

DRAFT

VILLAGE OF ESSEX JUNCTION  
TRUSTEES MEETING MINUTES  
March 23, 2021

**TRUSTEES PRESENT:** Andrew Brown, President; George Tyler, Vice President; Raj Chawla; Amber Thibeault; Dan Kerin

**ADMINISTRATION and STAFF:** Evan Teich, Unified Manager; Marguerite Ladd, Assistant Manager; Robin Pierce, Community Development Director

**OTHERS PRESENT:** Bob Burrows; Christian Chorba; Annie Cooper; Maureen Gillard; Gary Hathaway; Deb McAdoo; Betty Poulin; Claudine Safar; Amy Smith; Gabrielle Smith

1. **CALL TO ORDER**

Mr. Brown called the meeting to order at 6:30 PM.

2. **AGENDA ADDITIONS/ CHANGES**

Ms. Ladd suggested the addition of two additional handouts:

- 5b. Replacement file (repositioned for readability) – Village of Essex Junction Easement Park Terrace, clean, 3-3-21
- 5c. Merger Alternatives Study Committee – Andrew Brown

Ms. Thibeault suggested pulling 6a, Consider Appointment of Steve Rivard to the Tree Advisory Committee, from the consent agenda to become new item 5d.

Ms. Ladd suggested the addition of new agenda item 5e, Discussion of the Annual Meeting.

With these changes, former agenda item 5d became 5f, \*Discussion of legal counsel recommendations on options and next steps regarding merger and/or separation of Village of Essex Junction from Town of Essex.

3. **APPROVE AGENDA**

**RAJ CHAWLA made a motion, seconded by AMBER THIBEAULT, to approve the agenda as amended. The motion passed 5-0.**

4. **PUBLIC TO BE HEARD**

a. **Comments from public on items not on the agenda.**

There were no comments from the public at this time.

5. **BUSINESS ITEMS**

a. **Consider approval of street vending permit for Mr. Ding-A-Ling Ice Cream**

Ms. Ladd invited the Trustees to discuss and consider approval of a street vending permit for Mr. Ding-A-Ling Ice Cream. Mr. Brown reiterated that the Trustees still expect the vendor follow all COVID guidelines. Ms. Thibeault confirmed with Mr. Hathaway, proprietor of Mr. Ding-A-Ling Ice Cream, that he will fax another copy of the business's 2021 insurance update to the Village.

**GEORGE TYLER made a motion, seconded by RAJ CHAWLA, that the Trustees approve the 2021 street vending permit with the understanding that all state guidance regarding COVID-19 protocols will be followed, and on condition that a new 2021 insurance certificate be received by the Village office. The motion passed 5-0.**

b. **Consider approval of easement to Green Mountain Power on Park Terrace and Park Street**

Mr. Pierce introduced the issue of whether the Trustees would approve an easement for underground electrical lines as depicted in a plan included in the meeting documents for Park Street and Park Terrace. He talked about the location and said the benefits of the underground

58 electrical line would be to switch on electricity to 3 Maple street with new electrical lines while  
59 improving the streetscape aesthetic. Mr. Brown agreed that streetscapes are more beautiful with  
60 underground electric lines. Ms. Thibeault said the plan is in line with the Land Development Code.  
61

62 **GEORGE TYLER made a motion, seconded by AMBER THIBEAULT, that the Trustees approve**  
63 **the easement with GMP which will enable the streetscape on Park Street to be cleaned up and**  
64 **enable the 3 Maple Street project to come online with a permanent electric connection. The**  
65 **motion passed 5-0.**  
66

67 c. **Discussion and potential action on creating committee to study merger with Town of Essex**  
68 **and alternatives**

69 Ms. Ladd invited the Trustees to discuss the formation of a committee or multiple committees to  
70 study merger alternatives, should the merger revote fail. She provided a list of questions to  
71 consider during their discussion.  
72

73 Mr. Brown discussed how to form a Merger Alternatives Study Committee with the Trustees,  
74 referencing a memo he included in the meeting documents. Mr. Tyler said the committee should  
75 begin by reviewing the previous Governance Study Committee's research. He said the book  
76 created from that work is an important resource. Ms. Thibeault wondered if forming the committee  
77 works within the timeline of legal counsel and the merger revote. Mr. Brown stated if the merger  
78 revote fails, the committee should be ready to begin fact-finding. Mr. Tyler offered the possibility  
79 that the timeline for the committee's work may be longer than the timeline suggested. Mr. Chawla  
80 said it is important to articulate clear goals for the committee, to judge alternate options, as in  
81 whether the options contribute to a more equitable tax rate or support a certain level of service.  
82 The Trustees talked about whether the committee should consider how the alternate options would  
83 impact Village departments and discussed the Trustees' role in determining how much is needed  
84 from the committee. Mr. Kerin suggested that the committees work not include extensive financial  
85 impacts. Mr. Tyler said the Trustees could consider the current scope of the Village to develop  
86 questions for the committee to ask; he talked about the assumptions used in the Governance  
87 Study Committee work. He said the committee should know about the role of the Governance  
88 Operations committee at the state level. Mr. Chawla said they should also know the process of  
89 asking for legal counsel on questions they may have. Ms. Thibeault suggested that the committee  
90 meet during the day, to avoid putting another evening meeting on staffs' workloads. Mr. Tyler  
91 expressed concern that staff involvement with the committee may compromise them by putting  
92 them in the middle. Mr. Brown said the committee should have at least one Trustee to ensure  
93 someone is knowledgeable about budgets, staffing, and the Town and Village consolidation  
94 structure. Ms. Thibeault wondered how other municipalities may have separated. Mr. Brown  
95 discussed how separation would go from a legislative level. Mr. Chawla talked about how much  
96 work is already being done in the Village and the importance of community involvement, despite  
97 what the actual timeline ends up being. Mr. Kerin talked about how debts may incur in the process  
98 of separating.  
99

100 Mr. Teich discussed the timeline of a potential separation and some of the services that the  
101 Trustees may want to determine a direction for. He talked about services that are not required in a  
102 municipality, like Fire or Police Departments and he suggested looking at how other municipalities  
103 are structured to determine service priorities. Mr. Teich said the committee should compile  
104 questions to give to the Unified Manager, to determine if answers are already known. He pointed  
105 out discrepancies between the timeline proposed by the non-binding petition question about when  
106 a vote on separation may be able to take place. He said he is able to be directed in this work as  
107 needed because his role is to serve both the Town and the Village. Mr. Tyler stated even if a vote  
108 on separation should pass in November, it may not arrive to the legislature until January of 2022

109 and may not be approved by mid-May, but the 2023 fiscal year budget planning begins January  
110 2022.

111  
112 Ms. McAdoo expressed mixed feelings and said she may just vote for the separation article. She  
113 said it is important for the Trustees to take enough time to make the best decision on behalf of the  
114 Village and she thanked them for "being there".  
115

116 The Trustees discussed next steps for forming a Merger Alternatives Study Committee. Mr. Brown  
117 agreed to summarize the discussion and create a new draft of his memo, incorporating the  
118 Trustees' suggestions. Mr. Chawla said selecting members for the committee should be deliberate  
119 and include a diverse cross-section of the community. Mr. Brown said selection should be through  
120 the standard process. Mr. Kerin wondered if anyone should be involved from outside of the Village  
121 and Mr. Brown suggested it should be formed of people who reside in the Village. Mr. Teich  
122 stressed the importance of the Trustees determining what would be unacceptable and being clear  
123 about what parts of the community they have no intention of changing.  
124

125 d. **Consider appointment of Steve Rivard to Tree Advisory Committee**

126 Mr. Brown recapped that the Trustees interviewed Mr. Rivard for the Tree Advisory Committee and  
127 determined it is okay for him to serve on the committee because he owns property in the Village,  
128 even though he lives outside the Village. There was no further discussion about this appointment.  
129

130 **AMBER THIBEAULT made a motion, seconded by RAJ CHAWLA, to appoint Steve Rivard to**  
131 **the Tree Advisory Committee. The motion passed 5-0.**  
132

133 e. **Discussion of the Annual Meeting**

134 The Trustees discussed what they wanted to talk about at the Annual Meeting with the public and  
135 decided the following:

- 136 • The Trustees would like to have an update to the community from the legislature and will invite  
137 Rep. Houghton or Ms. Dolan.
- 138 • Mr. Brown said he will provide an overview of the FY2022 budget.
- 139 • Mr. Tyler said he will give an update about the Land Acquisition Fund and the Economic  
140 Development Tax (article 2 and 3); staff agreed to provide a slide on each article.
- 141 • Mr. Teich said staff will make a slide about Article 4, Increasing the stipend for Trustees, and  
142 Ms. Thibeault agreed to present the reasoning behind it, including the number of meetings  
143 Trustees are involved with and their hope to attract new interest in serving.
- 144 • The Trustees agreed that Mr. Eustis will read Article 6, as usual.
- 145 • Staff will provide information on a slide about the Cannabis opt-in or opt-out decision. Mr.  
146 Brown will present the issue and conduct a straw poll. The Trustees discussed the moral,  
147 political, and economic implications of this issue.
- 148 • Mr. Chawla will have a conversation with residents about where they are on separation, using  
149 prepared prompts and will provide answers to questions. Staff will provide a slide on why the  
150 conversation of separation is happening.

151 Mr. Teich requested the Trustees provide suggestions for slides to staff by the first week of April.  
152

153 f. **\*Discussion of legal counsel recommendations on options and next steps regarding merger**  
154 **and/or separation of Village of Essex Junction from Town of Essex**

155 This discussion took place in Executive Session as item 8a.  
156

157 6. **CONSENT ITEMS**

158 a. ~~**Consider appointment of Steve Rivard to Tree Advisory Committee**~~

159 Agenda item addressed as 5d.

160 b. **Consider approval of Annual Financial Plan for Town Highways (TA-60)**

- 161 • Approve and sign the Annual Financial Plan- Town Highways (TA-60) as presented.  
162 c. **Approve minutes: March 9, 2021**  
163 d. **Check Warrants: #17241 – 3/5/21; #17242 – 3/12/21; #17243 – 3/19/21**  
164

165 **GEORGE TYLER made a motion, seconded by DAN KERIN, to approve the Consent Agenda.**  
166 **The motion passed 5-0.**  
167

168 7. **READING FILE**

169 a. **Board member comments**

- 170 • Mr. Brown said community members expressed concerns after the recent Joint Board meeting  
171 of the Selectboard and Trustees. He clarified that the ballot vote on separation is only advisory,  
172 but because the public expressed interest in this direction the Trustees will respond if the  
173 merger revote fails. He said residents can reach out to talk with the Trustees if they have  
174 questions.  
175 b. **Update from Marguerite Ladd regarding regulating collection of refuse**  
176 c. **Memo from James Jutras re: PePhlo Stage 3 Final Report, Vermont Phosphorus Innovation**  
177 **Challenge Grant**  
178 • Mr. Tyler expressed enthusiasm and praise for Mr. Jutras on the Wastewater Treatment Plant's  
179 innovative phosphorus removal research grant and project with UVM.  
180 d. **Memo from Robin Pierce re: Connector Road Agreement 3/16/21**  
181 e. **Upcoming meeting schedule**  
182

183 8. **EXECUTIVE SESSION**

- 184 a. **\*An executive session may be requested to discuss to discuss legal steps.**  
185

186 **RAJ CHAWLA made a motion, seconded by GEORGE TYLER, that the Trustees make the**  
187 **specific finding that general public knowledge of confidential attorney-client communications**  
188 **made for the purpose of providing professional legal services to the body would place the**  
189 **Village at a substantial disadvantage. The motion passed 5-0 at 8:05 PM.**  
190

191 **ANDREW BROWN made a motion, seconded by RAJ CHAWLA, that the Trustees enter into**  
192 **executive session to discuss confidential attorney-client communications made for the**  
193 **purpose of providing professional legal services to the body, pursuant to 1 V.S.A. § 313(a)(1)(F)**  
194 **to include the Village Attorney and Unified Manager. The motion passed 5-0 at 8:05 PM.**  
195

196 **GEORGE TYLER made a motion, seconded by DAN that the Trustees exit Executive Session.**  
197 **The motion passed 5-0 at 9:46 PM.**  
198

199 9. **ADJOURN**  
200

201 **DAN KERIN made a motion, seconded by RAJ CHAWLA, that the Trustees adjourn the meeting.**  
202 **The motion passed 5-0 at 9:47 PM.**  
203

204 Respectfully Submitted,  
205 Cathy Ainsworth