The Selectboard and Trustees meet together to discuss and act on joint business. Each board votes separately on action items.

1. **CALL TO ORDER**
   
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 of proposed changes to Dog Licensing and Control Ordinance—Chief Garey
   b. Discussion of funding sources for budgeted EJRP non-resident fee revenue—Sarah Macy
   c. Adopt tax rates for FY20 (Village of Essex Junction)—Sarah Macy
   d. Adopt tax rates for FY20 (Town of Essex)—Sarah Macy
   e. Update from Governance Subcommittee—George Tyler
   
6. **READING FILE**
   a. Board Member Comments
   b. Presentation of Essex Police Recruitment video—Chief Garey
   c. Governance Change (Merger) Vote 2020—Project Timeline
   d. Definitions for common language of consolidation
   e. Memo from Ann Janda re: Summary of Strategic Advance—Broad Themes
   f. Discussion of revised schedule for board meetings—Greg Duggan
   g. KSV presentation of July 2019 Essex Resident Survey Findings
   
7. **EXECUTIVE SESSION**
   a. An executive session is not anticipated
   
8. **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 or President, 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 or President. This agenda is available in alternative formats upon request. Meetings, like all programs and activities of the Village of Essex Junction and the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Unified Manager's office at 878-1341.
SELECTBOARD: Elaine Haney, Chair; Max Levy; Andrew Watts; Annie Cooper; Patrick Murray
TRUSTEES: Andrew Brown, President; George Tyler; Dan Kerin; Amber Thibeault; Raj Chawla
ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Sarah Macy, Finance Director/Assistant Manager; Rick Garey, Chief of Police

OTHERS PRESENT: Holly Anagous; Joe Breuer; Maxine Breuer; Ron Clarke; Tamara Clarke; Diane Clemens; Gail Cummings; Sandra Farrell; Colin Flanders; Bruce Griffin; Connie McDonald; Lindsey Mucia; Melanie Needle, CCRPC Senior Planner; Bruce Post; Mary Post; Sarah Quinn; Susan Robinson; Margaret Smith; Mitch Stern; Gene White Jr.; Irene Wrenner

1. CALL TO ORDER
   Andrew Brown called the Village of Essex Junction Trustees back to order from their recess, and Elaine Haney called the Town of Essex Selectboard to order. They entered into the Special Joint Meeting of the Village of Essex Junction Trustees and the Town of Essex Selectboard at 7:15 PM.
   Ms. Haney invited all in attendance to join in a moment of silence for the passing of former Town of Essex Selectboard member Dave Rogerson who passed away Sunday, July 21, 2019.

2. AGENDA ADDITIONS/CHANGES
   Mr. Duggan submitted three documents, of comments from Subcommittee members reacting to the initial governance survey, to the agenda for item 5E.

3. AGENDA APPROVAL
   MAX LEVY made a motion, and PATRICK MURRAY seconded, that the Selectboard approve the agenda as amended. The motion passed 5-0.
   DAN KERIN made a motion, and GEORGE TYLER seconded, that the Trustees approve the agenda as amended. The motion passed 5-0.

4. PUBLIC TO BE HEARD
   a. Comments from Public on Items Not on Agenda
      There were no comments from the public.

5. BUSINESS ITEMS
   a. Discussion of proposed changes to Dog Licensing and Control Ordinance—Chief Garey
      Chief Garey introduced the Town and Village dog ordinance alignment strategy and its proposed changes. He pointed out that the ordinance would set new guidelines for dog owners if their dog is a victim of a dog-on-dog attack, so individuals may file a complaint and
TRUSTEE & SELECTBOARD

July 23, 2019

present evidence to determine consequences through the municipalities. Currently, this can only take place when a dog bites a person and breaks the skin. Other potential changes to the ordinance include closing loopholes related to falsifying dog records, barking dog violations, and proof of rabies vaccinations and contact information for dogs not licensed in Essex. Chief Garey described an increase of dog attacks on other dogs in the municipalities and suspects this may be due to an increased number of dogs being adopted who are “rescue animals.”

Mr. Teich and Chief Garey updated the board members that the animal control officer position is changing to be a retired police officer with animal control as their sole responsibility. They anticipate that this change will have a positive impact on the issues. Chief Garey noted that, with the ordinance change, the Trustees will need to decide if they want to conduct vicious dog hearings or let these continue to be conducted by the Selectboard. He said that the Town attorney is being consulted on this matter. Mr. Watts discussed with Mr. Tyler and Mr. Brown that, once council has weighed in, maybe there should be only one ordinance.

Mr. Brown proposed a revision to section 4.04.080D to remove the words “running at large” in order to clarify that if the behaviors described in this section take place on a leash or off a leash, the dog may still be considered “potentially vicious.” He also suggested changing or defining “domestic pet” under 4.04.040 so it is clear and consistent with the rest of the document. Ms. Haney suggested, in this same section, changing the “legislative body” reference to more clearly describe the municipalities’ governance structures. Mr. Watts clarified that the language of 4.04.040E refers to the fact that a vicious dog hearing must be held within 7 days of a request.

Mr. Murray, Ms. Haney, Mr. Chawla and Mr. Watts discussed the subjective nature of the definition of “potentially vicious dog.” They talked about how people’s perceptions of dog behaviors can vary and what is considered to be a threat to one person may not be a threat to someone else. Mr. Watts pointed out that the definition of “vicious dog” is in state statute, but “potentially vicious” is not. Mr. Murray expressed concern with the words “menacing manner” and “threatens” in section 4.04.010D. Chief Garey pointed out that when a hearing is held, the Selectboard would decide whether a dog’s behavior is threatening. The board members discussed the risks, challenges and benefits related to the “running at large exemptions” in 4.04.080B. They discussed anecdotal experiences of people not keeping dogs under voice control who are allowed off-leash in these areas. They described dogs that appear threatening to other dogs or people. Mr. Murray suggested further discussion of whether dogs should be allowed off-leash in these areas. Mr. Chawla cautioned board members to not revoke privileges across the board but consider things like time of day for off-leashing in certain parks.

The board members discussed the need for more community awareness about the ordinance and opportunities for dogs in Essex. Ms. Cooper, Mr. Tyler, Mr. Kerin and Mr. Chawla suggested that when a dog is registered the dog owner should receive a welcome pamphlet that discusses things like where to find and review the ordinance, a list of the local dog parks, and where to get free waste bags. Mr. Kerin pointed out that the limitation of this strategy is not reaching people who are visiting Essex with their dogs. Mr. Chawla suggested better signage at the dog parks about waste and dog behavior could also be helpful.
Ms. Haney opened the floor to comments from the public, limiting each to 2 minutes.

- **Susan Robinson** was encouraged by the ordinance changes. She described an incident on Park street, where she was walking her dog. Another dog ran out of a house, attacked her dog and killed it. She described the tragic nature of this incident and stressed that she believes this is more common in Essex than people think.

- **Sarah Quinn** described herself as a professional dog person, behaviorist and trainer who has consulted on dangerous dog legislation at many levels. She encouraged changing the wording to “dangerous” dogs instead of “vicious” dogs because, like a dangerous driver, a dangerous dog is one that is out of control. This language puts the onus on the dog’s owner. She said dog owners should know how to control their dogs but many rescue animals are dangerous. She left the board members information about dangerous dog laws and state statutes.

- **Sandra Farrell**, from Hinesburg, spoke about her experience with Greyhound Rescue of Vermont’s adoptions. She stressed that many rescue groups do not know the dogs they are giving homes to. She also stressed that people need to know their dogs and keep them away from potential incidents, because they are responsible for their dogs’ actions.

- **Mitch Stern** played an audio clip of a dog barking. He said that this dog barks morning, noon and night because the owner does not walk the dog. He sees this as animal cruelty and said that dog problems are reflective of problems with people not being held accountable to acceptable behavior and courtesy. He expressed frustration with the way Essex is handling animal control of dogs.

- **Gail Cummings** stated that she no longer feels safe walking her dogs on-leash in Essex because she is scared that she or her dog will be attacked. She feels she should have the right to feel safe walking with her dog.

- **Lindsay Mucia** said she is involved with a dog rescue and shared a statistic that Vermont has one of the highest rates of dogs per person in the country. She said that currently anyone can operate a dog rescue, including individuals who have been convicted of animal cruelty. She wants any dog on a leash in Essex to be protected. She also encouraged the board members to include language about tethering. She provided them with information about anti-tethering laws aimed at curbing the rate of aggression in dogs.

- **Bruce Griffin** expressed his frustration with the board members, remarking about his right to be able to walk on the street without dogs threatening him. He stated that it is a matter of right and wrong to do something about this issue.

- **Holly Anagous** shared that her toy poodle, a 15-year-old beloved pet, was attacked and killed in 2015 by a dog who tore his throat open when he was outside on her lawn. She paid $800 in vet bills and the other dog owner paid her $150. She stressed that Essex’s animal control issue is causing a public safety issue for pets, and young children.

- **Mary Post** has two small dogs that she keeps on leashes. She said she feels that she can no longer bring them to Indian Brook because dogs there run around without owners nearby. When dogs run up to her dogs and she is concerned she and her dogs may to get hurt.
• Tamara Clark expressed frustration and asked for help with knowing what to do when an aggressive dog threatens her dog in Essex.

Ms. Haney, hearing no other comments from the community, reopened discussion with the board members. The Selectboard members and Trustees agreed that a discussion needs to be scheduled to decide how to address off-leashing at Indian Brook Reservoir. They talked about the possibilities of having only sections available for off-leashing in parks or limiting off-leashing to specific days or times. Ms. Cooper and Mr. Brown want to also understand more about anti-tethering laws and if this should be included in the ordinance. Ms. Haney pointed out that when a dog is killed by another dog, the fine is not commensurate to the damage and Chief Garey pointed out that there can also be civil recourse. Mr. Watts said that he sees these as Selectboard discussions that do not need to include the Trustees.

b. Discussion of funding sources for budgeted EJRP non-resident fee revenue—Sarah Macy

Ms. Macy introduced the suggestion that the Selectboard approve the Town to offer $3,000 to Essex Junction Recreation and Parks (EJRP) to offset the estimated non-resident fees that would have been paid from Town outside the Village residents to EJRP for programs that are not licensed childcare or pool programs in fiscal year 2020. With this $3,000, Town outside the Village residents would be able to pay the resident rate for EJRP programs. Ms. Macy explained that the fee structures are challenging for staff and residents now that Essex Parks and Recreation (EPR) and EJRP are co-located and sharing a brochure. She explained that the $3,000 estimate comes from the fact that over the last two years participants from the Town outside the Village have averaged 31% of the total non-resident fees. That would be $6,200 in FY20 (31% of the $20,000 total budget for non-resident fees). Of that 31%, licensed childcare and pool related fees make up 50% of the Town outside the Village non-resident fees.

Mr. Tyler talked about how he sees this as a step toward the long-term vision endorsed when EJRP and EPR co-located and he supports the rationale for the funding. He, Mr. Kerin and Mr. Brown all talked about how strongly residents of Essex Junction feel about their rights to EJRP programs but they were glad to know this request did not include licensed childcare or the pool. Ms. Thibeault said she supports the unification efforts of EJRP and EPR, including this step. Mr. Chawla stated his concern that this decision is being made at the wrong time in the merger process. Mr. Brown talked about how this discussion of a fee-for-service construct does not fit into the reality of tax policies in place. He also expressed concern with dramatically changing course like this in such short period of time.

Mr. Watts stated his opinion that this discussion does not need to include the Selectboard if the sense of the Trustees is to not move forward. Ms. Cooper said it is appropriate for the Selectboard to discuss a decision that involves EPR and their relationship with EJRP. Mr. Levy and Ms. Cooper discussed the decision in the context of supporting efficiencies in the daily operations of EJRP and EPR.

Mr. Brown accepted a comment from the public.
Margaret Smith said that residents from the Town outside the Village do not have equal access to EJRP childcare or summer programs and that this is a problem that needs to be addressed. Ms. Cooper said that licensed childcare is a year-round service and Ms. Haney explained that the Essex Junction residents pay for the program out of their taxes, so they have first access to these programs, and then, after this early registration, the residents from the Town outside the Village may register.

Ms. Macy said that the $3,000 could come from the actual miscellaneous revenue budget, which has a recent track record of being over-budgeted or existing fund balance which reflects existing tax revenue collected. She discussed the savings related to the efficiencies in EPR and EJRP co-location.

GEORGE TYLER made a motion, and DAN KERIN seconded, that the Village of Essex Junction accept $3,000 from the Town of Essex to cover the estimated non-resident fees that would have been paid from Town outside the Village people to EJRP, so that Town outside the Village people will be treated as residents for EJRP programs, except licensed childcare and the Maple Street Pool. The motion passed 4-1, with Mr. Brown dissenting.

MAX LEVY made a motion, seconded by PATRICK MURRAY, that the Town of Essex pay the Village of Essex Junction $3,000 to cover the estimated non-resident fees that would have been paid from Town outside the Village people to EJRP, so that Town outside the Village people can pay the resident rate for EJRP programs, except for licensed childcare and the Maple Street Pool. In further discussion, Mr. Watts made an amendment for the motion to include where the funds will be transferred from in the budget. He suggested that the funds come out of the approved EPR budget.

ANDY WATTS proposed an amendment to the motion, accepted by MAX LEVY, to add the words “out of the Essex Parks and Rec budget” to the motion.

AMENDED MOTION that the Town of Essex pay the Village of Essex Junction $3,000, out of the Essex Parks and Rec budget, to cover the estimated non-resident fees that would have been paid from Town outside the Village people to EJRP, so that Town outside the Village people can pay the resident rate for EJRP programs, except for licensed childcare and the Maple Street Pool. The motion passed 5-0.

c. Adopt tax rates for FY20 (Village of Essex Junction)—Sarah Macy

Ms. Macy explained that the Village tax rate of $0.3206 is higher than estimated at the time of the budget. At budget time the grand list was estimated to grow at 1% but only grew at 0.3%. In order to raise the taxes necessary for the General Fund budget, an increase of 3.5% in the tax rate needs to be applied. The Trustees had no questions on this item.

GEORGE TYLER made a motion, and AMBER THIBEAULT seconded, that the Trustees set the FY20 Village General tax rate at $0.3206 per $100 of assessed property value. The motion passed 5-0.

d. Adopt tax rates for FY20 (Town of Essex)—Sarah Macy
Ms. Macy explained that the Town tax rate in the general fund for 2020 is higher than originally estimated as a result of the increase to the budget at Town Meeting of $100,000 from the floor. In order to raise the taxes necessary for the General Fund budget an increase of 2.74% needs to be applied to the Town General tax rate.

Mr. Watts suggested that funds designated in previous years for future tax reduction be applied to offset the tax rate increase to the FY20 budget. He proposed that the $18,721 in this fund be used to alleviate the tax burden on residents. Mr. Teich stated that using these funds in this manner is not a best practice and suggested they be applied to capital expenses. Ms. Macy stressed the importance of not applying these funds in this manner because it complicates future tax years. She suggested keeping the funds to use when consolidation tax equity is being more thoroughly discussed.

MAX LEVY made a motion, and PATRICK MURRAY seconded, that the Selectboard set the tax rates for fiscal year ending June 30, 2020 as follows:

<table>
<thead>
<tr>
<th>Tax Type</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town General Tax Rate</td>
<td>0.5067</td>
</tr>
<tr>
<td>Local Agreement Rate</td>
<td>0.0019</td>
</tr>
<tr>
<td>Town Capital Tax</td>
<td>0.0200</td>
</tr>
<tr>
<td><strong>Total Municipal Rate Paid by all Village</strong></td>
<td><strong>0.5286</strong></td>
</tr>
<tr>
<td>Town Highway Tax Rate</td>
<td>0.0110</td>
</tr>
<tr>
<td><strong>Town Municipal Tax Rate Paid by Town Outside the Village</strong></td>
<td><strong>0.5396</strong></td>
</tr>
</tbody>
</table>

ANDY WATTS made a motion to amend the motion, which was not seconded, to increase the amount of revenue against the tax rate by $18,721 out of the fund balance that has been designated for that purpose. With no second, no vote was needed for this motion.

The original motion passed 4-1, with dissenting vote by ANDY WATTS.

e. Update from Governance Subcommittee—George Tyler

Mr. Tyler made note of the recent survey results for the board members to review. He suggested that a discussion with Dave Treston of KSV about the survey be scheduled for a future joint meeting. He said that many respondents seem to have a significant misunderstanding of how taxes are determined, which provides an important place to start with public discussions. Mr. Tyler explained that questions for the focus groups are being developed and a screener to choose people for these groups is now live. He noted that the informational website for the consolidation effort is coming together well. The next meeting of the Governance Subcommittee is Friday July 26, at 8 a.m. Ms. Cooper agreed with Mr. Tyler that clearing confusion about taxes will be good for the community.

6. READING FILE

a. Board Member Comments

- Ms. Haney opened the floor to public comment:

  Bruce Post, a former member of the Selectboard, stated that he was rejected from participating in the focus groups by a screening tool that did not choose him due to his previous service as a Selectboard member. He said this is a discriminatory practice because he is an upstanding citizen whose knowledge and insights could be very valuable.
in the process. He also expressed concern that the t-shirts worn at the strategic advance
appeared to be a promotional item that should not have been included in this process. He
submitted a request for public documents and information on the t-shirts.

Ms. Haney explained that Governance Committee meeting audience members had
expressed concern that including elected officials in the focus groups may skew the
answers and that these groups should be opportunities for people who may have not yet
been engaged in civic experiences such as these. Regarding the t-shirts, she explained
that these were printed to encourage a team feel for the Strategic Advance day.

b. Presentation of Essex Police Recruitment video—Chief Garey
Ms. Haney invited Chief Garey to present the new Essex Police recruitment video.
c. Governance Change (Merger) Vote 2020—Project Timeline
d. Definitions for common language of consolidation
e. Memo from Ann Janda re: Summary of Strategic Advance—Broad Themes
f. Discussion of revised schedule for board meetings—Greg Duggan
   • Mr. Murray pointed out that holding joint meetings on first and third Tuesdays would
     conflict with his School Board meetings and he works Wednesday and Thursday
     evenings. Mr. Duggan requested that the board members present days that they are
     available or unavailable for these meetings in order to inform this schedule.
g. KSV presentation of July 2019 Essex Resident Survey Findings

7. EXECUTIVE SESSION
   No Executive Session was required or held

8. ADJOURN

GEORGE TYLER made a motion, seconded by RAJ CHAWLA, for the Trustees to adjourn
the meeting. The motion passed 5-0 at 9:51 p.m.

MAX LEVY made a motion, seconded by PATRICK MURRAY, for the Selectboard to
adjourn the meeting. The motion passed 5-0 at 9:51 p.m.

Respectfully Submitted,
Cathy Ainsworth Recording Secretary

Approved this 5th day of
August, 2019

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

Patrick Murray, Clerk, Selectboard