian Smith, Margaret Smith, Kate Vanni, Irene Wrenner, Lorraine Zaloom.

1. CALL TO ORDER
Andy Watts called the meeting of the Town of Essex Selectboard to order at 6:30 P.M.

2. AGENDA ADDITIONS/CHANGES
None.

3. AGENDA APPROVAL
None needed.

4. PUBLIC TO BE HEARD
a. **Comments from Public on Items Not on Agenda**
None.

5. BUSINESS ITEMS
a. Discussion about proposed charter changes from Charter Review Committee
Lauren Layman, Chair of the Charter Review Committee, described the proposed charter changes. She first outlined the process for reviewing the charter and proposing changes. She said that the group made proposals for changes with an eye toward document improvement, clarity, consistency, transparency, participation accessibility, and inclusion. She said that the majority of votes taken by this committee were unanimous, and those that weren't only had one or two dissenting votes. Ms. Hill-Fleury, who participated on the committee, noted that the committee was extremely hard-working and allowed ample input from the Town staff, the public, and research conducted by others.

Mr. Watts noted that the proposal contains seven new initiatives. These include the power to set fees, just-cause eviction, recall of Selectboard members, local option tax, transition to a development review board (DRB), establishment of an energy coordinator, and establishment of a public safety commission. Ms. Hill-Fleury noted that these seven initiatives were based on feedback from committee members and the public.

Ms. Layman began walking through changes and proposed initiatives, beginning with the power to set fees. She noted that this was included as a request from Town Manager Duggan, and the language was borrowed from the South Burlington charter. She said that the language for the just-cause eviction proposal came from Rights and Democracy. Mr. Watts asked if the language included in this proposal is consistent with just-cause language that has gone to the legislature from other towns. Ms. Layman replied that yes, it is consistent with previous language. She said that they included such specific language in that proposal in order to address current issues in the rental and housing community.

The Selectboard spoke about the recall provision proposal. Ms. Layman noted that a specific constituent provided sample language from other municipal charters in Vermont. She said that this is an opportunity for the Selectboard to draft the language rather than have it included in the charter through the ordinance petition process. She said that the committee borrowed language from Colchester's charter. She said that in order to trigger a recall, they are proposing a threshold of 15% of registered voters for a petition for recall and specific grounds for recall (which would be reviewed by the Board of Civil Authority). Mr. Lawrence asked how "grounds for removal" are defined, and Ms. Layman replied that specific definitions could be decided through policy, by the Selectboard or Board of Civil Authority. She noted that they are all misconduct-based, including gross incompetency, malfeasance, and crime. Ms. Delphia asked if other examples of charters differentiate between a crime in office and a conviction in office, as well as between different types of crimes. Ms. Layman said that this language was lifted from South Dakota, as other Vermont charters did not have language with enough specificity of grounds.

Ms. Layman spoke about accessibility and proposed changes to increase the accessibility of documents while reducing cost and administrative burden on staff.

Ms. Layman spoke about the proposal to make modifications to certain boards and committee requirements. She noted that the proposal to move to a Development Review Board (DRB) came from staff, committee members, and the public. She noted that the Town would not be able to switch to a DRB right away, and the proposal language allows a year for that change to be made. She also noted language that would make the Cemetery Commission permanent and mandatory, and the creation of an Energy Coordinator who would either attend the Planning Commission or DRB. She further noted language around the creation of Public Safety Committee. Mr. Watts noted that moving to a DRB may require lengthier conversation, since it would replace the Zoning Board of Administration (ZBA) and it would also change the role of the Planning Commission. Ms. Hill-Fleury noted that the Energy Coordinator position is allowed by state statute and was brought forth by a citizen. Ms. Delphia asked about a recommendation from Essex Best on the Public Safety Committee. Mr. Duggan replied that they will be discussing proposed language tomorrow night. Ms. Hill-Fleury noted that they are anticipating proposing a Community Advisory Board rather than a Public Safety Committee and will likely bring that before the Selectboard for consideration after their next meeting.

Ms. Layman reviewed the local option tax proposal. She noted that it is a variation on what is contained in statute, since it requires not just an ordinance but a public vote on the ordinance. Ms. Delphia noted that the only difference is that the proposal says that the vote would be cast by Australian ballot and statute specifies at an annual meeting or warned meeting. She said that in order to move an initiative to Australian ballot, it must be voted on at an annual meeting. Mr. Watts noted that normally, a municipality will vote to establish a local option tax and then the language is inserted into its charter by the legislature—this would be the reverse of that process.

The Selectboard discussed process moving forward. Mr. Lawrence suggested addressing formatting and consistency issues in the charter and prioritizing the fee-setting and recall proposals in order to fit into the current timeline for charter changes for Town Meeting Day in March. Ms. Delphia said that she envisioned the charter review process to be iterative, and that this would be the first round of those changes. She agreed about prioritizing the fee-setting and recall proposals. Mr. Chamberlin said that he would like to focus on the recall provision, given that it is a high-priority topic for the public. Ms. Hill-Fleury said that she would support moving the proposals forward all together.

Lorraine Zaloom spoke as a representative of Essex Best, noting that they will be recommending a Community Advisory Board to the Selectboard. She said that there are gaps in public safety that aren't necessarily in the purview of the police and that they would like to explore the issue further, with the possible engagement of the Housing Commission. She said that she recommended the inclusion of an Energy Coordinator.

Alexis Dubief, a member of the Charter Change Committee, said that they approached the exercise of issuing charter change recommendations through the lens of how they could make the best charter for Essex, given staff and public input. She said that the proposal represents between 150-200 hours of work. She encouraged the Selectboard to consider more than one or two of the major proposals within the document, and recommended that one of these be the just-cause eviction proposal.

Rachael Lizzotte pointed out that a number of members on the Charter Change Committee were new to town government and volunteering and said that they produced an incredible amount of work in a short period of time.

The Selectboard further discussed process moving forward, in terms of how to warn public hearings for changes and which changes they would include in the public hearing warnings.

Bruce Post, a member of the Charter Change Committee, reviewed the mission of the Committee, which included reviewing the entirety of the charter, and said that the Committee met that mission. He recommended including the transition to a DRB as one of the charter changes.

b. Consider approving public hearings for proposed amendments to the Town of Essex Charter – January 17, 2023 and January 30, 2023

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard authorize staff to warn a public hearing for January 17, 2023 and January 30, 2023, to present new initiatives to the Town's charter: the power to set fees, just-cause eviction, recall of Selectboard members, transition to a DRB, and a reorganization of the charter. The motion passed 3-2 (Kendall Chamberlin and Andy Watts dissenting).

Staff will provide feedback and recommendations on the proposed charter changes for the Selectboard's December 19, 2022 meeting.

c. Consider awarding contract for reappraisal

Town Manager Duggan noted that the Common Level of Appraisal (CLA) trigger is anticipated to be hit and the Town will be starting a reappraisal soon. He said that the Town posted a request for quotes for a contractor to conduct that reappraisal, and they have selected a preferred vendor. He noted that the Town has not had a reappraisal since 2007.

Karen Lemnah, the Town's Assessor, said that the CLA for the City/Town is 85.08% and that the new CLA comes out January 1, 2023 is predicted to fall below 85%. She said that the State mandates that reappraisals must occur if municipalities fall below that 85% threshold. She said that they received 4 responses for their request for quotes related to reappraisal, which were reviewed by herself, the assistant assessor, and Town Manager Duggan. She said that they are recommending to proceed with the preferred vendor, Patriot Properties. She said that this vendor met the criteria for selection most closely. She noted that the reappraisal would be for both the City and the Town, since they agreed to share assessor services, and would be conducted in 2023 and 2024, and would target the April 1, 2025 grand list.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard approve the awarding of the reappraisal contract to Patriot Properties, Inc., and authorize the Town Manager to execute the contract. The motion passed 5-0.

d. Discussion and potential action about updating the Town of Essex logo and website redesign
Tammy Getchell began by noting that the Town is eligible for a no-cost redesign of its website every four years. She said that staff have discussed the possibility of updating the Town of Essex logo to coincide with the launch of the redesigned website. She said that with input from the Selectboard, staff could put together a few proposed logos for consideration.

Mr. Lawrence expressed support for developing a brand and logo that represent and embody the spirit of the Town. Mr. Chamberlin concurred.

Margaret Smith expressed support for website redesign.

Lorraine Zaloom said it would be good to solicit input from the public on feedback on website navigation and accessibility. Ms. Getchell replied that the website vendor can review the website and put forth recommendations for increased accessibility, if needed. She said that this is the initial conversation related to this topic and that staff will work to put together a plan for redesign.

Mr. Lawrence asked how staff plan to solicit input from the public prior to redesigning the logo. Ms. Getchell said that she would like other department heads to weigh in and then put forth a proposal of potential logos for Selectboard consideration.

Tom Yandow said that the sign on the Town green needs repair, and he would like to have a new logo to use when the Town replaces that sign. He also proposed holding a public reveal event for the new logo.

Irene Wrenner suggested that the Town could use elements from the new Essex Free Library logo, rather than reinventing the wheel.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard authorize staff to begin working on a new logo for the Town of Essex. The motion passed 5-0.

e. Continue Fiscal Year 2024 General Fund budget work session
Town Manager Duggan provided an update on changes to the budget based on discussion at the prior Selectboard meeting. He noted that the Conservation Reserve fund was reduced to $4,000, Community

Events was reduced to $8,000, and that there was no change to the library budget. He said that staff are continuing to work on items including Essex Rescue, Insurance, the senior van, the capital budget, and fund balance assignments. He said that with changes, this brings the FY2024 budget to $15.4 million, the tax levy to $10.8 million, and the grand list to $16.1 million. He said that this equates to a tax rate of 0.6759 (a 22.6% increase from FY2023). He said that staff plan to have further information on outstanding items to share at the December 19, 2022 Selectboard meeting.

f. Discussion about Town Meeting ballot and votes

Town Manager Duggan said that this item is to discuss any items that the Selectboard would like to have on the Town Meeting warning and ballot. Mr. Chamberlin asked about whether an item needed to be included for detailing warranty replacements for public works vehicles. Town Manager Duggan said that they will discuss this on December 19 when they discuss the capital budget. Mr. Watts said that details would need to be incorporated into the budget, since the Town will vote on the overall budget number.

Mr. Lawrence said he would like to include an item on the ballot about conducting future Town Meeting business by Australian ballot.

Lorraine Zaloom expressed support for moving business to Australian ballot and holding an earlier informational meeting, to accommodate early voting.

g. *Consider authorizing Town Manager to execute contract with Williston for shared dispatch services

DAWN HILL FLEURY made a motion, seconded by ETHAN LAWRENCE, to authorize the Town Manager to execute a contract with the Town of Williston for shared dispatch services. The motion passed 5-0.

h. **Discussion and potential action about the negotiating or securing of real estate purchase or lease options

6. <u>CONSENT ITEMS</u>

a. Approve minutes – November 21, 2022
b. Approve check warrants: #18058 – 11/18/22;

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard accept the consent agenda as presented. The motion passed 5-0.

7. <u>READING FILE</u>

a. Board member comments: Mr. Lawrence noted inconsistencies with titles of Selectboard members in proposals and other Town documents. Town Manager Duggan replied that staff will review documents for inconsistencies. Mr. Watts noted the addition of a January 30, 2023 meeting. Town Manager Duggan noted upcoming coffee chats as an opportunity for the public to ask questions about the budget.
b. Upcoming meeting schedule
c. Email from Irene Wrenner re: Energy Committee Resignation
d. Chittenden Solid Waste District Notice of Public Hearing

8. EXECUTIVE SESSION

a. *** An executive session is anticipated to discuss contracts**

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard make the specific finding that general public knowledge of contracts would place the Town at a substantial disadvantage. The motion passed 5-0.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard enter into executive session to discuss contracts, pursuant to 1 V.S.A. § 313(a)(1)(A) to include the Town Manager and Police Chief. The motion passed 5-0.

b. ****An executive session is anticipated to discuss the negotiating or securing of real estate purchase or lease options**

ETHAN LAWRENCE made a motion, seconded by TRACEY DELPHIA, that the Selectboard enter executive session to discuss the negotiating or securing of real estate purchase or lease options in accordance with 1 V.S.A. Section 313(a)(2) and to include the Town Manager and Community Development Director. The motion passed 5-0.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to exit executive session. The motion passed 5-0 at 9:35 P.M.

9. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by DAWN ETHAN LAWRENCE, to adjourn the meeting. The motion passed 5-0 at 9:39 P.M.

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

Approved this__19th____day of_December__, 2022
(see minutes of this day for corrections, if any)

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Ethan Lawrence, Selectboard Clerk