



Town of Essex

Selectboard

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Special Meeting Agenda

Monday, January 30, 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. **PUBLIC HEARINGS**
 - a. Second of two public hearings on proposed amendments to the Town of Essex Charter
 - b. Second of two public hearings on Fiscal Year 2024 Municipal Budget
 - c. Second of two public hearings on Fiscal Year 2024 Capital Budget and Five-Year Plan
6. **BUSINESS ITEMS**
 - a. Consider adopting amendments to the Town of Essex Charter
 - b. Consider approval of fiscal year 2024 municipal budget
 - c. Consider approval of fiscal year 2024 capital budget and five-year plan
 - d. Consider approval of warning for Town Annual Meeting
7. **CONSENT ITEMS**
 - a. Approve minutes: January 17, 2023
 - b. Approve check warrants: # 18078 01/13/23
8. **READING FILE**
 - a. Board member comments
 - b. Upcoming meeting schedule
 - c. Fiscal year 2022 financial audit
9. **EXECUTIVE SESSION**
 - a. An executive session is not anticipated

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Certification: _____  _____ 01/27/2023

**TOWN OF ESSEX SELECTBOARD
SPECIAL MEETING
MINUTES OF MEETING
January 30, 2023**

SELECTBOARD: Tracey Delphia, Vice 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, Town Planner; TJ Yandow, Public Works Facilities Manager.

OTHERS PRESENT: Patty Davis, Sara Desilets, Erin Dickinson, Audi Guha, Gina Halpin Barrett, Brad Kennison, Evyl Keough, Brendan Kinney, Tim Miller, Bruce Post, Mary Post, Ken Signorello, Harlan Smith, Margaret Smith, Dennis Thibeault, Irene Wrenner. Lorraine Zaloom.

1. CALL TO ORDER

Tracey Delphia called the meeting of the Town of Essex Selectboard to order at 6:30 P.M.

2. AGENDA ADDITIONS/CHANGES

Town Manager Duggan recommended the addition of a business item around discussion and possible action in response to H.42 and Town Meeting as new Business Item #6d.

3. AGENDA APPROVAL

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to amend the agenda to add a discussion of H. 42 and Town Meeting as Business Item #6d, and move current item #6d to be #6e. The motion passed 4-0.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Mary Post requested that participants in the meeting speak clearly so that everyone can hear and understand what is being said.

5. PUBLIC HEARINGS

a. Second of two public hearings on proposed amendments to the Town of Essex Charter

Town Manager Duggan noted that a committee was formed in the summer to review the Town Charter and make recommendations for potential changes. He noted that as a result of those recommendations, the Selectboard is considering five proposed charter changes: a reorganization of the charter, a provision to adopt and enforce ordinances for the purpose of assessing fees, a provision to create an ordinance around just-cause eviction, a provision to recall Selectboard members, and the creation of a Development Review Board (DRB) and the elimination of a Zoning Board of Adjustment (ZBA).

Vice Chair Delphia invited public comment. Lorraine Zaloom said that the timeline for the creation of a DRB should be kept at one year, rather than extended to two years. She voiced concerns about heavy truck traffic and impacts on the community and said that a DRB would help greatly with some of these concerns. Bruce Post spoke as a member of the charter review committee, expressing support for creation of a DRB. Margaret Smith noted that the City transitioned to a DRB in less than a year. Brad Kennison recommended not putting the recall language on the ballot, since it would be unlikely that a recall petition would be successful by voters. Town Manager Duggan responded to the DRB transition

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timeline, asking for flexibility on a timeline due to a number of large projects being undertaken in the next year by the Town's Planning Department staff.

b. Second of two public hearings on the Fiscal Year 2024 Municipal Budget
Vice Chair Delphia invited public comments. There were no public comments.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to close the public hearing on the Fiscal Year 2024 Municipal Budget. The motion passed 4-0.

c. Second of two public hearings on the Fiscal Year 2024 Capital Budget and Five-Year Plan
Vice Chair Delphia invited public comments. There were no public comments.

6. BUSINESS ITEMS

a. Consider adopting amendments to the Town of Essex Charter
Mr. Lawrence said that he would prefer language around the DRB timeline state that it be formed two years from passage, to give the Town enough time for a transition. Town Planner Sonnick said that staff would like to have a transition to a DRB as soon as possible, but would like timeline flexibility, given other competing priorities. Vice Chair Delphia asked if the Chittenden County Regional Planning Commission (CCRPC) has resources to help with this, and Town Planner Sonnick said that they may, but she would need to check. Mr. Chamberlin said that he would be in favor of a more flexible timeline. Ms. Hill-Fleury said she would prefer a shorter timeline, but expressed willingness to compromise with an 18-month timeline.

Patty Davis suggested that existing applications for development pause while the Town transitions from a ZBA to a DRB and complete updates to the Town Plan. Vice Chair Delphia replied that she doesn't think that statutorily they are permitted to halt consideration of applications. Town Planner Sonnick said that interim zoning could be implemented, but that wouldn't cover applications already in process. Ken Signorello suggested aligning the transition timeline with the fiscal year, rather than calendar year.

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY, to adopt the charter change language for the transition to a DRB by January 1, 2025, upon approval by the Vermont legislature. The motion passed 3-1 (Kendall Chamberlin dissenting).

Mr. Chamberlin spoke about Mr. Kennison's proposed change for the recall provision, which would add to the one-third registered voter requirement a requirement that more votes need to be cast for recall than the number of votes cast in the original election.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to adopt the recall provision language as proposed. The motion passed 4-0.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to adopt the just-cause eviction charter change language as proposed. The motion passed 4-0.

ETHAN LAWRENCE made a motion, seconded by KENDALL CHAMBERLIN, to adopt the license fees provision language as proposed. The motion passed 4-0.

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ETHAN LAWRENCE made a motion, seconded by KENDALL CHAMBERLIN, to adopt the charter reorganization language as proposed. The motion passed 4-0.

b. Consider approval of Fiscal Year 2024 Municipal Budget

Mr. Chamberlin said that he would not support this budget because it is still using subsidies and savings to minimize the tax increase. Additionally, he said that the capital budget does not include the full amount that it would cost to make needed capital improvements, but only includes the costs that the Town thinks it can afford to make in terms of capital improvements. He said that the budget does not transparently show how much it costs to run the Town.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to adopt the Fiscal Year 2024 Municipal Budget in the amount of \$15,401,152. The motion passed 3-1 (Kendall Chamberlin dissenting).

c. Consider approval of Fiscal Year 2024 Capital Budget and Five-Year Plan

Town Manager Duggan noted that while the Capital Budget and Five-Year Plan do not go on the ballot for voter consideration, it is adopted by the Selectboard and goes into the Annual Report (with its associated two-cent capital tax).

Mr. Chamberlin asked why the Capital Budget is being proposed at \$3 million, when there are more than \$16 million of known capital-related costs and projects that need to be implemented. Town Manager Duggan replied that the \$16 million encompasses every capital project over the next five years, and that the Town is proposing to budget for the plan year-by-year. He noted that the capital tax generates around \$320,000 and that operating transfers occur that take costs out of the capital budget and move them to the operating budget as needed. He reiterated that the \$16 million cost is across multiple years.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to adopt the Fiscal Year 2024 Capital Budget and Five-Year Plan. The motion passed 4-0.

d. Discussion and possible action in response to H.42 and Town Meeting

Town Manager Duggan said that last week, the Governor signed legislation called H. 42 which relates to Annual Town Meeting and Open Meeting Law, and that it recognizes that COVID-19 is still a public health concern and allows municipalities the flexibility to avoid meeting in person and having large gatherings. He said that it provides alternative options for Town Meeting, such as postponing the date of Town Meeting, having all items on Australian-style ballots and an online informational meeting. He asked whether the Selectboard would still like to pursue an in-person Town Meeting or if they would like to pursue some of these flexibilities. Selectboard members discussed this and generally agreed to continue to plan for an in-person Town Meeting Day.

Vice Chair Delphia invited public comment. Lorraine Zaloom spoke about the importance of having online access for residents who can't come in person, as a way to make the civic engagement process more equitable. Mr. Lawrence said that moving toward an all-Australian ballot option would be preferable, since it would maintain equitable access.

e. Consider approval of Warning for Town Annual Meeting

The Selectboard discussed whether to increase the Capital Reserve Fund by adding additional cents to the tax rate. Mr. Lawrence said that he would like to ask for a smaller increase and be successful than asking

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for a larger increase that is rejected by voters. Mr. Chamberlin asked whether the Capital Reserve Fund's tax rate could be changed every year by Australian ballot, since capital needs change every year. Town Manager Duggan said that they could examine this every year, yes, and acknowledged that this year is an unique circumstance given the loss of a large proportion of the grand list due to separation from the City of Essex Junction.

Vice Chair Delphia invited public comment. Patty Davis said that taxpayers would overwhelmingly support a tax increase for capital, since they want more services and better infrastructure.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard approve the Town of Essex annual warning dated March 6 and 7, 2023, to include the budget amount of \$15,401,152 and that the Town of Essex increase the Capital Reserve Fund by adding 1 cent to the tax rate in addition to the 2 cents previously authorized. The motion passed 3-1 (Mr. Chamberlin dissenting).

7. CONSENT ITEMS

- a. Approve minutes – January 17, 2022
- b. Approve check warrants: #18078 0 01/13/2023

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

8. READING FILE

- a. Board member comments: Vice Chair Delphia thanked staff for giving department tours to the Selectboard. Ms. Hill-Fleury congratulated the Essex Police Department on their new hire.
- b. Upcoming meeting schedule
- c. Fiscal Year 2022 financial audit

9. EXECUTIVE SESSION

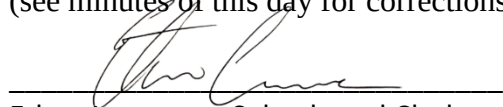
- a. * An executive session is not anticipated

10. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to adjourn the meeting. The motion passed 4-0 at 8:35 P.M.

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

Approved this 21st day of February, 2023
(see minutes of this day for corrections, if any)


Ethan Lawrence, Selectboard Clerk