

LIST OF AGENDA AMENDMENTS AND HANDOUTS
VILLAGE OF ESSEX JUNCTION TRUSTEES
TOWN OF ESSEX SELECTBOARD
JOINT MEETING AGENDA
JULY 6, 2020

AGENDA ADDITIONS/CHANGES

-

ADDITIONAL HANDOUTS

- 5b. Emails regarding feedback on PC DRB ZBA

FEEDBACK ON PLANNING COMMISSION, ZONING BOARD, DEVELOPMENT REVIEW BOARD

From: Gregory Duggan <gduggan@ESSEX.ORG>

Sent: Wednesday, July 1, 2020 10:56 AM

To: 'dustin.bruso; David Nistico; justinstjames; Thomas Weaver; Owiso Makuku <omakuku@essex.org>; Robin Pierce <robin@essexjunction.org>; Terry Hass <terry@essexjunction.org>; Sharon Kelley <skelley@ESSEX.ORG>; Darren Schibler <DSchibler@ESSEX.ORG>; Deana Stoneback <dstoneback@essex.org>

Cc: Elaine Haney <ehaney@essex.org>; Andrew Brown <abrown@essexjunction.org>; Evan Teich <eteich@essex.org>; Tammy Getchell <tgetchell@essexjunction.org>

Subject: PC/ZBA/DRB in merged community - board discussion on Monday

Hello everyone,

I'm writing to update you on the merger discussions between Town and Village, and how they may impact the Planning Commissions and Zoning Boards. The merger work will continue this coming Monday evening. The Selectboard and Trustees have been working to draft a charter for a merged community. Right now, the Selectboard and Trustees are planning to move to a Planning Commission/Development Review Board model, instead of PC/ZBA. This plan is based largely on two things:

1. The TGIA recommendation to go to DRBs
2. Advice from the attorney providing guidance on merger that the Legislature looks more favorably at DRB than ZBA

The draft charter is attached. Relevant sections include 108, 109 (sections for the Transitional Period of moving to a new charter community); and 803, 804.

The boards will continue their work at a joint meeting on Monday, July 6. The meeting will begin around 7:15 p.m. if you are able to attend. If not, please feel free to share comments with me ahead of time (if I have them by noon tomorrow I can include them in the packet). I will share the agenda once it is ready to give a better idea of when in the evening the discussion about the charter will happen.

Please let me know if you have any questions, and please feel free to share this with your full board/commission.

Best,
Greg

Greg Duggan, Deputy Manager
Town of Essex, 81 Main St.
Village of Essex Junction, 2 Lincoln St.
Essex Junction, VT 05452
802-878-1341
gduggan@essex.org

From: Sharon Kelley <skelley@ESSEX.ORG>

Sent: Monday, July 6, 2020 8:25 AM

To: Gregory Duggan <gduggan@ESSEX.ORG>; dustin.bruso; David Nistico; justinstjames; Thomas Weaver; Owiso Makuku <omakuku@essex.org>; Robin Pierce <robin@essexjunction.org>; Terry Hass <terry@essexjunction.org>; Darren Schibler <DSchibler@ESSEX.ORG>; Deana Stoneback <dstoneback@essex.org>

Cc: Elaine Haney <ehaney@essex.org>; Andrew Brown <abrown@essexjunction.org>; Evan Teich <eteich@essex.org>; Tammy Getchell <tgetchell@essexjunction.org>

Subject: RE: PC/ZBA/DRB in merged community - board discussion on Monday

Hi Greg,

Sorry for the late response. My comments are the same as when discussions occurred a few years ago with the public team that was assembled at the time. I think that the Town (and likely the Village) has been operating as a DRB for years. Meaning, the Zoning Board of Adjustment does not have applications to meet monthly, and when they do it is usually 1 agenda item. Effectively, the Planning Commission is already acting as a DRB. Therefore, a part of me thinks, this is working – why change it. For the arguments that the PC can do more planning, I would ask if the Town willing to significantly increase the planning budget? We all know that planning costs money for consultants, graphic designs, etc. As it stands currently, town staff is very involved in the planning projects, but outside areas of expertise is usually required.

If we do go forward with a DRB, I think it is very important to make sure that a few PC members are also on the DRB as a big learning curve comes from applying new regulations versus creating regulations. This would be immensely helpful.

Another thought that goes through my mind is that the PC/DRB discussion occurred a few years ago, I wonder if it is smart for the Town to go through this step or if they should wait to see the outcome of the merger vote. Citizens might not be in the same frame of mind if the vote does not go as predicted.

Of course all of my comments are just my 2-cents! Hope this helps. I am ready and willing to help out in any way that I can!

SK

From: Darren Schibler <DSchibler@ESSEX.ORG>

Sent: Monday, July 6, 2020 8:59 AM

To: Sharon Kelley <skelley@ESSEX.ORG>; Gregory Duggan <gduggan@ESSEX.ORG>; dustin.bruso; David Nistico; justinstjames; Thomas Weaver; Owiso Makuku <omakuku@essex.org>; Robin Pierce <robin@essexjunction.org>; Terry Hass <terry@essexjunction.org>; Deana Stoneback <dstoneback@essex.org>

Cc: Elaine Haney <ehaney@essex.org>; Andrew Brown <abrown@essexjunction.org>; Evan Teich <eteich@essex.org>; Tammy Getchell <tgetchell@essexjunction.org>

Subject: RE: PC/ZBA/DRB in merged community - board discussion on Monday

Hi Greg,

Thanks for sending this around. A couple questions:

- Do we know why the legislature favors the PC/DRB model as opposed to the PC/ZBA model? TGIA lists many pros and cons, but I'm curious what's considered important at the state level.
- It looks like the proposed charter includes only 1 DRB, as opposed to the 2 recommended in TGIA. Is that the intent?
 - Note that this is not necessarily a problem, but it means that the DRB will be administering two sets of bylaws at first.

Tangentially, I noticed there are no transitional provisions for other appointed municipal committees that currently are separate (Conservation & Trails, Tree Advisory, Bike/Walk, etc.). Is it assumed that those simply will continue or be re-appointed by the new Selectboard, or is there an intent to merge those bodies?

Thanks for all your hard work on this,
Darren

From: Thomas Weaver

Sent: Monday, July 6, 2020 9:29 AM

To: Gregory Duggan <gduggan@ESSEX.ORG>

Cc: dustin.bruso; David Nistico; justinstjames; Owiso Makuku <omakuku@essex.org>; Robin Pierce <robin@essexjunction.org>; Terry Hass <terry@essexjunction.org>; Sharon Kelley <skelley@ESSEX.ORG>; Darren Schibler <DSchibler@ESSEX.ORG>; Deana Stoneback <dstoneback@essex.org>; Elaine Haney <ehaney@essex.org>; Andrew Brown <abrown@essexjunction.org>; Evan Teich <eteich@essex.org>; Tammy Getchell <tgetchell@essexjunction.org>

Subject: Re: PC/ZBA/DRB in merged community - board discussion on Monday

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST

Just read Sharon Kelly's email> She makes some great points!

Tom Weaver

From: Owiso Makuku <omakuku@essex.org>

Sent: Monday, July 6, 2020 1:14 PM

To: Gregory Duggan <gduggan@ESSEX.ORG>

Subject: RE: PC/ZBA/DRB in merged community - board discussion on Monday

Hi Greg,

Quick Note: under 109(c) – I believe that you need to refer to a seventh member, not a fifth.

My thoughts are:

- A Planning Commission that would be taking a comprehensive look at the Town and Village would be a solid approach to getting to one zoning ordinance and/or making much needed updates to the Town Zoning Ordinance
 - o This would also be the best way to approach zoning changes. I believe that we can do a lot of the zoning changes in-house, but we need a regulatory body that is focused on planning. I also think we need to at least start the process of zoning changes in-house (we can evaluate at some point whether it's working or not) because we need to be able to articulate our community's needs and understand what we'd be asking of a consultant before we could/should hire one
 - o Pay attention to the configuration of the new PC – we should have a broad(ish) range of experience, including architects, realtors, attorneys, planners, etc. for example, or maybe just make sure that the appointed members from the former PCs believe that they are able to comprehensively review the town's needs (as opposed to a project-by-project, micro view)
 - o Sharon's concern about some overlap between the PC and the DRBs is a point well-taken – if there is anyone who is willing to take the time to serve on both boards, that could be great for the newly merged Essex, although it's clearly in conflict with the language of 803. The new PC will definitely have its hands excessively full with Planning around the newly merged Town and Village. What is the rationale for not wanting new Planning Commissioners to hold any other town office? Or does that include only paid positions, but allows to be on multiple volunteer boards?
- Two DRBs – at least initially/until we're working from one zoning ordinance -- would be most beneficial to the review of projects in each geographic section of Essex.

See you tonight,
Owiso



VILLAGE OF ESSEX JUNCTION TRUSTEES
TOWN OF ESSEX SELECTBOARD
MEETING AGENDA

Online
Essex Junction, VT 05452
Monday, July 6, 2020
7:15 PM

E-mail: manager@essex.org

www.essexjunction.org
www.essexvt.org

Phone: (802) 878-1341
(802) 878-6951

Due to the Covid-19 pandemic, this meeting will be held remotely. Available options to watch or join the meeting:

- The meeting will be live-streamed on Town Meeting TV.
Join Microsoft Teams Meeting. Depending on your browser, you may need to call in for audio (below).
Join via conference call (audio only): (802) 377-3784 | Conference ID: 869 284 096#
For the purpose of recording minutes, you will be asked to provide your first and last name.
When listening to the meeting, please keep your phone or computer on "mute" as to prevent interruptions during the meeting. For agenda items when it is appropriate for the public to speak, please unmute your phone or computer and introduce yourself before requesting the floor from the Chair/President.

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

- 1. CALL TO ORDER [7:15 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. Discuss next steps in community discussion about policing
b. Review, discuss, and edit draft merger charter
6. READING FILE
a. Board Member Comments
b. Emails from Sue McCormack, Elaine Haney re: Follow up to Essex Police meeting with Essex Selectboard & Trustees
c. Email from Will Senning re: IMPORTANT – Elections PPE Kit Delivery
d. COVID-19 Prevention Messaging for State Partners
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 TTY: 7-1-1 or (800) 253-0191.

Certification: 07/02/2020

[Signature]

SELECTBOARD & TRUSTEES

**TOWN OF ESSEX SELECTBOARD
VILLAGE OF ESSEX JUNCTION TRUSTEES
JOINT MEETING MINUTES
Monday, July 6, 2020**

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

TRUSTEES: Andrew Brown, President; Raj Chawla; Dan Kerin; Amber Thibeault; George Tyler.

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Jill Evans, Community Justice Center Director; Rick Garey, Chief of Police; Ron Hoague, Police Captain; Sarah Macy, Assistant Manager/Finance Director; Owiso Makuku, Community Development Director; Susan McNamara-Hill, Town Clerk/ Treasurer.

OTHERS PRESENT: Dustin Brusco; Sonia Buglion-Gluck; Annie Cooper; Diane Clemens; Tracy Delphia; Helen Diplock; Brad Kennison; Russell Mills; Roseanne Prestipino; Tom Proctor; Pat Seaver; Brian Shelden; Ken Signorello; Margaret Smith; Tanya Vyhovsky; Irene Wrenner; Lorraine Zaloom.

1. CALL TO ORDER

Elaine Haney called the meeting of the Town of Essex Selectboard to order to enter into joint business with the Village of Essex Junction Board of Trustees at 7:35 PM.

Andrew Brown called the meeting of the Village of Essex Junction board of Trustees to order to enter into joint business with the Essex Selectboard at 7:35 PM.

2. AGENDA ADDITIONS/CHANGES

Mr. Duggan requested a memo of feedback from staff be included with item 5b (Review, discuss, and edit draft merger charter).

3. APPROVE AGENDA

VINCE FRANCO made a motion, seconded by PATRICK MURRAY, that the Selectboard accept the agenda. The motion passed 5-0.

GEORGE TYLER made a motion, seconded by AMBER THIBEAULT, that the Trustees approve the Agenda as amended. The motion passed 5-0.

4. PUBLIC TO BE HEARD

Ms. Cooper suggested that, with a more attentive sense of time and meeting structure during the earlier meeting of the Selectboard, the Joint meeting could have started on time at 7:15. She encouraged the Selectboard to try harder on this.

5. BUSINESS ITEMS

a. *Discuss next steps in community discussion about policing

Ms. Haney presented the steps the Unified Manager, Mr. Brown and she took after the June 23 Joint meeting in preparation to begin a community discussion about policing. She shared her perspective that, with the high workload of the boards at this time, outside help to facilitate the conversation is needed. She said they invited the Community Justice Center (CJC) to consider convening and facilitating community conversations about policing in Essex.

The board members agreed that multiple opportunities for public conversation should take place, so residents can share their stories and concerns comfortably. They discussed that some people

54 feel uncomfortable speaking to those in power (police, board members, etc.), and stressed the
55 importance of engaging a third party to help eliminate this barrier for people. The board members
56 commended the CJC's expertise in this type of work and talked about whether or not it is a
57 conflict of interest to have the group, whose funding is passed through the Police Department,
58 serve the role of facilitating these discussions. Mr. Murray said that if the CJC assembles a group
59 of stakeholders from outside the Police Department, representation from the Selectboard should
60 be present. Mr. Chawla suggested a path forward could include an initial phase with the CJC in
61 addition to other efforts to witness and hear the public.
62

63 Ms. Evans said the CJC acknowledged, during internal conversations about facilitating this
64 conversation, a potential perception of conflict of interest due to their relationship with the Police
65 Department. She said the CJC is comfortable convening stakeholders but the effort should be in
66 consultation with experts from non-dominant cultures. She encouraged intentionality in the
67 planning for this, considering the amount of white privilege in the CJC, on the boards and in the
68 Police Department. She also encouraged the process to include various modalities to engage
69 people to share their stories safely and, if they choose, anonymously.
70

71 Mr. Watts wondered if the community discussion would focus only on potential racial bias in
72 policing or if it will include other types of implicit bias. He brought up examples of not having
73 translation services available at Town Meeting and whether the name of Indian Brook is
74 appropriate. Mr. Murray suggested there should be strict assurances of privacy within this
75 process because people in the community do not feel safe, due to incidents of racism in Essex.
76 He shared a recent micro aggressive incident toward a friend who is black.
77

78 Ms. Haney opened the floor to community comments.
79

- 80 • Ms. Cooper expressed thanks to Ms. Evans for the work of the CJC and expressed enthusiasm
81 for the work ahead. She said the conversation should move out of the Selectboard setting.
- 82 • Ms. Zaloom wondered why the Essex Junction Trustees are weighing in on this item. She said
83 she believes, with both boards present, they are not acting quickly enough to take public
84 comments on the issue. She said there should be enough time to address this issue and that
85 the public perception is that the merger is being prioritized over this issue.
- 86 • Ms. Vyhovsky said she supports a robust public discussion but engaging the CJC to lead it is
87 problematic. She said she knows that people of color are uncomfortable with speaking to the
88 police. She stressed the importance of creating a space and process where everyone is
89 comfortable sharing their experiences. She said Essex should prioritize prevention, community
90 support systems and citizen oversight of policing.
- 91 • Mr. Proctor introduced himself as the Chittenden County organizer of the Rights & Democracy
92 Project. He said he believes Essex's response to this issue has been lacking, compared to
93 other communities, and that engaging the CJC to facilitate the conversation is problematic
94 because they seem to report to the police. He said the Selectboard should hold the Police
95 Department accountable and speed up the process to not lose public consciousness
96 momentum.
- 97 • Ms. Buglion-Gluck stressed the importance of creating a safe place for people to feel
98 comfortable speaking about their experiences. She talked about problems inherent in the white-
99 dominant groups creating legislation and processes without consulting with people of color. She
100 encouraged the Selectboard to create an inclusive process and solicit public input, at every
101 step, to address issues of racism.
- 102 • Mr. Signorello said the CJC should be part of the conversation, because they are experts in
103 restorative justice, but they should not lead the conversation.

- 104 • Ms. Wrenner suggested that the Racial Justice Alliance or the Peace and Justice Center be
 105 contacted to help the Selectboard with this process. She wondered if Jen Knauer, who has
 106 facilitated conversations for Essex in the past, could play a role in helping receive public
 107 comments. She said police restructuring to address this issue should be the most important
 108 topic, not the merger.
 109

110 The board members discussed a possible public discussion timeline with the CJC. They talked
 111 about convening stakeholders including the ACLU and NAACP. Mr. Murray suggested that
 112 gathering and listening is a good strategy but good-faith action steps should also be considered
 113 to address racial justice. Ms. Hill-Fleury asked how the CJC became the decided leader of the
 114 process. Ms. Haney said that she, Trustee President Andrew Brown, and staff made the decision
 115 to ask the CJC to convene groups to the table, but not lead the discussion. Mr. Watts suggested
 116 that a Selectboard vote should have been held before the decision was made; Ms. Haney invited
 117 him to submit a motion.
 118

119 **ANDY WATTS made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard**
 120 **schedule a public meeting to collect public input on this topic. The motion passed 5-0.**
 121

122 Ms. Haney asserted, to Mr. Watts, that she is unsure of the time available or expertise on the
 123 Selectboard to be able to successfully facilitate the meeting approved by this motion. She
 124 requested that staff include the discussion on the next Selectboard agenda. Ms. Evans
 125 suggested the discussion begin early in a meeting to be able to hear people on this topic. Mr.
 126 Teich said he would put out options of dates to the Selectboard, warn a meeting, and continue to
 127 work with the CJC to help the Selectboard and staff plan meaningful, facilitated conversations.
 128 Mr. Franco said he disagreed with Ms. Haney's sharpness and tone toward Mr. Watts during this
 129 discussion. Ms. Haney apologized.
 130

131 Ms. Haney opened the floor to public comments:
 132

- 133 • Ms. Zaloom said the CJC is paid through the Police Department's budget, so it would be a
 134 conflict of interest to engage them on this effort. She said seeing Chief Hoague in the Microsoft
 135 Teams chat area is intimidating to some people, who may choose not to speak. She also
 136 shared her opinion that the Trustees should weigh in only as public, not as board members,
 137 and requested that Ms. Haney not bully Mr. Watts during meetings.
 138 • Ms. Wrenner said public conversations should be convened with a neutral body; the Trustees
 139 should not be part of the conversation; and the Selectboard chair should not be formulating
 140 plans without the approval of the Selectboard.
 141 • Ms. Delphia shared her perspective that people are uncomfortable with the idea that the
 142 Selectboard does not feel there is enough for this effort, while people in the community do not
 143 feel safe. She said people's safety should be the priority. She requested a multipronged
 144 approach to truly understand people's experiences.
 145 • Ms. Vyhovsky thanked Mr. Watts for standing up for what the community is asking for. She said
 146 making sure people in the community are safe should be the number one priority. She talked
 147 about people needing help within a broken system, which is structured against them, to
 148 underscore the importance of engaging a facilitator that is not part of the structure. She
 149 encouraged the Selectboard to find a neutral group, skilled in facilitation, led by people of color
 150 because, in the Essex community, she believes it is people of color who do not feel safe.
 151

152 Mr. Brown said the Trustees make ordinances different than the ones in the Town outside the
 153 Village and are responsible for locations where incidents may or may not be playing out in the
 154 community. He said the Trustees need to make sure implicit bias is not playing out or one part of
 155 the community is not being targeted. He said it would be a disservice to the community if the

156 Trustees are not included as part of the conversation. The rest of the Trustees agreed. Mr.
157 Chawla requested that the Selectboard's convened discussion include the Trustees.
158

159 Mr. Watts suggested that scheduling something to accommodate the Trustees' schedule could
160 slow down the process. He also suggested that there may be an agreement that authorizes the
161 Trustees to engage with the Police Department but he did not think the Trustees can enact
162 policy in this area. Mr. Franco agreed that the Selectboard should have the meeting first and if
163 the Trustees can attend, they should. The Selectboard members agreed. Mr. Chawla said that it
164 is disrespectful to the community for residents to have to share their stories multiple times to the
165 CJC, Selectboard and the Trustees.
166

167 Mr. Brown called a recess, and Ms. Haney agreed, at 9:02 PM, then reconvened the meeting at
168 9:12 PM.
169

170 b. **Review, discuss and edit draft merger charter**

171 *This agenda item was not addressed.
172

173 **6. READING FILE**

174 *This agenda item was not addressed.

175 a. Board Member Comments

176 b. Emails from Sue McCormack, Elaine Haney re: Follow up to Essex Police meeting with Essex
177 Selectboard & Trustees

178 c. Email from Will Senning re: IMPORTANT – Elections PPE Kit Delivery

179 d. COVID-19 Prevention Messaging for State Partners
180

181 **7. EXECUTIVE SESSION**

182 a. An executive session is not anticipated
183 No executive session took place.
184

185 **8. ADJOURN**
186

187 After recess, Mr. Brown said that with a majority of the Selectboard not in favor of including the
188 Trustees in a conversation the Trustees would like to adjourn their presence at this meeting.
189

190 **ANDREW BROWN made a motion, seconded by GEORGE TYLER, to adjourn. The motion**
191 **passed 5-0 at 9:13 PM.**
192

193 Ms. Haney pointed out that because the meeting was warned as a Joint meeting the departure of
194 the Trustees, signifies the end of the meeting.
195

196 **VINCE FRANCO made a motion, seconded by PATRICK MURRAY, to adjourn. The motion**
197 **passed 4-1, with dissenting vote from ANDY WATTS, at 9:14 PM**
198
199

200 Respectfully Submitted,
201 Cathy Ainsworth
202 Recording Secretary
203