TOWN OF ESSEX SELECTBOARD
REGULAR MEETING AGENDA

Online & 81 Main St.
Essex Junction, VT 05452
Monday, July 12, 2021
6:30 PM

E-mail: manager@essex.org www.essexvt.org *Phone: (802) 878-1341*

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: 369 590 441#
- **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:** 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 Community Development fees
   b. Consider approval of added costs to complete the upgrade of the intersection traffic signals at Essex Way and the Circ Highway
   c. Consider approving dissolution of Memorial Hall Committee
   d. Discussion and potential action on public forums and Town of Essex planning in response to Village of Essex Junction's independence initiative
   e. *Consider approval of tax stabilization agreement with Glavel, Inc.
   f. Consider approval of additional joint meetings between Selectboard and Essex Junction Board of Trustees
   g. **Legal discussion on Village of Essex Junction's proposed separation from Town of Essex
6. **CONSENT ITEMS**
   a. Consider authorizing Chair and Unified Manager to sign on to any efforts to have American Rescue Plan Act money currently designated for Vermont counties to instead be allocated to cities, towns, and villages
   b. Consider approval to accept allocation of Coronavirus Local Fiscal Recovery Funding (CLFRF)
   c. Approve minutes: June 21, 2021
   d. Check Warrants: #17879 – 6/25/21; #17882 – 7/2/21; 17884 – 7/9/21
7. **READING FILE**
   a. Board member comments
   b. Email from Evan Einhorn re: Resignation from Housing Commission
   c. Email from JD Chapple-Sokol Human Services Fund award to Steps to End Domestic Violence
   d. Email from Travis Sabataso re: Insurance Change
   e. News from Vermont Rail Council
   f. Memo from Greg Duggan re: Update on invitation to Secretary of State to provide, open meeting law training
   g. Thank you notes for Human Services Funding
   h. List of strategic planning session priorities with Essex Junction Board of Trustees
   i. Upcoming meeting schedule
8. **EXECUTIVE SESSION**
   a. *An executive session may be requested to discuss contracts
   b. **An executive session is anticipated to discuss legal matters

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, 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. This agenda is available in alternative formats upon request. Meetings of the Selectboard, like all programs and activities of the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Town Manager's office at 878-1341.

Certification: ____[signature]____ 7/9/2021

TOWN OF ESSEX
SELECTBOARD MEETING MINUTES
Monday July 12, 2021

SELECTBOARD: Andy Watts, Chair; Tracey Delphia; Vince Franco; Dawn Hill-Fleury; Patrick Murray

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Owiso Makuku, Community Development Director; Aaron Martin, Town Engineer / Utilities Director

OTHERS PRESENT: Robert Bates; Marcus Certa; Andy Champagne; Patty Davis; Erin Dickinson; Betsy Dunn; Peter Edelman; Maureen Gillard; Karen Hammer Williamson; Gina Halpin Barrett; Barbara Higgins; Ethan Lawrence; Karen Lemnah; Ken Mincar; Bruce Post; Mary Post; Roseanne Prestipino; Al Senecal; Gabrielle Smith; Margaret Smith; Ken Signorello; Irene Wrenner; Lorraine Zaloom; Karenlee; RM

1. CALL TO ORDER

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

2. AGENDA ADDITIONS/ CHANGES

Mr. Duggan asked to add the Pledge of Allegiance to the agenda. Ms. Hill-Fleury requested Item 6c, minutes from June 21, 2021, be moved to Business Items, after 5f.

3. AGENDA APPROVAL

TRACEY DELPHIA made a motion, seconded by PATRICK MURRAY, to approve the agenda with the amendments. The motion passed 5-0.

Mr. Watts invited all in attendance to rise and join in the Pledge of Allegiance.

4. PUBLIC TO BE HEARD

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

Mr. Champagne said that the facial expressions and comments made by staff and Selectboard members during meetings are shutting down public input and causing anger during meetings. He suggested creating a public outreach committee; providing food at meetings; and actively listening to people from the community who are making comments.

Mr. Lawrence requested an update on the work being done at Osgood Hill Road. Mr. Teich said the speed study had resumed after technical difficulties and the results should be ready in a couple weeks. Mr. Duggan added that construction on the road caused a delay until the regular traffic flow returned. Mr. Lawrence said the construction on Osgood Hill Road is still incomplete after a long time and someone should look into it.

Ms. Zaloom said the City Protect link to police crime data, on the Town website, has been broken since April and asked that it be fixed. She also said the new way data is being shared on the site has made it harder to search.

Mr. Edelman spoke in support of Ms. Makuku's work and requested "Interim" be removed from her job title, to become Community Development Director.

Ms. Davis said Ms. Makuku should be promoted to Community Development Director or Manager if the position opens. She shared statutes that support board functions, transparency, open records, and open meetings. She said people speaking should not be interrupted during meetings.

Ms. Wrenner provided a presentation, using visual aids, of what she called the "top ten myths we heard from staff and elected officials in the run up to merger". She also said there was a myth on the new Village website, Our Village Our Voices, about how taxes would be billed regarding separation.

Ms. Post said dynamics during Selectboard meetings, like eye rolling, mean comments, dirty tricks, interruptions, and public defamation, should not be the norm. She said good people are being polarized because of it.

Ms. Gabrielle Smith said she would correct the new "Our Village, Our Voices" website to say that currently the Village gets billed for taxes from the two Essex municipalities on one piece of paper, but if separation passes, they would only be billed for taxes from one municipality.

Mr. Post said the Selectboard should not overuse the executive session option to discuss topics that effect the public. He gave an example from the 2008 local options tax vote to illustrate how this might backfire.

Mr. Signorello asked that the Town of Essex's history page, on the website, not remain blank. He also asked how many requests from the public are needed before the topic of including staff salaries in the annual report would become an agenda item at a Selectboard meeting.

Ms. Higgins suggested more time be given between when the public is informed of an issue and when the Selectboard votes on it, so people who might want to weigh in could do so. She suggested that significant items warned on Friday for a Monday meeting should only be discussed at the meeting and not voted on until the following meeting.

5. <u>BUSINESS ITEMS</u>

a. **Discussion and potential action on Community Development fees**

Ms. Makuku introduced the issue of increasing permit fees in the Town of Essex, as detailed in Exhibit A of her memo. She said fees have not been raised for 20 years and are not enough to cover the staff time to process permits. Ms. Makuku proposed adopting a cost per square foot calculation, an approach more accurate for adopting fees. She said that they considered the fee rates of neighboring communities, when determining how much to increase fees, and strategized how to incentivize development for all building types, including affordable housing.

The Selectboard discussed the proposal with Ms. Makuku. Ms. Hill-Fleury asked if developers were consulted about the fees, and she asked for a definition of affordable housing. Ms. Makuku provided the federal definition of affordable housing. Ms. Delphia said she was very interested in incentivizing desired development. Mr. Watts asked about when the increased fees would be enacted and Ms. Makuku said October 1, 2021. She anticipated that small developers may fast track to develop prior to this date but she did not believe large projects would. Mr. Watts said the fee increases would result in higher revenues than what was planned in the budget.

Mr. Lawrence asked what fee incentives may exist for agricultural land. Ms. Makuku discussed zoning districts, agriculture stipulations and farm concessions with him.

DAWN HILL-FLEURY made a motion, seconded by VINCE FRANCO, to adopt revised fees as laid out in Exhibit A, to become effective October 1, 2021. The motion passed 5-0.

b. **Consider approval of added costs to complete the upgrade of the intersection traffic signals at Essex Way and the Circ Highway**

Mr. Martin introduced the issue of whether or not the Selectboard would authorize the completion of the intersection traffic signal upgrade at Essex Way and the Circ Highway. He explained that the project was delayed due to challenges with parts and materials but upgrades are still needed. He suggested that the $117,150 request to complete the project come from the traffic impact fee fund. He talked with Ms. Hill-Fleury about the additional sensors being installed and Mr. Watts about how the upgrades would improve safety for turning traffic.

Ms. Davis said safety for turning traffic was also enhanced when a yellow blinking light was installed on Sandhill Road.

Mr. Champagne wondered if there was a different way to pay for the additional costs of the project. Mr. Martin explained that impact fees must be used within 6 years or developers can request this money back, so using the impact fee fund is appropriate for the project.

TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard approve the added costs to complete the upgrade of the intersection traffic signals. The estimate for all the remaining work is on the order and should not exceed $120,000. The motion passed 5-0.

c. **Consider approving dissolution of Memorial Hall Committee**

Mr. Duggan introduced the proposal to dissolve the Memorial Hall Committee. He said the committee had not been meeting for three years so the functions outlined in the purpose of the committee had been adopted by staff. Parks and Recreation has been managing the space and Public Works has been maintaining it.

The Selectboard discussed what impact the dissolution of the Memorial Hall Committee would have on stakeholders who use Memorial Hall, Essex Players being the largest. Mr. Teich talked about other occasional renters of the space through Parks and Rec, and said the space had been considered for childcare. He discussed upgrades and repairs to the building through Public Works and parking challenges on site. Mr. Duggan described the staff challenges with adding another meeting to the calendar. He read the mission of the committee and Ms. Dickinson clarified that an original purpose of the committee was to support initial building rehabilitation efforts. Ms. Hill-Fleury said she hoped dissolution would not increase the work expected of staff. Mr. Teich said, with the addition of the Building Maintenance Manager this year, there is capacity to handle the building responsibilities. Ms. Delphia wondered if a new mission should be developed, instead of dissolving the committee. Mr. Franco wondered whether other buildings have a similar committee. Mr. Watts said similar committees have existed, such as with the construction of a new police facility, and that once projects are finished the similar committees typically end.

Ms. Dunn said that she would have considered this committee, had it been advertised when she was looking to volunteer. She said Memorial Hall should be useable for guest speakers and left as it is. She expressed concerns that it would be considered for childcare. She said having an active Memorial Hall Committee would make the community richer.

Staff clarified that the space is no longer being considered for daycare.

Ms. Post said this issue reflects the problem she mentioned during Public To Be Heard. The issue just came up and the public did not have time to form opinions before the Selectboard had scheduled a vote on it.

Ms. Hammer Williamson, a current member of the board of directors for the Community Players, described her experience on the Memorial Hall Committee as well as various other appointments she held. She suggested the committee meet quarterly. She also described the technical and lighting upgrades to the space provided by the Community Players.

Mr. Post said that people speaking at the meeting could not be heard by the public on site and requested reconnecting the speakers for meetings. He quoted a poem to express his concern with the Memorial Hall Committee issue, “first known when lost.”

Ms. Wrenner said a major stakeholder of Memorial Hall is the taxpayers so having the committee would still be beneficial. She explained how people could accommodate for Memorial Hall’s limited parking and suggested that staff be assigned to meetings differently. She expressed support for Ms. Delphia’s idea.

Mr. Champagne said the public became upset by this issue when it seemed like the municipality may remove the Community Players from the space so it could be used for daycare.

Ms. Zaloom asked for clarification on what happened with the daycare possibility and the Community Players. Mr. Teich said that when Essex Junction Recreation and Parks requested more space for childcare, there was an exploratory discussion to consider if it was possible to use Memorial Hall. He said nothing came of the discussions and the Community Players were not asked to leave.

The Selectboard discussed the issue again. Mr. Murray thought the concerns brought up by the public were mostly for the Community Players not the Memorial Hall Committee. He said that it would be unfortunate if additional staff time was assigned to the meetings and then nobody shows up. Ms. Hill-Fleury said that five people had recently called with interest in being on the committee. The Selectboard was in consensus that the Committee should not be dissolved at this time but remain dormant until budget discussions in November. They said, in the meantime, a new focus should be developed for the committee, inclusive of the Parks and Recreation department.

d. **Discussion and potential action on public forums and Town of Essex planning in response to Village of Essex Junction’s independence initiative**

Mr. Duggan introduced the issue of the Selectboard scheduling public forums about what the Town of Essex should consider for its future as the Village of Essex Junction pursues separation from the Town to create an independent city. He said the forums could help determine next steps for governance, tax equity, community stability, budgeting, services to keep, services to share, capital planning and more. He said they could also use the forums to talk with residents about what direction they would prefer to go in to prepare for the possible loss of 42% of the Town’s tax base, which would result from the Village’s separation. He said the contracted facilitator could hold the forums in August. Ms. Hill-Fleury wanted to make sure the forums would be scheduled at various times and locations to encourage participation. She thought it would be important to schedule the forums soon.

Ms. Dunn said that the Town of Essex should only consider what separation would look like without involving Essex Junction. She suggested that people who live in the Village not be on the Selectboard during these discussions and if separation does not pass, they should create a districting governance process.

Ms. Higgins said she was perplexed by how the Selectboard had been driven by efforts of the Village. She said when separation is being discussed in the Town, the Village should not be in the discussion. She said discussions about separation should only take place after there is a vote, if separation passes, so people do not get confused.

Ms. Wrenner wondered why the Town was not more inspired and excited by discussions of separation. She said this should be a time for them to work on district representation and equal representation. She said the Trustees do not have to meet with the Selectboard about this.

Mr. Post said he worries that the Town outside the Village would be "left behind" if separation passes but they had not made decisions and held discussions about it. He said the discussion with Town outside the Village residents should be about effective districting and representation and how to have a voice in the new Town of Essex.

Ms. Gabrielle Smith said that the Town of Essex should plan conversations about the new Town of Essex after the separation vote. Otherwise, she said it would be uncomfortable, as a resident of the Town who lives in the Village, to not be allowed in discussions taking place about the Town she lives in. She said she supports the Town outside the Village's separation discussion but, until a time comes when she is no longer part of the Town, as a Village resident, she does not agree with removing Village residents from the Selectboard during this process.

Mr. Signorello said the discussions about how the Town should prepare for separation should not take place until after the separation vote if it passes. He said the year and a half after the vote would be a good time to discuss solutions. He requested the Selectboard and staff stop saying there is a tax equity problem.

Ms. Higgins said that if the separation vote passes, there should be an election of new board members who only live in the Town outside the Village.

Mr. Champagne said that because the Town of Essex did not vote on separation they should not be talking about separation. He said a public relations committee could help.

The Selectboard discussed the issue again. Mr. Watts wondered if there should be a plan for how to include Town residents who live in the Village in discussions, or if it is possible to have discussions with only residents of the Town outside the Village. He said the discussions being planned are just a starting point. Mr. Duggan said the forums could allow residents the opportunity to discuss what they think the Town of Essex should do now, in order to prepare for a future with or without the Village of Essex Junction being part of the Town. Ms. Hill-Fleury said transition phase discussions should take place after the vote, but now she would like to know people's thoughts about what to do in the event of either possible result of the separation vote. Mr. Murray said, as a Town resident who lives in the Village, he would resign from the Selectboard if the Village's separation vote passed. He said he was interested in discussing how they would move forward if the vote does not pass. Mr. Franco said they would be doing a disservice to the Town outside the Village if they do not plan for either potential vote outcome.

The Selectboard was in consensus that forum discussions should take place during the interim before the vote. Mr. Watts said this would put them in the best position to move forward after the vote with either result.

e. ***Consider approval of tax stabilization agreement with Glavel, Inc.**
Mr. Duggan introduced the issue of whether the Selectboard would authorize the Unified Manager to execute a tax stabilization agreement with Glavel, Inc. and Allen Brook Development. He said this was a Burlington based company opening a manufacturing facility in Essex and the tax stabilization would support the new start up with approximately $18,500 in tax savings over four years. Thereafter, the Town would receive full taxes. Ms. Delphia wondered what the livable wage requirement would be of the business. Mr. Mincar of Glavelsaid the wage would be $17 per hour,

minimum, with opportunities for shift premiums. He said this is equivalient to the wages at GLOBALFOUNDRIES.

DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, that the Selectboard authorize the Unified Manager to execute the tax stabilization agreement with Glavel, Inc. and Allen Brook Development. The motion passed 5-0.

f. **Consider approval of additional joint meetings between Selectboard and Essex Junction Board of Trustees**

The Selectboard discussed whether to add 3 joint meetings with the Boar of Trustees to the schedule. They said they would prefer only one joint meeting a month but recognized that there may be times when joint meetings about separation may be needed. Ms. Delphia expressed concern with the increased staff time required for more meetings. They talked about the 6-day gap between two of the joint meetings, because there would not be an opportunity for a Selectboard meeting between them if a separate discussion were needed. They decided to add the meetings to the schedule only if they could discuss whether or not to cancel the next upcoming joint meeting when they meet jointly each time; they would determine whether there is an agenda and staff availability for the meetings. Mr. Watts agreed to communicate this with the Trustees.

6c **Approve minutes: June 21, 2021**

Ms. Fleury made an amendment to line 184 of the minutes, replacing “Mr. Fleury for his award” with “the Essex Cemetery Commission for their award.”

TRACEY DELPHIA made a motion, seconded by VINCE FRANCO, to approve the minutes as amended. The motion passed 5-0.

g. ****Legal discussion on Village of Essex Junction’s proposed separation from Town of Essex**

This agenda item took place as item 8b.

6. <u>CONSENT ITEMS</u>

VINCE FRANCO made a motion, seconded by DAWN HILL-FLEURY, to approve the Consent Agenda:

a. **Consider authorizing Chair and Unified Manager to sign on to any efforts to have American Rescue Plan Act money currently designated for Vermont counties to instead be allocated to cities, towns, and villages**

- **that the Selectboard authorize the Chair and Unified Manager to sign on to any efforts to have American Rescue Plan Act money currently designated for Vermont counties to instead be allocated to cities, towns, and villages.**

b. **Consider approval to accept allocation of Coronavirus Local Fiscal Recovery Funding (CLFRF)**

- **that the Town of Essex accept its allocation of Coronavirus Local Fiscal Recovery Funding (CLFRF) from the US Treasury, along with the Award Terms & Conditions and Assurances of Compliance with the Civil Rights Requirements that are requirements of accepting these funds.**
- **that the Selectboard appoint Evan Teich to serve as the Town’s “Authorized Representative” as required by the Coronavirus Local Fiscal Recovery Funding**

(CLFRF) from the US Treasury, to sign the Award Terms & Conditions and Assurances of Compliance with the Civil Rights Requirements.

- **that the Selectboard name Evan Teich to be the "Contact Person" and Sarah Macy to be the "Secondary Contact Person" for the Town's CLRFR Award from U.S. Treasury.**

~~**c. Approve minutes: June 21, 2021**~~

This item took place after 5f.

d. Check Warrants: #17879 – 6/25/21; #17882 – 7/2/21; 17884 – 7/9/21

The motion passed 5-0.

7. READING FILE

a. Board member comments
- Mr. Watts thanked staff for including the Human Services funding recipient notes in the reading file.

b. Email from Evan Einhorn re: Resignation from Housing Commission
c. Email from JD Chapple-Sokol Human Services Fund award to Steps to End Domestic Violence
d. Email from Travis Sabataso re: Insurance Change
e. News from Vermont Rail Council
f. Memo from Greg Duggan re: Update on invitation to Secretary of State to provide, open meeting law training
g. Thank you notes for Human Services Funding
h. List of strategic planning session
i. Upcoming meeting schedule

8. EXECUTIVE SESSION

a. ***An executive session may be requested to discuss to discuss contracts**
No executive session took place for this item.

b. ****An executive session is anticipated to discuss legal matters**

PATRICK MURRAY made a motion, seconded by TRACEY DELPHIA, that the Selectboard make the specific finding that general public knowledge of confidential attorney-client communications made for the purpose of providing professional legal services to the body would place the Town at a substantial disadvantage. The motion passed 5-0.

PATRICK MURRAY made a motion, seconded by TRACEY DELPHIA, that the Selectboard enter into executive session to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the body, pursuant to 1 V.S.A. § 313(a)(1)(F) to include the Unified Manager and Deputy Manager. The motion passed 5-0 at 10:13 PM.

Dawn Hill-Fleury made a motion, seconded by Vince Franco, to exit executive session. The motion passed 5-0 at 11:01 PM.

9. ADJOURN

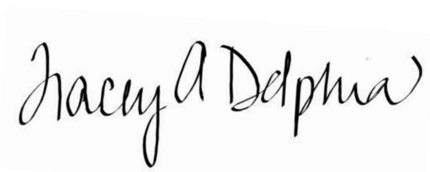
DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to adjourn. The motion passed 5-0 at 11:01 PM.

Respectfully Submitted,
Cathy Ainsworth

Recording Secretary

Approved this 2nd day of August, 2021

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



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Tracey Delphia, Clerk, Selectboard