

**SELECTBOARD & TRUSTEES
(DRAFT)**

**TOWN OF ESSEX SELECTBOARD
VILLAGE OF ESSEX JUNCTION TRUSTEES
DRAFT JOINT MEETING MINUTES
Monday, October 26, 2020**

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

TRUSTEES: George Tyler, Vice Chair; Raj Chawla; Dan Kerin; Amber Thibeault; (Andrew Brown was absent).

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Chris Gaboriault, Fire Chief; Ron Hoague, Chief of Police; Rick Jones, Public Works Superintendent; Lt. Robert Kissinger, Police; Dennis Lutz, Public Works Director; Sarah Macy, Assistant Manager/Finance Director.

OTHERS PRESENT: Marcus Certa; Kevin Collins; Patty Davis; Erin Dickinson; Betsy Dunn; Adam Kavanaugh; Bruce Post; Mary Post; Roseanne Prestipino; Margaret Smith; Ken Signorello; Mike Thorne; Irene Wrenner; Sharon Zukowski.

1. CALL TO ORDER

Elaine Haney called the Town of Essex Selectboard to order for the joint meeting with the Village of Essex Junction Board of Trustees at 6:31 PM.

George Tyler called the Village of Essex Junction board of Trustees to order for the joint meeting with the Essex Selectboard at 6:31 PM.

2. AGENDA ADDITIONS/CHANGES

Mr. Watts requested an agenda change, for item 5e (Update on Out & About event) to take place after item 5c (Approve passage of revised Motor Vehicles, Traffic and Parking ordinances and warn public hearing for final passage).

3. APPROVE AGENDA

PATRICK MURRAY made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard approve the agenda, as amended. The motion passed 4-0. (Vince Franco not yet in attendance.)

RAJ CHAWLA made a motion, seconded by DAN KERIN, that the Trustees approve the agenda as amended. The motion passed 4-0.

4. PUBLIC TO BE HEARD

Ms. Dunn said she was curious about Mr. Tyler's comment pertaining to merger, from a previous meeting, when he spoke about different cultures in the Town and Village. Mr. Tyler said he meant that the two municipalities have different approaches to things. He said this may mean that, during a merger, multiple offices and departments would go through a get-to-know-you phase.

5. BUSINESS ITEMS

a. Approve Town of Essex / Village of Essex Junction Public Works Winter Operations Plan with COVID 19 Impacts 2020-2021

Mr. Lutz presented and discussed the Public Works Winter Operations Plan. He talked about concerns, due to the CDL driver shortage and the impacts of COVID, which may result in less staff than is needed to complete plow routes in a timely fashion. Other items of concern are: not having adequate back up if staff are out sick; adherence to safety requirements to prevent the spread of COVID; and delivery systems are slower now due to COVID, which has affected the

54 wait time of a plow that was ordered in March 2020 but not expected until February 2021. In
55 response, Essex and neighboring Public Works departments are planning to share resources if
56 needed. Mr. Lutz said Essex Public Works also will use a new system to communicate plowing
57 delays referred to as Red, Yellow or Green states of operation. Green phase implies all systems
58 are running smoothly. Yellow phase implies some minor tweaks are needed in schedules and
59 communications. Red phase delays could result from sick personnel during winter weather
60 events, resulting in route completion delays of up to 12-24 hours. Plowing phases will be actively
61 publicized and communicated. Mr. Lutz said he hopes the state will begin to recognize and
62 incentivize plow operators as emergency responders. He talked about the years it takes to learn
63 to operate a plow truck. Mr. Lutz described how plow routes are completed, usually within 4-5
64 hours, and what happens when a driver is not able to do their usual route. He said the route
65 maps will be available for all drivers to study in the garage.
66

67 The board members discussed Mr. Lutz's presentation, the national CDL driver deficit, public
68 safety, and the importance of Public Works' focus on communicating the winter plan with the
69 community. Ms. Thibeault wondered how schools and parents would be notified of Red plowing
70 delays. Mr. Lutz said Public Works would notify schools and first responders as soon as anything
71 is known. Ms. Haney wondered if people shoveling their own walks would be helpful this winter.
72 Mr. Lutz said this would help, in developments, but people should let Public Works know. He
73 clarified that it is easier to find and hire people to plow sidewalks than qualified CDL plow drivers.
74 Mr. Tyler hoped municipal staff get flu shots this year and suggested they practice online team
75 meetings. Mr. Lutz said a planning meeting is set for Wednesday, October 28 to strategize. Mr.
76 Jones elaborated on how important it will be for Public Works staff to not come to work with
77 symptoms, which is a change from previous years. Mr. Chawla talked with Mr. Jones about how
78 neighboring towns are planning together to cover modified neighboring routes, if needed.
79

80 Mr. Franco joined the meeting at 7:01 PM.
81

82 Mr. Post encouraged staff to not make assumptions about people's symptoms or if someone has
83 COVID. Mr. Lutz explained protocols for staff that would require them to stay or be sent home.
84

85 **ANDY WATTS made a motion, seconded by DAWN HILL-FLEURY, for the Selectboard to**
86 **approve the Winter Operations Plan for 2020-2021. The motion passed 5-0.**
87

88 Ms. Dunn suggested posting the Winter Operations Plan and on Front Porch Forum and multiple
89 pages where people could find it. Mr. Lutz agreed and said once it is approved a media release
90 will also go to TV, radio, and the Essex Reporter.
91

92 **DAN KERIN made a motion, seconded by RAJ CHAWLA, that the Trustees approve the Winter**
93 **Operations Plan for 2020-2021. The motion passed 4-0.**
94

95 **b. Accept traffic study with change in speed limit from 30 mph to 25 mph on Sand Hill Road**
96 **near Founders Road (Selectboard only)**

97 Mr. Lutz said concerns with speeding along Sand Hill Road near Founders Road resulted in a
98 traffic analysis and a speed limit change request, in collaboration with the Police Department.
99 Chief Hoague said he supports the request to change the speed limit to 25 mph, as there have
100 been many warnings and tickets to drivers on this stretch of road.
101

102 Mr. Chawla asked about how the 25 mph speed limit was determined. Mr. Lutz said the study
103 showed traffic at 85th percentile speed. They also studied: shoulder size; grade; sight; roadside
104 culture; pedestrian activity; tickets; accidents; a proposal from a professional engineer; and the
105 classification of the road as a school access road. Mr. Murray wondered what would happen if
106 the speed reduction does not result in a change. Mr. Lutz explained, in that case, structural

107 deterrents for speeding would be considered. Mr. Kerin pointed out that structural solutions may
108 also be included as part of the Circ Alternatives project for this location.
109

110 Ms. Dunn said she lives off Sand Hill Road and is happy to hear about the speed limit change.
111

112 **DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to accept the traffic
113 study as presented. The motion passed 5-0.**
114

115 **c. Approve passage of revised Motor Vehicles, Traffic and Parking ordinances and warn
116 public hearing for final passage (Selectboard only)**

117 Chief Hoague presented the revised Motor Vehicles, Traffic, and Parking ordinances. He talked
118 about the department’s process to create a set of ordinances between the Town and Village that
119 look the same and eliminate confusion. He said one of the revised Motor Vehicles, Traffic, and
120 Parking ordinances has language for the Village and one has language for the Selectboard. He
121 explained the differences between the Village and Town’s ordinance adoption processes.
122

123 Mr. Chawla confirmed that the revised Village and Town ordinances would be ready to become
124 one ordinance if the merger passes but could stand alone if it does not pass. Mr. Watts
125 requested that the words “Village Clerk” be changed to only “Clerk” in section 7-20-040855 B. Ms.
126 Thibault pointed out new exemptions to the winter parking ban and Mr. Hoague clarified that, with
127 no forecast of a weather event, residents could contact the Police Department and receive
128 parking ban exemptions for vehicles of family visits; then the Police would contact these
129 residents if the weather changes. Mr. Chawla asked about changes in section 7-20-400861 and
130 Chief Hoague explained the changes were to clarify waiver amounts and to add recommended
131 fines from Public Works for public property fines.
132

133 Ms. Post confirmed with Chief Hoague that, new to the ordinance, is an opportunity for company
134 to park cars on the street, with permission, during the parking ban. He said this was added
135 because there were many requests from the public.
136

137 **ANDY WATTS made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard pass
138 the revised Motor Vehicles, Traffic, and Parking ordinances and authorize staff to publish a
139 summary of the proposed revisions in a newspaper of general circulation and warn a public
140 hearing for November 23, 2020 to consider final passage of the Motor Vehicles, Traffic, and
141 Parking ordinances. The motion passed 5-0.**
142

143 **RAJ CHAWLA made a motion, seconded by DAN KERIN, to proceed with the process of
144 adopting the ordinances. The motion passed 4-0.**
145

146 **e. Update on Out and About event**

147 Mr. Teich said the Village and Town received a grant of \$10,000 for each municipality for the Out
148 & About event. He said staff worked with local businesses, bands, and residents. Vouchers of
149 \$15 vouchers provided to households to use throughout the Town and Village, and then the
150 businesses would submit receipts to get reimbursed by the Town and Village for these vouchers.
151 He said they distributed all of the vouchers, worth a total of \$15,000 and have received \$6,490 in
152 receipts so far. Mr. Teich said the bands and entertainment contracted for the event made the
153 day fun. Based on the event’s success, staff would like to hold a similar event in the Spring and
154 Summer of 2021.
155

156 Ms. Thibeault agreed that the event was a success. She suggested next time more media come
157 out leading up to the event. She requested clarity on the deadline for businesses to submit
158 voucher receipts. Mr. Teich said 37 vendors will need to submit receipts by December 1st. Ms.
159 Haney commended Turner Toys and Hobby for marketing the event on their own mailing list. Mr.

160 Teich thanked Mr. Pierce for the original idea; staff, Trustees and Selectboard members for
161 working at and leading up to the event; restaurants and businesses for putting flyers in windows;
162 and the State of Vermont for its grant program.
163

164 Mr. Signorello pointed out that the event also benefitted bands and he appreciated that money
165 went to them. Mr. Teich said 16 bands participated, and it was a good opportunity for them
166 because venues are often holding back from hosting music during the pandemic.
167

168 **d. Discussion about local options tax for March 2021 ballot – Sarah Macy**

169 Mr. Watts recused himself from this business item to avoid potential perception of a conflict of
170 interest with his employer.
171

172 Ms. Macy introduced the issue of whether to put a local options tax on the March 2021 ballot.
173 She said staff feels it is a priority to diversify revenue and reduce reliance of property taxes for
174 capital improvement projects. A Local Options Tax (LOT) would apply an additional 1% tax on
175 Meals & Rooms and Sales & Use; the state of VT would keep 30% of the tax revenue; Essex
176 would receive 70%. She said it is also a point of delivery tax and noted that most neighboring
177 municipalities already apply a LOT. She provided a chart of earnings that could have been
178 received by Essex from a LOT, over recent years. Mr. Teich said, in accordance with state law,
179 the LOT would be Town-wide because Essex only has one zip code. He reminded the boards
180 that the tax was considered 12 years ago and people had many questions.
181

182 The board members talked about their points of view on the tax and some of their insights from
183 the 2009 attempt to pass a LOT. The board members agreed the public would need information
184 about what sales would be affected by a LOT. Mr. Tyler said he has not seen evidence that the
185 tax hurts businesses and he talked about revenue from GlobalFoundries cafeteria purchases. Mr.
186 Chawla said the last effort to pass a LOT was met with concerns about taxes on utilities, and
187 other unexpected places. Ms. Thibeault said the LOT fact sheets on the State of Vermont
188 website are helpful for understanding the tax. She said she supports the tax but was concerned
189 with adding this question to the ballot at the same time as the merger vote. She wondered if a
190 special election could be held. Mr. Murray did not think the LOT would be hard for people to
191 understand or accept, as it is for property tax relief and neighboring municipalities are also
192 applying LOTs. Ms. Haney recalled that there were issues with the LOT in 2009, related to taxes
193 on equipment deliveries to IBM. Ms. Hill-Fleury wondered if the LOT would replace merger tax
194 relief strategies and Ms. Haney said this tax is outside of the merger discussion, to be put toward
195 capital improvements. Mr. Chawla wondered how LOT money would be split between the Town
196 and Village if the merger does not pass.
197

198 Mr. Post recapped history of the 2009 defeated LOT initiative, pointing out that South Burlington,
199 Burlington, and Williston already had the tax at that time. He described the high turnout to that
200 year's Town Meeting, where it was voted down, and he read a letter from IBM saying they did not
201 support the tax. He said the Town budget took an unexpected \$400,000 hit that year as a result
202 of the initiative. Later in this meeting, Mr. Post said statewide property taxes had income
203 sensitivity, not municipal taxes. He also talked about how it is hard to know what would be taxed,
204 due to LOT expense bundling, and encouraged the municipalities to be fiscally responsible.
205

206 Ms. Wrenner said she believes the LOT will fail again if history is not revisited; she asked the
207 board members study it carefully. She said that in 2009 people called it a hidden tax on bills. Ms.
208 Wrenner said that as a result of the issue, the budget was reduced at Town Meeting that year,
209 and the board chair was voted out the next day. Later in this meeting, Ms. Wrenner said she is
210 not for a Local Options Tax, and that she was concerned with lack of information or fairness to
211 taxpayers.

212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263

Mr. Certa said putting the LOT question on the ballot in the spring it is poorly timed. He said the merger is supposed to be helping with tax equity so adding a LOT question on the ballot at the same time as the merger question will be confusing and could derail everything. He said more thought needs to be put into specifics of how the funds would be used and pointed to Williston making a case to build box stores as an example. He said it creates a bad perception when a new tax is added to people’s lives just because it can be and, until there is a clear plan, the positive impact on property taxes is nebulous. He suggested holding off on the item until the next election cycle.

Ms. Davis agreed with Mr. Certa. She also suggested an interlocking government structure and to develop a vision for the future.

Ms. Post said she was worried about how the tax would affect regular people struggling in Essex, where affordability is already a concern and people cannot buy houses because they are too expensive. She said they should be looking out for people who barely make ends meet. She said maybe all of the money collected should go to the food shelves.

Ms. Zukowski requested they clarify what specifically would be taxed. She said this could add up for people, where life is so hard that neighbors have to borrow \$2 for baby Tylenol, as one of her neighbors recently had to do.

Mr. Murray clarified that this agenda item was about whether or not to move forward with a Local Options Tax, and staff will return with more information to consider. He said this is the first time the boards have discussed it together so there are no plans or details at this time.

Ms. Haney said the Local Option Tax was being considered to pay for capital projects because Town voters added and passed \$100,000 to the budget for road work on the floor at Town Meeting in 2019. Additionally, she said a straw poll at the Village meeting was overwhelmingly in favor of considering a Local Option Tax and their current bond was passed to try to get ahead of capital expenses. She said a LOT would not target specific residents, but anyone who shops in Essex to help pay for the roads and capital they are using.

6. READING FILE

a. Board member comments

- Mr. Teich said that, to date, 8,397 general election ballots had been checked in at the Essex Town Clerk’s office, which is 74% of the total who voted in the last election. 2,607 Village ballots, which include the merger question, were also checked in. He thanked Susan McNamara-Hill and Dawn Hill-Fleury for alphabetizing all of the envelopes. He said the State of Vermont provided Essex with an envelope opener machine. He encouraged people to drop their completed ballots in the ballot box outside of the Town Offices at 81 Main St., where they are removed multiple times each day. He said people could also go to the polling station on Nov. 3 to vote.
- Mr. Murray offered residents to contact him or any others on the Selectboard if they have questions or want to talk about the upcoming merger. He said, in addition, he would challenge younger voters to a gaming session and discuss the merger at the same time.

b. Journal of the New England Water Environment Association, “Essex Junction, Vermont, design with energy in mind” by James Jutras

- Ms. Haney and Mr. Tyler said how glad they are that scholar and scientist James Jutras is on staff.

c. Upcoming meeting schedule

264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279

7. EXECUTIVE SESSION

- a. An executive session is not anticipated

8. ADJOURN

PATRICK MURRAY made a motion, seconded by DAWN HILL-FLEURY, for the Selectboard to adjourn the meeting. The motion passed 4-0 at 9:18 PM. (Andy Watts did not return to the meeting after recusing himself from the discussion on local options tax.)

RAJ CHAWLA made a motion, seconded by AMBER THIBEAULT, for the Trustees to adjourn the meeting. The motion passed 4-0 at 9:18 PM.

Respectfully Submitted,
Cathy Ainsworth
Recording Secretary