Town of Essex

Selectboard
Phone: (802) 878-1341
Email: manager@essex.org

Regular Meeting AGENDA

Monday, January 29, 2024 – 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
- **JOIN CALLING:** (*toll free audio only*): (888) 788-0099 | Meeting ID: 987 8569 1140; Passcode: 032060

This agenda is available in alternative formats upon request.

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. PUBLIC HEARINGS

a. Public hearing on Fiscal Year 2025 Municipal Budget

b. Public hearing on Fiscal Year 2025 Capital Budget and Five-Year Plan

6. BUSINESS ITEMS

a. * Interviews and potential appointments of volunteers to serve on the Energy Committee: Geetha Ganesan, Mukesh Kumar

b. Presentation from Green Mountain Transit about fiscal year 2025 budget proposal

c. Presentation of fiscal year 2023 financial audit

d. Discussion and potential action on voter-backed petitions for Town Meeting ballot to include commercial tax stabilization agreements and staff salaries and benefits in annual report

e. Discussion about community gardens at 80 & 90 Upper Main St.

f. Discussion and potential action about Town Meeting ballot question regarding winter sidewalk maintenance

g. Consider approval of fiscal year 2025 municipal budget

h. Consider approval of fiscal year 2025 capital budget and five-year plan

i. Consider approval of warnings for the 2024 Town Meeting and Informational Hearing

j. Discussion and potential action regarding whether to approve the mailing of ballots to all active voters for Town Meeting 2024

k. Consider advertising for two open seats on Charter Review Committee

l. Discussion about funding of capital needs

m. Discussion about local option tax

n. Discussion and potential action about Town Meeting outreach for Selectboard members

o. **Discussion of pending or probable litigation

7. CONSENT ITEMS

a. Approve minutes: January 8, 2024

b. Approve check warrants: #18184 - 01/05/24; # 18186 - 1/12/24; # 18187 - 01/18/24

c. Consider approval of 2024 Acceptance of Town Highways

d. Consider approval of Tri Town Agreement, Amendment #5

e. Consider approval of Clean Water State Revolving Fund Application for the Center Road Forcemain Replacement Project

f. Consider approval of Selectboard Chair to sign petition to the Director of Property Valuation and Review to redetermine the 2023 Equalization Study Results

8. READING FILE

a. Board member comments

b. Upcoming meeting schedule

c. Resignation from Zoning Board of Adjustment - Tom Yandow

d. Email from Sharon Lovejoy re: Route 15 Traffic Safety

e. Email from Josephine Miller re: Selectboard - citizen to be heard (traffic pattern on Route 15)

9. EXECUTIVE SESSION

a. *An executive session may be requested to discuss the appointment or employment or evaluation of a public officer or employee

b. **An executive session is anticipated to discuss pending or probable litigation

Certification: ______________________ ________________

TOWN OF ESSEX SELECTBOARD
REGULAR MEETING MINUTES
MONDAY JANUARY 29, 2024

SELECTBOARD: Andy Watts, Chair; Tracey Delphia, Vice-Chair; Kendall Chamberlin, Clerk; Dawn Hill-Fleury; Ethan Lawrence

ADMINISTRATION and STAFF: Greg Duggan, Town Manager; Marguerite Ladd, Deputy Manager; Karen Lemnah, Assessor; Katherine Sonnick, Community Development Director; Ally Vile, Recreation Director

OTHERS PRESENT: Paul Bohne, GMT; Natalee Braun; Wade Carson; Clayton Clark, GMT; Patty Davis; Leonora Dodge; Geetha Ganesan; Gina Halpin Barrett; Bill Keyser, Kittell Branagan & Sargent; Mukesh Kumar; Bruce Post; Ken Signorello; David Skopin; Irene Wrenner M.J.S.S

1. CALL TO ORDER
Mr. Watts called the Town of Essex Selectboard meeting to order at 6:30 PM.

2. AGENDA ADDITIONS/CHANGES
None.

3. APPROVE AGENDA
No changes, thus no approval required.

4. PUBLIC TO BE HEARD
a. Comments from Public on Items Not on Agenda
None.

5. PUBLIC HEARING
a. Public hearing on Fiscal Year 2025 Municipal Budget
Mr. Watts opened the public hearing and requested public comment, of which there was none. Mr. Duggan said that the tax rate increase is now estimated to be 4.24%, rather than 4.25%, due to Grand List updates.

ETHAN LAWRENCE made a motion, seconded by TRACEY DELPHIA to close the Fiscal Year 2025 Municipal Budget public hearing. Motion passed 5-0.

b. Public hearing on Fiscal Year 2025 Capital Budget and Five-Year Plan
Mr. Watts opened the public hearing and requested public comment, of which there was none. Mr. Duggan said that Grand List updates have reduced the estimated Capital Tax revenue by $2,000 and recommended that these funds be taken from Stormwater assignments.

ETHAN LAWRENCE made a motion, seconded by TRACEY DELPHIA to close the public hearing on the Fiscal Year 2025-Capital Budget and Five-Year Plan covering future year 2025-future year 2029. Motion passed 5-0.

6. BUSINESS ITEMS
a. Interviews and potential appointments of volunteers to serve on the Energy Committee: Geetha Ganesan, Mukesh Kumar

Ms. Ganesan said that she works in the utility industry and has lived in Essex for twenty-two years. She would like to help Essex meet its energy goals. She answered questions from the Board regarding what she would like to see changed regarding net metering in Chittenden County, specific ideas she would like to implement, an example of when she changed her mind on an issue, and how she would respond to being the only person on a board who supports a specific idea. Mr. Kumar said that he has lived in Essex for four years and he is an electrical engineer. Mr. Kumar answered questions regarding specific initiatives he would like to implement, an example of when he changed his mind on an issue, and how he would respond to being the only person on a board who supports a specific idea. The Board decided to extend one of the terms to June 30, 2027 rather than have it expire in a few months.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE to appoint Geetha Ganesan to the term that was just extended to June 30, 2027, and to appoint Mukesh Kumar to the seat expiring June 30, 2026. Motion passed 5-0.

b. Presentation from Green Mountain Transit about fiscal year 2025 budget proposal

Mr. Clark, General Manager at Green Mountain Transit (GMT) presented. Mr. Clark discussed decreasing overtime pressures, increased starting pay for drivers, the pressures of the elimination of the COVID relief funds, budgetary gaps, and the need for additional statewide funding to prevent service disruptions. Mr. Clark answered board questions relating to the institution of fares, route changes, and electric vehicle options. Mr. Watts requested public comment. Mr. Signorello disclosed that he owned stock in hydrogen producing companies and suggested that GMT investigate such. Ms. Davis discussed communications between local planning commissions and public transit.

c. Presentation of fiscal year 2023 financial audit

Mr. Kaiser presented on behalf of the firm Kittell, Branagan & Sargent. He said that the financial books are in excellent condition and that Essex was issue an unmodified audit. He detailed the contents of the audit and described cash transfers between the Town and City. He expressed concern about the current tax sale policy, noting that there are standards for both the overall and individual delinquencies. He said that there are a small number of properties that are over four years behind in taxes. Mr. Chamberlin asked what the “normal” delinquency rate in other communities is. Mr. Kaiser said that most municipalities will put properties up for tax sale after the fiscal year ends. Hill-Fleury asked about the money that the Town still owes the City. Ms. Ladd said that these involve funds that were received by the Town but should have been paid to the City. Ms. Delphia said that she would like to see more conversations happen regarding this issue.

d. Discussion and potential action on voter-backed petitions for Town Meeting ballot to include commercial tax stabilization agreements and staff salaries and benefits in annual report

Mr. Watts said that these petitions have been certified by the Town Clerk, and that the Selectboard is bound to warn them. Ms. Delphia said that the language did not have legal review prior to going out, which is why including it as advisory would be best. It would allow the Board to live by the spirit of what is in this petition. Mr. Watts requested public input. Mr. Signorello said that this will set a precedent, and that all ballot items should include the word advisory going forward. Mr. Post said that he once asked for staff salaries, and he did not feel he got sufficient information. Ms. Davis said that she would be curious to see what other towns do regarding publicizing staff salaries. Mr. Chamberlin said that the Selectboard should publicize the reasons for including the wording of advisory.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE to put two voter-backed petitions on the 2024 Town Meeting ballot, and to include the word advisory at the end of each. Motion passed 5-0.

e. Discussion about community gardens at 80 & 90 Upper Main St.

Ms. Sonnick said that access is a challenge and said that there is currently no water nor parking, although a water line is planned for this summer. She said that more planning needs to be done before the site begins to be used and suggested adding in interim uses for this space as an element of community feedback. Ms. Delphia asked if this space could be used by walkers or skiers, provided they do not park in the space. Ms. Vile answered affirmatively but said that recreation staff have limited knowledge of the land. Mr. Lawrence asked if the curb cut on Route 15 could still be used and suggested that a basic parking area be developed if so. Mr. Duggan said that he would investigate this. Mr. Chamberlin said that gardens could be created easily, and that something should be done in the short term to provide access. Ms. Vile said that creating community gardens will require some structure and will require staff time and equipment purchasing. The Board will have further discussions about the short-term use of this space in the future. Mr. Watts requested public input. Ms. Davis said that some private landowners may be happy to have a community garden on their property. Mr. Signorello said that the Town Plan cited public support for community gardens and suggested that staff prepare a cost/revenue prediction for this idea.

f. Discussion and potential action about Town Meeting ballot question regarding winter sidewalk maintenance

Mr. Watts said that this would be an approx. $85,000 addition to the budget. Mr. Chamberlin said that this is a fairness and equity issue, and that all sidewalks should be plowed. Mr. Lawrence said that he cannot support an increase in the budget when the capital budget is so underfunded. Ms. Delphia suggested discussing this at the strategic planning session. Mr. Watts requested public input. Ms. Davis said that walkability issues in existing neighborhoods need to be addressed. Ms. Dodge said that winter walkability is important.

g. Consider approval of fiscal year 2025 municipal budget

Mr. Duggan requested direction from the Selectboard regarding how to incorporate the changes to the county tax line items into the budget. If the Board wishes to stay with the figure that was approved, Mr. Duggan suggested pushing back the start time of one of the new hires or increasing the budget by $13,202. Mr. Lawrence suggested utilizing fund balance.

ETHAN LAWRENCE made a motion, seconded by TRACEY DELPHIA that the Selectboard adopt the fiscal year 2025 municipal budget in the amount of $16,106,421. Motion passed 4-1, with DAWN HILL-FLEURY dissenting.

h. Consider approval of fiscal year 2025 capital budget and five-year plan

Mr. Duggan said that projected revenue will be reduced to $484,130, with the same reduction showing in stormwater capital projects and capital balance line items. This is due to grand list projections.

TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard adopt the fiscal year 2025 capital budget and five-year plan. Motion passed 3-2, with ETHAN LAWRENCE and KENDALL CHAMBERLIN dissenting.

i. Consider approval of warnings for the 2024 Town Meeting and Informational Hearing

TRACEY DELPHIA made a motion, seconded by ETHAN LAWRENCE that the Selectboard approve and sign the warning for the 2024 Town Meeting and warn an Informational Hearing to receive comments on all questions on the 2024 ballot, to be held on March 4, 2024 at 7:30 pm at the Essex Middle School. Motion passed 5-0.

j. Discussion and potential action regarding whether to approve the mailing of ballots to all active voters for Town Meeting 2024
Mr. Watts said that ballots were not mailed to all voters last year, however postage was included for all who requested ballots.

ETHAN LAWRENCE made a motion, seconded by KENDALL CHAMBERLIN that the Selectboard decide that the Town mail ballots to active registered voters who request a ballot and to include return postage. Motion passed 5-0.

k. Consider advertising for two open seats on Charter Review Committee
Mr. Watts said that two of the five members have chosen not to participate. All three members must be present to have a quorum. Ms. Hill-Fleury requested the thirty-day advertising period be waived due to time constraints, and the fact that at least one person (Lorraine Zaloom) is interested in joining. Mr. Post, Committee Chair described the work of the Committee and said that additional members would be helpful.

ETHAN LAWRENCE made a motion, seconded by TRACEY DELPHIA that the Essex Selectboard appoint Lorraine Zaloom to the Charter Review Committee and direct staff to advertise for the remaining vacant position. Motion passed 4-1, with KENDALL CHAMBERLIN dissenting.

l. Discussion about funding of capital needs
Mr. Watts said that the Town of Essex is short on Capital funding and requested that the Board brainstorm on ways to solve this. Mr. Lawrence requested that this be discussed at a strategic planning session.

m. Discussion about local option tax (LOT)
Mr. Lawrence requested that this be tabled until there is a taxpayer petition, as it has been voted down in the past. Ms. Hill-Fleury said that some new businesses have chosen Essex because of the lack of local options tax, and Mr. Lawrence noted that this impacts small communities more than larger retail hubs. Ms. Delphia requested more information on who would be paying these taxes, and an estimate on how much the average resident would pay. Mr. Watts requested public input. Mr. Post said that the LOT was a floor vote at Town meeting and that he does not believe that the time is right for a LOT considering other impending tax increases. Mr. Signorello said that he is on the Economic Development Commission and suggested setting up a self-administered cannabis tax, as the state would not take the 30% cut that it takes of the LOT.

n. Discussion and potential action about Town Meeting outreach for Selectboard members
A proposed outreach schedule is in the packet, and Mr. Watts requested that Selectboard members sign up for at least two slots.

o. Discussion of pending or probable litigation
This was discussed during Executive Session.

7. <u>CONSENT AGENDA</u>
DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to approve the Consent Agenda as presented. Motion withdrawn by DAWN HILL-FLEURY.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to approve the Consent Agenda as presented, except for Item C, and with the requested minute updates. Motion passed 5-0.

a. Approve minutes: January 8, 2024: Mr. Chamberlin requested that the full year appear on line 82, and that Route 15 be changed to Thompson Drive on line 190. Mr. Watts requested that a motion be changed to clarify that it passed 3-2, not 3-0.
b. Approve check warrants: #18184 - 01/05/24; # 18186 - 1/12/24; # 18187 - 01/18/24
c. Consider approval of 2024 Acceptance of Town Highways: Mr. Chamberlin expressed concern about taking over this road prior to the end of its warranty. Mr. Duggan said that he would check on this and report back to the Board.
d. Consider approval of Tri Town Agreement, Amendment #5
e. Consider approval of Clean Water State Revolving Fund Application for the Center Road Forcemain Replacement Project
f. Consider approval of Selectboard Chair to sign petition to the Director of Property Valuation and Review to redetermine the 2023 Equalization Study Results

8. <u>READING FILE</u>
a. Board member comments: Ms. Delphia thanked local state representatives for their work moving the updated charter through the House. Ms. Hill-Fleury thanked Mr. Yandow for his service to the Town.
b. Upcoming meeting schedule
c. Resignation from Zoning Board of Adjustment - Tom Yandow
d. Email from Sharon Lovejoy re: Route 15 Traffic Safety: Mr. Chamberlin said that he would be interested to hear from staff as to why the road was constructed in this fashion.
e. Email from Josephine Miller re: Selectboard - citizen to be heard (traffic pattern on Route 15)

9. <u>EXECUTIVE SESSION</u>
a. An executive session may be requested to discuss the appointment or employment or evaluation of a public officer or employee
Executive session not required.

b. An executive session is anticipated to discuss pending or probable litigation
TRACEY DELPHIA made a motion, seconded by KENDALL CHAMBERLIN that the Selectboard make the specific finding that general public knowledge of pending or probable civil litigation, to which the public body is or may be a party, would place the Town at a substantial disadvantage. Motion passed 5-0.

TRACEY DELPHIA made a motion, seconded by ETHAN LAWRENCE that the Selectboard enter into executive session to discuss pending or probable civil litigation, to which the public body is or may be a party, pursuant to 1 V.S.A. § 313(a)(1)(E), to include the Town Manager and Deputy Manager. Motion passed 5-0.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to exit executive session. Motion passed 5-0 at 10:08 p.m.

10. <u>ADJOURN</u>
DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, for the Selectboard to adjourn. The motion passed 5-0 at 10:08 PM.

Respectfully Submitted,
Darby Mayville
Recording Secretary

Approved this __12th____ day of _February______, 2024
(see minutes of this day for corrections, if any)

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Kendall Chamberlin, Selectboard Clerk