Town of Essex
Selectboard
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Regular Meeting Agenda

Tuesday, January 3, 2023 – 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. Consider adopting official copy of proposed charter amendments for Town Meeting vote
   b. Consider authorizing Selectboard Chair to sign letter to Essex Rescue
   c. Consider approval of fiscal year 2022 fund balance assignments
   d. Continue fiscal year 2024 General Fund budget work session
   e. Consider adopting Fiscal Year 2024 Municipal Budget and warning public hearings
   f. Discussion about proposed fiscal year 2024 capital budget and five-year plan
   g. Consider approval to warn public hearings on fiscal year 2023 capital budget and five-year plan
   h. Discussion about Town Meeting votes
   i. *Discussion about the negotiating or securing of real estate purchase or lease options
6. **CONSENT ITEMS**
   a. Approve minutes: December 19, 2022
   b. Approve check warrants: # 18067- 12/15/22 : #18073 - 12/22/22
   c. Consider approval of bid to purchase Fire Department all-wheel drive truck
   d. Consider Approval of 2023 Caring for Canopies Grant
7. **READING FILE**
   a. Board member comments
   b. Upcoming meeting schedule
   c. Library Updated Hours
   d. Fiscal year 2022 financial audit draft
   e. Memo from Susan McNamara-Hill re: 2023 Candidate Information
8. **EXECUTIVE SESSION**
   a. *An executive session is anticipated to discuss the negotiating or securing of real estate purchase or lease options

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Certification: ______ ______ 12/30/2022

TOWN OF ESSEX SELECTBOARD
REGULAR MEETING
MINUTES OF MEETING
December 19, 2022

SELECTBOARD: Andrew Watts, Chair; Ethan Lawrence, Clerk; Kendall Chamberlin; Dawn Hill-Fleury.
ADMINISTRATION: Greg Duggan, Town Manager; Aaron Martin, Public Works Director; Dan Roy, Finance Director; Katherine Sonnick, Community Development Director.
OTHERS PRESENT: Dustin Bruso, Alexis Dubief, Betsy Dunn, Gina Halpin Barrett, Brad Kennison, Lauren Layman, Jonathan Schumacher, Ken Signorello, Margaret Smith, Kate Vanni, Tanya Vyhofsky, 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

Town Manager Duggan requested adding an executive session to discuss real estate purchase or lease options.

Mr. Watts requested moving Consent Agenda Item #6e to the deliberative agenda, to be Business Item #5g.

3. AGENDA APPROVAL

ANDY WATTS made a motion, seconded by DAWN HILL-FLEURY, to move Consent Agenda Item #6e to become Business Item #5g, as well as add an executive session discussion about real estate purchases. The motion passed 4-0.

4. PUBLIC TO BE HEARD

a. **Comments from Public on Items Not on Agenda**

Betsy Dunn thanked the Selectboard for their work and services to the Town of Essex.

5. BUSINESS ITEMS

a. Discussion about proposed charter amendments from Charter Review Committee

Town Manager Duggan said that the Charter Review Committee met weekly from September to November and proposed a number of charter changes that were reviewed by the Selectboard at its last meeting. He said that the Selectboard selected five topics to prioritize and include on the ballot for Town Meeting Day 2023. These topics include reorganizing the charter, adding a section that would give the Town the ability to adopt and enforce ordinances to regulate licensing and licensing fees, giving the Town to ability to create a just cause eviction ordinance, a recall provision for Selectboard members, and a shift from a Zoning Board to a Development Review Board (DRB) model. He noted that staff have obtained input and conducted research on each of those topics, and would like to use this opportunity to answer questions and hold discussion. He noted that the Selectboard will need to finalize ballot language by January 3, 2023 and hold public hearings on January 17th and January 30th.

The Selectboard discussed the reorganization topic. Chair Watts suggested that if they approve the reorganization, he would like to have a standing Selectboard agenda item to review each section of the charter and the changes that were proposed, rather than waiting until a year from now to take the topic back up.

The Selectboard discussed the licensing fees topic. Town Manager Duggan noted that the proposal largely follows what is in South Burlington's charter. He said that in addition to what was proposed by the Charter Review Committee, the Selectboard should consider including language on setting additional fees for liquor licenses (particularly for special events). Chair Watts clarified that the charter language would give the Town the authority to draft ordinances to set fees, but the charter language itself would not set the fees.

The Selectboard discussed the just cause eviction topic. Chair Watts said that staff recommended pausing on this topic. He noted that Burlington had proposed including just cause eviction language in its charter, but that the language was ultimately vetoed by the Governor. Town Manager Duggan said that staff have said that they don't know enough about the topic yet to be able to recommend it. Mr. Lawrence said that he would support including a question on just cause eviction, if staff are able to get more clarity between now and when language is due. Ms. Hill-Fleury agreed, saying that the voters should be allowed to weigh in and decide. Mr. Chamberlin said he would support waiting on this topic. Chair Watts asked whether they could draft language that would be less specific than what is currently being proposed. Town Manager Duggan said that they make not have time to hear from many of the stakeholders and perspectives that they would want to weigh in prior to proposing charter language. The Selectboard discussed including broad language around just cause eviction in a proposed charter change, in order to give themselves flexibility to draft an appropriate ordinance through the ordinance process, if the charter change is approved.

The Selectboard discussed the recall provision for Selectboard members topic. Chair Watts said that the recall proposal included a 15% threshold for a petition to initiate the process, that the petition would go to the Board of Civil Authority, and that there is no timeline proposed. He asked whether the voters should be allowed to pick the replacement for any recalled members, since they were the ones who voted for a recall in the first place. He noted that this could add to costs, since elections are costly. Mr. Lawrence asked who has the authority to define the criteria for a recall and how they would apply those criteria. Chair Watts expressed concern with this as well, and additionally objected to having this referred to the Board of Civil Authority. Other Selectboard members agreed to omit the criteria and that the petition should be forwarded to the Town Clerk for verification that it meets the threshold.

The Selectboard discussed the topic of shifting from a Zoning Board to a Development Review Board (DRB) model. Town Manager Duggan noted that the language as written proposed this occurring no later than July 1 of 2024. He suggested having the Planning Commission and Zoning Board discuss the topic as well, to obtain their feedback. He said that the Charter Review Committee recommended having 5-member boards, but staff recommend being silent on the number of members, since statute states that the boards can have between 5 and 7 members. He noted that the committee also recommended that Planning Commissioners hold no other office, but staff are recommending not including that requirement, saying that cross-pollination of members between those two boards could be helpful. Mr. Chamberlin expressed support for the staff-recommended changes, since they allow flexibility.

Public comment occurred on the following topics:

Charter reorganization:

- Betsy Dunn expressed support for reorganization of the charter.

Just cause eviction:

- Tanya Vyhovsky spoke about just cause eviction. She clarified that the eviction process would follow the same process (through civil court) that it currently uses and that there would be no further burden on the Selectboard. She noted that the Champlain Valley Office of Economic Opportunity is in support of just cause eviction provisions. She expressed support for just cause eviction provisions to protect renters, especially during the current housing crisis.
- Alexis Dubief, a member of the Charter Review Committee, spoke in support of just cause eviction. She said it should be prioritized, since it is the most impactful for the community.
- Betsy Dunn spoke in support of just cause eviction provisions in the charter. She said that action at the local level could spur the state into action as well.
- Lorraine Zaloom spoke in support of just cause eviction provisions in the charter. She suggested asking the Health Officer to put together data on evictions. She also suggested asking local landlords about the number of no-cause evictions they have had over the last year.
- Gina Halpin Barrett spoke in favor of just cause eviction language in the charter and ordinance. She said that Essex could be a leader on this topic.

Recall of Selectboard members:

- Tonya Vyhovsky spoke about recall provisions, saying that the cost to the Town of holding a recall vote could be significant and that having language around reasonable reasons for petitions would be a good idea.
- Brad Kennison spoke about recall provisions, stating differences between using a threshold of active voters versus a threshold of registered voters, as well as providing further information about other towns' recall provisions.
- Lauren Layman said that the burden of recalling a Selectboard member who was previously elected should be high. She expressed support for the 15% threshold and the requirement of a third of registered voters.
- Betsy Dunn said that a simple majority for recall provisions is sufficient. She additionally said that the Selectboard could appoint someone to serve on the board until the election for a new member takes place.
- Lorraine Zaloom expressed support for defining specific reasons that a recall could take place.
- Ken Signorello spoke about his recent experience in receiving the requisite 15% of voter signatures for a petition.

Transition from Zoning Board (ZBA) to Development Review Board model:

- Jonathan Schumacher, a member of the Planning Commission, expressed support for including flexible language in the charter on the number of members that each committee can have, as well as leaving the choice of a ZBA or DRB model to the Selectboard.
- Dustin Bruso expressed support for the staff's suggested flexible language and added that there should not be a timeframe attached to the proposed language at this point. He suggested studying the pros and cons of each configuration prior to moving forward.

- Betsy Dunn said that she would like to see separate members on the Planning Commission and DRB, which would be healthier for the community and future development.

The Selectboard discussed how they should move forward with each charter amendment topic. They agreed that they should move forward with pursuing charter change language around reorganization within the charter. They agreed to move forward with charter change language around setting fees, with additional language on setting fees for special events. They discussed just cause eviction, with Chair Watts proposing more broad charter change language and drafting more specific language in an ordinance, should the charter change be approved. They asked staff to put together proposed skeleton language for the charter change for review at the Selectboard's next meeting. Mr. Lawrence confirmed that when a charter change is put before the voters, they will also be given information on just cause eviction, in order to inform their vote. The Selectboard discussed the recall provision. Chair Watts said he is supportive of the 15% of registered voter petition threshold and of having at least as many voters as voted in the original election vote in the recall, and is not supportive of referring the recall petition to the BCA or of having specific criteria for recall listed in the charter. He added that he would be in favor of appointing someone to replacing the recalled member. Mr. Lawrence added that he would support holding the vote within 60 days of verifying the recall petition and permitting a recall vote once every 12 months per member. The Selectboard discussed the ZBA versus DRB configuration topic. Chair Watts expressed support for language that would allow the Selectboard the flexibility to choose between having a ZBA or DRB. Others agreed.

b. Presentation of proposed Fiscal Year 2024 Capital Budget and Five-Year Plan

Town Manager Duggan began by noting that there are no significant changes to the plan itself, though they are working to put more detail into the five-year plan (per a request from the Selectboard). He noted that the Town is seeing a decrease of $200,000 in capital revenue with the loss of a significant portion of the Town's tax base due to the separation of the Town and the Junction. He said that in order to build an adequately funded capital budget, they decreased line items for the parks and maintenance or fully fund the energy efficiency line and pushed out some of the road maintenance work. He said that in order to replace the funding lost by the separation of the Town and Junction, the Town would need to raise the capital tax rate to 3.5 cents (from 2 cents currently). He said that staff recommend including a question on the Town Meeting ballot to request this increase.

Mr. Chamberlin asked whether the capital budget is funded based on what is approved or whether it is based on needs. Town Manager Duggan replied that they have generally been able to address capital needs through what is funded in the budget, though that sometimes has not been enough and there are projects or work that is still outstanding. He said that separation has decreased available capital funding. Mr. Chamberlin recommended increasing the proposed capital budget based on what is needed. Public Works Director Martin said that the Town tries to prioritize capital projects based on known funding, but acknowledged that the decrease in funding for the capital budget is a strain. He echoed Town Manager Duggan's proposal to increase the capital tax.

Mr. Lawrence asked whether individual large pieces of capital equipment could be put on the ballot for voter approval. Chair Watts replied that unless it is a bond, voters generally approve one top-line number (the total budget amount).

Ms. Hill-Fleury asked about whether the other parties involved in the Town's shared maintenance agreements for stormwater have been approached for cost-sharing. Public Works Director Martin replied that those agreements have a cost-sharing mechanism.

Mr. Chamberlin asked if staff are able to propose a capital tax increase that would fully fund the capital budget. Town Manager Duggan replied that they might not be able to produce an accurate number in the next 3-4 weeks, given the many components that go into the capital budget. Mr. Chamberlin suggested estimating a number that would reduce the need for operating transfers from the General Fund budget, which would make the capital budget funding more transparent and straightforward.

Chair Watts noted that funding for the capital budget could increase based on the reassessment that will occur in the next year, as residents' taxes may increase. He also suggested looking at increasing the highway tax, as it is currently set to 0% as a result of potential merger activity in previous years.

c. Discussion about Fiscal Year 2022 fund balance assignments

Town Manager Duggan said that staff should have proposed recommendations for FY22 fund balance assignments at the Selectboard's next meeting (on January 3rd). He said that general areas for consideration are future tax rate reduction and capital needs.

Mr. Lawrence suggested putting $100,000 in the capital transfer for public works, given that the capital budget is currently down $200,000. Finance Director Roy said that one option would be to set aside an additional amount in fund balance for undesignated capital, in case issues arise that require funding.

d. Continue Fiscal Year 2024 General Fund budget work session

Town Manager Duggan provided minor updates to outstanding questions on various budget line items.

e. Consider adopting Fiscal Year 2024 General Fund budget

No discussion at this time.

f. Consider approval of warnings for public hearing(s) on Fiscal Year 2024 General Fund budget

No discussion at this time.

g. Consider appointment of representative and alternate to Chittenden County Communications Union District

DAWN HILL-FLEURY made a motion, seconded by KENDALL CHAMBERLIN, to appoint Marguerite Ladd as the representative and Andy Watts as the alternate to the Chittenden County Communications Union District. The motion passed 4-0.

6. <u>CONSENT ITEMS</u>

a. Approve minutes – December 5, 2022
b. Approve check warrants: #18061 – 12/02/22; #18065 – 12/09/22
c. Consider approving bid award for construction of ADAA Compliant Sidewalk Ramps and Appurtenances
d. Consider appointment of Town Health Officer

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard accept the consent agenda as presented. The motion passed 4-0.

7. <u>READING FILE</u>

a. Board member comments: Ms. Hill-Fleury thanked staff for their hard work over the past year and wished everyone a happy holiday.
b. Upcoming meeting schedule
c. Center Road Sewer Forcemain Breaks
d. Indian Brook Dam Update
e. FY 23 Watermain Leak Detection Survey Results
f. Email from Vermont Division for Historic Preservation re: 2023 Historic Preservation Grants – Award Results Notification
g. Town Plan 2024 Community Meetings

8. <u>EXECUTIVE SESSION</u>

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

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard enter into executive session to discuss the negotiation 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. The motion passed 4-0 at 9:30 P.M.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to exit executive session. The motion passed 4-0 at 9:45 P.M.

9. <u>ADJOURN</u>

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to adjourn the meeting. The motion passed 5-0 at 9:46 P.M.

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

Approved this__<u>3rd</u>____day of_<u>January</u>__, 2023
(see minutes of this day for corrections, if any)

____
Ethan Lawrence, Selectboard Clerk