



TOWN OF ESSEX SELECTBOARD REGULAR MEETING AGENDA

Online
Essex Junction, VT 05452
Tuesday, February 16, 2021
6:30 PM

E-mail: manager@essex.org

www.essexvt.org

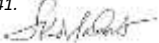
Phone: (802) 878-1341

Due to the Covid-19 pandemic, **this meeting will be held remotely**. 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: 817 591 504#
- **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. **INVOCATION OF CIVILITY**
3. **AGENDA ADDITIONS/CHANGES**
4. **APPROVE AGENDA**
5. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
6. **PUBLIC HEARING**
 - a. Second of two public hearings to consider the Plan of Merger of the Town of Essex and the Village of Essex Junction dated January 11, 2021 and the proposed Charter for the merged communities. (*Residents will be given 2 minutes each to speak.*) [6:35 PM]
7. **BUSINESS ITEMS**
 - a. **Consider approval of first-class and second-class liquor license Silver Hospitality LLC dba Salt & Bubbles Wine Bar and Market
 - b. Consider request from Andy Watts to post merger information to all Front Porch Forum neighborhoods
****Selectboard will be acting as Board of Liquor Control Commissioners during this agenda item**
8. **CONSENT ITEMS**
 - a. Consider approval of Questions and Answers: Proposed Fiscal Year 2022 Budget
 - b. Consider approval of Form PVR-4155 – Certificate – No Appeals or Suit Pending to Grand List
 - c. Consider approval of Town Highway Certification and reclassification approval for portion of West Sleepy Hollow Road
 - d. Approve minutes: January 25, 2021 – Joint; January 28, 2021
 - e. Check warrant: #17823 – 2/5/21; #17826 – 2/12/21
9. **READING FILE**
 - a. Board member comments
 - b. Email from Brad Luck re: Questions from Resident regarding merger booklet
 - c. Email from Elaine Haney re: Town concerns re: H.124, Vermont Employment Growth Incentive
 - d. Email from Matt and Margaret Gilbert re: Brief statement in support of merger
 - e. Email from Madeline Orsini re: Senior Center
 - f. Email from James Jutras re: Legislative priorities
 - g. Email from Peter Gustafson re: Planting trees this spring
 - h. Memo from Dennis Lutz re: Status of Winter Operations through 24 January 2021 (INFORMATION)
 - i. Upcoming meeting schedule
10. **EXECUTIVE SESSION**
 - a. An executive session is not anticipated
11. **ADJOURN**

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:  2/12/2021

**TOWN OF ESSEX
SELECTBOARD MEETING MINUTES
Tuesday, February 16, 2021**

SELECTBOARD: Elaine Haney, Chair; Patrick Murray, Vice Chair; Vince Franco; Dawn Hill-Fleury; Andy Watts.

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Dennis Lutz, Public Works Director; Sarah Macy, Finance Director; Aaron Martin, Town Engineer/Utilities Director, Jenny Willingham, Assistant Clerk.

OTHERS PRESENT: Gil Allen, Lisa Allen, Bob Bates, James Charbonneau, Raj Chawla, Kevin Collins, Annie Cooper, Patty Davis, Tracey Delphia, Erin Dickinson, David Fogle, Eileen Girling, Robert Haggerty, Deb McAdoo, Ross Miller, Scott Moore, Toni Morgan, Roseanne Prestipino, Brian Sheldon, Kayla Silver, Ken Signorello, Gabrielle Smith, Margaret Smith, Richard Smith, L. Starkey, Sara Stultz, Mike Sullivan, Mike Thorne, Doug Wilson, Irene Wrenner, Tom Yandow, Jeanne _____, Karenlee _____, Rick & Chris _____, RM, SN.

1. CALL TO ORDER

Elaine Haney called the meeting of the Town of Essex Selectboard to order at 6:30 PM.

2. INVOCATION OF CIVILITY

Vince Franco read the following Invocation of Civility: "We are gathered together in civil assembly. We gather as a community, in the oldest sense of the word. We gather to come together and try to make decisions; about what is right, about what is wrong. Let us advocate for our positions, but not at the expense of others. Let us remember that there is an immense gap between saying, 'I am right' and saying, 'I believe I am right.' And that our neighbors with whom we might disagree are good people 'with hopes and dreams as true and high as ours.' And let us always remember that, in the end, caring for each other, in this community, is far greater than any difference of opinion we might have. Thank you for being here this evening."

3. AGENDA ADDITIONS/ CHANGES

There were no additions or changes to the agenda.

4. APPROVE AGENDA

With no changes to the agenda, no vote for approval was needed.

5. PUBLIC TO BE HEARD

Margaret Smith said that she was disappointed in the Board's decision to limit public comment to two minutes.

6. PUBLIC HEARING

a. Second of two public hearings to consider the Plan of Merger of the Town of Essex and the Village of Essex Junction dated January 11, 2021 and the proposed Charter for the merged communities. (Residents will be given 2 minutes each to speak.)

Ms. Haney outlined the rules for public participation this evening, namely that each participant can speak once and for a two-minute time period. Microphones and cameras must be off when not speaking.

Ms. Haney, Mr. Franco, and Mr. Murray began with a presentation, which included a history of merger and the reasons for looking at merger. These include: more organized and consistent planning; a reduction in

the number of elections; and equitable distribution of costs. Merger would generally result in a decrease in taxes for those in the Town Inside the Village (TIV), and an increase for those in the Town Outside the Village (TOV). The change in taxation would be phased in over a twelve-year period, after which the TIV and TOV would pay the same rate. The Village would be responsible for repaying the debt that it incurred prior to merger. This plan is intended to honor current community identity and high quality of service. There would be five separate districts within the community. The community would be divided into two wards, which would currently reflect the TIV/TOV boundaries, although these could be changed later. The new Selectboard would contain three members from each ward. Should merger pass, both the charter the Village voters approved and the charter approved town-wide would go to the legislature for consideration and reconciliation. Ms. Haney noted that new slides have been created from the earlier meeting to reflect the FY2021 tax numbers, grand list growth, and special tax districts.

New slides have been created to reflect the FY2021 numbers. The figures have also been recalculated to take into consideration Grand List growth and special tax districts. These numbers show that TOV Town taxes will grow by 12% and be reduced by 10% for Village residents over the course of thirteen years.

Public Comments:

- Mr. Miller asked what the benefits to the TOV would be in this plan.
- Mr. Wilson asked for clarification regarding the yearly vs. compounded tax increase.
- Ms. Margaret Smith said that the charter approved by the TIV has a board with three residents of the TOV, three residents of the TIV, and one at-large seat. How will this be rectified with the charter that the entire community is voting on?
- Ms. Cooper noted her enthusiastic support for merger.
- Ms. Davis asked for clarification regarding the length and board composition during the transition period.
- Mr. Allen expressed concern about insinuations of impropriety on the website nomergernow.org.
- Mr. Sheldon thanked both boards for their hard work and expressed his opinion that if merger is voted down the legislature will also vote down the 3+3 charter change.
- Mr. Signorello said that merger would result in all \$36.8 million in Village assets being transferred to the Town. He asked if this would be worth any potential tax savings.
- Ms. Delphia expressed concern that the process for public input was happening after the merger plan had been finalized.
- Mr. Sullivan said that tax rate is cumulative, not compounded. He expressed support for merger.
- Ms. Allen thanked elected officials for their hard work and expressed concern that some of them are being attacked for their choices.
- Ms. Wrenner said that the merger tax increase is forever and that residents in the TOV will always be paying more as a result. She said that the TOV should not be paying for things that they don't need. She also noted that the Grand List is growing at a faster rate in the TOV and said that separation is not on the ballot so it should not be considered as a factor.
- Mr. Bates said that there is no guarantee that the charter sent to the legislature is the one that will be approved.
- Ms. Stultz said that the status quo is not acceptable as a TIV resident, and that some people will never be in support of a merger. She said that she does not understand why some regard it as a problem that the Selectboard Chair lives in the Village and that she would be curious how much more TIV residents paid in taxes than TOV residents over the years.
- Mr. Charbonneau said that he believes that the Board has been honest and forthright. However, he does not support merger because he feels that the TOV is being asked to support a community whose past financial choices they had no say in.
- Ms. Gabrielle Smith said that division and confusion is holding us back and encouraged a "yes" vote so that the community can move forward.
- Ms. McAdoo echoed Ms. Gabrielle Smith's comments.

- Ms. Cooper asked to speak again since she had been interrupted the last time, which was granted. She said that a lot of work has gone into getting merger on the ballot and that she believes that if the community votes "yes" the state legislature will support it.

DAWN HILL-FLEURY made a motion, seconded by VINCE FRANCO, to close the public hearing on merger at 7:47 pm. The motion passed 5-0.

Ms. Haney thanked everyone for questions and comments. Selectboard and staff answered the questions that were brought up in the public hearing.

- The annual vs. cumulative increase in taxes was clarified. For an average home in the TOV, this will be \$330 per year, or \$2,382 over the course of twelve years.
- The state legislature will be the ones to formally approve the charter. The Town of Essex will have no control on when or how it is taken up. Regarding the 3+3 charter change that was approved by voters last year, the legislature has not acted on this either. We hope that this is revisited after the merger vote is completed.
- Regarding assets in liabilities, the merged community will be responsible for both. Liabilities include: employee pension costs, accrued time off, and other day-to-day expenses.

7. BUSINESS ITEMS

a. Consider approval of first-class and second-class liquor license Silver Hospitality LLC dba Salt & Bubbles Wine Bar and Market. Selectboard will be acting as Board of Liquor Control Commissioners during this agenda item.

Deputy Manager Greg Duggan introduced Kayla Silver, the applicant. He noted that this application has been reviewed by both the Police Department and Clerk's Office, both of which had no concerns. Ms. Silver said that Salt & Bubbles has the motto, "Drink wine, break bread, share community." This will be a small, approachable wine bar with sustainably-sourced wines. Salt & Bubbles is in the Essex Experience, and aims to open in mid-June. Ms. Silver plans to apply for an outdoor consumption permit, as well.

ANDY WATTS made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard approve the first/second class liquor license for Silver Hospitality LLC, DBA Salt & Bubbles Wine Bar and Market. The motion passed 5-0.

Ms. Haney read the following admonition, "The Selectboard takes the issuance of liquor licenses very seriously, as should the area establishments who serve alcohol. We expect you not to serve alcohol to minors, nor anyone who is obviously inebriated. We thank you for doing business in Essex and we wish you a very successful year."

b. Consider request from Andy Watts to post merger information to all Front Porch Forum neighborhoods.

Mr. Watts said that he had posted the answers to a question that a friend of his had asked him on his neighborhood Front Porch Forum (FPF). A variety of other questions came to him in response to this and he posted a total of twelve posts on the issue. These were subsequently reposted on other forums. He posted as an individual member of the Selectboard. He requested the Selectboard's approval to publish the materials to all nine FPF neighborhoods. He said that he had requested that this material be reviewed by staff, also in accordance with the Communications Policy, but was told that this would not be possible due to time constraints.

Mr. Murray said that Mr. Watts was putting the Selectboard in an uncomfortable position, as he believes that the Communications Policy does not require the Board to approve Mr. Watts' post. He questioned why Mr. Watts approached the Board for permission after publishing so many posts. He also expressed

concern that members of the public are under the impression that the Board is “muzzling” Mr. Watts’ opinions about merger. Mr. Duggan and Mr. Teich said that requesting staff approval to review the accuracy of this material puts staff in a very difficult position, as it forces them into political issues, especially since some of Mr. Watts’ posts contradict materials approved by the board. Mr. Teich said that it also sets a difficult precedent. Ms. Haney said that she appreciated Mr. Watts’ honesty and hard work on these posts, and that no Selectboard approval would be required for Mr. Watts to post across all community forums. Mr. Watts said that he was still concerned that posting this would appear like an abuse of power, as a private citizen would not be able to access all these forums without paying. He is uncertain if he will ultimately choose to post or not.

In public comment, Ms. Wrenner stated that she enjoyed reading Mr. Watts’ posts. She was contacted by a Village resident who tried to repost Mr. Watts’ post in her neighborhood forum but was limited by a character count. Ms. Wrenner contacted FPF on her behalf and was told that different users are given different character counts. She encouraged the Board to work with FPF to rectify this issue.

. Ms. Cooper, Ms. Gabrielle Smith, and Ms. Delphia expressed support for Mr. Watts’ post.

8. CONSENT ITEMS

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

Agenda:

- a. Consider approval of Questions and Answers: Proposed Fiscal Year 2022 Budget
- b. Consider approval of Form PVR-4155 – Certificate – No Appeals or Suit Pending to Grand List
- c. Consider approval of Town Highway Certification and reclassification approval for portion of West Sleepy Hollow Road
- d. Approve minutes: January 25, 2021 – Joint; January 28, 2021
- e. Check warrant: #17823 – 2/5/21; #17826 – 2/12/2

Public Works Director Dennis Lutz was asked to speak regarding 8c, Town Highway Certification and reclassification approval for portion of West Sleepy Hollow Road. The Town of Essex had made a commitment to the residents of West Sleepy Hollow Road to take over this roadway as a Town highway. The developers for this project contributed money to pave and improve this road, as the Town has a policy to not accept any more gravel roads.

The motion passed 5-0.

9. READING FILE

a. Board member comments:

- Mr. Teich said that he would like to address a question that was missed during the public hearing regarding the relationship between voted upon debt and annual budgets. He said that he would need to get legal council for clarification but that he thought that the state would create a tax reconciliation district. He also said that ballots and annual reports have been mailed out.
- Mr. Murray said, to combat misinformation on social media, that he wanted it to be known that the Selectboard is made up of five members, three who currently live in the Town Outside the Village and two who live in the Town Inside the Village.

b. Email from Brad Luck re: Questions from Resident regarding merger booklet

c. Email from Elaine Haney re: Town concerns re: H.124, Vermont Employment Growth Incentive

d. Email from Matt and Margaret Gilbert re: Brief statement in support of merger

e. Email from Madeline Orsini re: Senior Center

f. Email from James Jutras re: Legislative priorities

g. Email from Peter Gustafson re: Planting trees this spring

h. Memo from Dennis Lutz re: Status of Winter Operations through 24 January 2021 (INFORMATION)

i. Upcoming meeting schedule

208
209 **10. EXECUTIVE SESSION**

- 210 a. *An executive session is not expected.
211 An executive session did not take place.
212

213 **11. ADJOURN**

214 **DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to adjourn the meeting. The**
215 **motion passed 5-0 at 9:08 p.m.**
216

217 Respectfully Submitted,
218 Darby Mayville
219 Recording Secretary
220

221 **Approved this 25th day of February, 2021**
222

223 **(See minutes of this day for corrections, if any)**
224

225 
226 _____
227 **Vince Franco, Clerk, Selectboard**
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