



Town of Essex

Selectboard

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Regular Meeting Agenda

Monday, August 21, 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 the public on items not on Agenda
5. **BUSINESS ITEMS**
 - a. Discussion about budget goals for fiscal year 2025
 - b. Consider designating delegate for Vermont League of Cities and Towns' Town Fair meeting
 - c. Discussion to review proposed Town of Essex Charter updates to Chapters 3, 4, and 5
 - d. *Discussion about contracts
 - e. **Discussion about real estate
6. **CONSENT ITEMS**
 - a. Approve minutes: August 7, 2023 - Special Meeting; August 7, 2023 - Regular
 - b. Approve check warrants: # 18162 -8/4/23 : # 18163 - 8/11/23
 - c. Consider approval on list of assets and liabilities and profit and loss statements submitted by the Tree Farm Management Group
 - d. Consider approval of corrections of errors and omissions on the 2023 Grand List as provided for in 31 V.S.A. 4261
 - e. Consider Approval of the State Revolving Fund Application for the Water Service Line Inventory Project
 - f. Consider approval of Manager's appointment of Treasurer
7. **READING FILE**
 - a. Board member comments
 - b. Upcoming meeting schedule
 - c. Letter from Vermont Department of Taxes re: local option sales tax collections
 - d. Town of Essex Charter: proposed changes to chapters 6, 7, and 8
 - e. Notice of Edward Byrne Memorial Justice Assistance Grant application
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

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: _____  _____ 08/18/2023

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TOWN OF ESSEX SELECTBOARD REGULAR MEETING MINUTES OF MEETING August 21, 2023

SELECTBOARD: Andrew Watts, Chair; Kendall Chamberlin, Clerk; Dawn Hill-Fleury, Ethan Lawrence.

ADMINISTRATION: Greg Duggan, Town Manager.

OTHERS PRESENT: Ronald Beckett, Kahleeb Boombier, Michelle Brington, Patty Davis, Ozan Gury, Gina Halpin Barrett, John Larkin, Bruce Post, Mary Post, Ken Signorello, Margaret Smith, James Williams, Irene Wrenner, James.

1. CALL TO ORDER

Chair 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

No approval needed.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Mary Post requested that all speakers speak clearly so that they can be heard by those who are hard of hearing.

Margaret Smith expressed concern that Charter Change Committee were not notified of the last Selectboard meeting where charter changes were discussed, and expressed frustration that they did not have the opportunity to give input at the last Selectboard meeting on this topic. Mr. Duggan apologized for not notifying the Charter Change Committee of the last meeting, but also noted that no decisions were made and no votes taken on this item at that meeting.

John Larkin expressed concern about the development, industrialization, and traffic on Sand Hill Road. He said that he hopes that the quality of the residential neighborhood is taken into account when considering additional development in that area. Mr. Watts noted that the Planning Commission makes decisions regarding development applications, and that appeals to those decisions go to the Environmental Court, not the Selectboard. He encouraged Mr. Larkin to participate in the process of developing and updating the Town Plan. He also advised that Mr. Larkin take his concerns to the Planning Commission as well.

Ken Signorello provided a brief update on the Conservation and Trails Committee meeting on August 8, 2023, and the agenda items that were discussed.

Patty Davis said that every other town in Chittenden County has distribution and industrial freight businesses just off the interstate located miles away from the neighborhood communities and adjacent roads. These towns include Milton, Colchester, Burlington, South Burlington, and Williston. She noted

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that Essex has stood up against industrial development for 50 years because the land use language in the zoning regulations is dictated by the voters in the Town Plan.

Bruce Post spoke about the land on Saxon Hill Road and expressed concern that there is suspicion of activities going on behind the scenes that betrays the public's concern for the integrity of that property. Mr. Watts said that the Planning Commission approves development applications based on the regulations that are in place, and Mr. Post acknowledged that but said that those regulations are sometimes not in the best interest of neighbors.

5. BUSINESS ITEMS

a. Discussion about budget goals for Fiscal Year 2025

Town Manager Duggan noted that he is meeting with department heads later this week to start developing the budget priorities for 2025, but said it is always helpful to go into those conversations knowing what the Selectboard's priorities are as well.

Mr. Lawrence said that his focus areas are in Public Works and ensuring they have adequate funding, as well as in any of the contracts that are coming up for renegotiation (such as the AFCSME labor contract). He added that he would also like to revisit the discussion around non-resident fees for use of municipal facilities.

Mr. Chamberlin said that it was very helpful when Public Works presented their line item expenses for the last five years, and it would be helpful for every department to do that, in order to give a good picture of historic spending and justification for increases needed. He said that in terms of revenue, it would be good to demonstrate the impacts to taxpayers of moving funding into more high-yield accounts. He also proposed splitting the fund balance between capital expenses and taxpayer relief.

Ms. Hill-Fleury said she would like to see the appointment of an Energy Coordinator, though it does not need to be a paid position. She said she would like to see minimal tax increases and the remainder of sidewalk repairs conducted, to ensure that the Town is as walkable as possible.

Mr. Watts said that the Town needs to be careful of future tax increases, after this fiscal year's significant tax increase. He said that there are challenges with using the fund balance to mitigate tax increases. He said it would be good to give staff a target for any tax increases. He said he would also like to see the utilities buried where possible, continued work on building a new Town Hall and potentially offsetting the expense of that with some of the property purchased for that building, exploring the creation of a Housing Trust Fund, pedestrian and trail improvements, commissioning public art, and having more interactive outreach to the public. He noted that Ms. Delphia (who is absent tonight) also noted priorities around continuing exploration of impact fees, leveraging grant funding, and budgeting enough in the capital budget to avoid going out for bonding, as well as improving communication with the public.

The Selectboard further discussed how to improve communication and make it more interactive. Mr. Chamberlin noted that fairly robust discussions occur on Facebook whenever tax increases are proposed, and said it may be worthwhile to ask the public for their input on where expenses could be cut to avoid tax increases.

The following public comments were received:

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- Patty Davis spoke about the public outreach Williston conducted soliciting feedback for its Town Plan, including asking questions through an online software platform (Mentimote) to residents such as where development should occur, what type of development should occur, how quickly the Planning Commission and Public Works Department should align their goals.
- Bruce Post noted that personnel costs are generally one of the municipality's biggest expenditures. He said it could be useful to look at staff costs and staff salaries over time. He noted that there have historically been feelings that there isn't enough communication with the public. He said that it may be worth it to explore voting districts and neighborhood associations, to foster a better sense of involvement from the public.

b. Consider designating delegate for Vermont League of Cities and Towns' Town Fair meeting

DAWN HILL-FLEURY made a motion, seconded by KENDALL CHAMBERLIN, to nominate ANDY WATTS as the delegate for the Vermont League of Cities and Towns' Town Fair meeting. The motion passed 4-0.

c. Discussion to review proposed Town of Essex Charter updates to Chapters 3, 4, and 5

Mr. Watts said that this is a continuation of the discussion at the previous Selectboard meeting, which pertains to additional changes to the Charter as recommended by the Charter Review Committee.

The Selectboard discussed the following:

- The Selectboard proposed reorganizing the content in the Ordinance sections of Chapter 3 to flow more clearly. They also rejected proposed changes to Section 307 that would have changed "Recission" to "Repeal" and kept the recission language in that section.
- The Selectboard discussed staff comments around Section 401 (Appointment of Manager) many of which recommended not including too much prescriptive language in the charter around the appointment process and removing redundant language. Mr. Watts suggested having a public discussion about the appointment process for Town Manager, rather than codify a process in the charter. The Selectboard agreed to reject proposed changes in Section 401 and revert to the original charter language.
- The Selectboard discussed the proposed creation of Section 402 (Responsibilities, Powers, and Duties) and decided to strike the section in its entirety, as it largely aligns with State statute.
- The Selectboard discussed the proposed changes in Section 403 (Appointments by Town Manager), which specifies the positions that can be appointed by the Town Manager with approval from the Selectboard. Town Manager Duggan recommended giving the Town Manager the authority to appoint positions, as Essex has a council-manager form of government, and removing the Selectboard from the appointment process for staff ensures that the process remains apolitical. The Selectboard decided to have a more in-depth discussion on Section 403.
- The Selectboard discussed Section 404 (Prohibitions). They decided to strike proposed language in Section 404(3)-(5).
- The Selectboard discussed Section 502 (Annual Town Report) and had a robust discussion on whether to require that the Annual Town Report be mailed to every household in Essex or whether postcards (or digital notification) be sent notifying households of availability of the Annual Town Report. They decided that a notification should be mailed to every voter.
- The Selectboard discussed Section 503 (Time of Holding) and decided to have further discussion and legal review on the proposed changes.

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The following public comments were made:

- Bruce Post said it's important to make the distinction between registered voter and legal voter in the charter language. He asked what the Annual Town Meeting will entail moving forward, if not floor votes. Mr. Watts replied that it is still not clear what kind of meeting will replace the Annual Meeting (whether an informational meeting on the budget or a special meeting).
- Mary Post noted concern from a number of individuals regarding the Town Manager's ability to have the sole authority to appoint some positions, such as the Police Chief, and said that this goes back to feelings on the part of residents of not being heard by their government and representatives.
- Irene Wrenner said that it will be important that the Annual Report be sent to all residents rather than all voters, since all residents pay taxes.

d. *Discussion about contracts

See item 8(a) below.

e. **Discussion about real estate

See item 8(b) below.

6. CONSENT ITEMS

- Approve minutes – August 7, 2023 – Special Meeting; August 7, 2023 – Regular
- Approve check warrants: #18162—08/04/2023; #18163—08/11/2023
- Consider approval on list of assets and liabilities and profit and loss statements submitted by the Tree Farm Management Group
- Consider approval of corrections of errors and omissions on the 2023 Grand List as provided for in 31 V.S.A 4261
- Consider approval of the State Revolving Loan Fund Application for the Water Service Line Inventory Project
- Consider approval of Manager's appointment of Treasurer

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

7. READING FILE

- Board member comments: Regarding the local option tax, Town Manager Duggan noted an email received from the Tax Commissioner noting that the Tax Department reached out to online vendors and retailers in February and July to remind them of the limitations of using a five-digit zip code. Mr. Watts pointed out a link in that letter (within the reading file) requesting a refund from the State if individuals are unable to get a refund from the retailer on the taxes. Mr. Lawrence thanked Public Works for their work on Susie Wilson Road.
- Upcoming meeting schedule
- Letter from Vermont Department of Taxes re: local option sales tax collections
- Town of Essex Charter: proposed changes to Chapters 6, 7, and 8
- Notice of Edward Byne Memorial Justice Assistance Grant application

8. EXECUTIVE SESSION

- * An executive session is anticipated to discuss contracts

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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 4-0.

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. The motion passed 4-0.

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

ETHAN LAWRENCE, made a motion, seconded by DAWN HILL-FLEURY, 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 Deputy Manager. The motion passed 4-0.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to exit executive session. The motion passed 4-0 at 9:53 p.m.

9. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by KENDALL CHAMBERLIN, to adjourn the meeting. The motion passed 4-0 at 9:53 P.M.

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

Approved this 18th day of September, 2023
(see minutes of this day for corrections, if any)


Kendall Chamberlin, Selectboard Clerk