



**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
REGULAR MEETING AGENDA**

Online & 2 Lincoln St.  
Essex Junction, VT 05452  
Wednesday, May 25, 2022  
6:30 PM

E-mail: [manager@essexjunction.org](mailto:manager@essexjunction.org)

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This meeting will be in-person at 2 Lincoln Street and available remotely. Options to watch or join the meeting remotely:

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- **JOIN CALLING:** (toll free audio only): (888) 788-0099 | Meeting ID: 944 6429 7825; Passcode: 635787

1. **CALL TO ORDER** [6:30 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. Department Head Conversation: Rick Jones, Public Works Superintendent
  - b. Discuss local option tax revenues use
  - c. Discuss 1 Main Street pocket park short- and long-term plans
  - d. Consider warning public hearings for FY23 proposed utility rates
6. **CONSENT ITEMS**
  - a. Approve check warrants: #17301 (5/9/22); #17302 (5/13/22)
  - b. Approve minutes: May 11, 2022
  - c. Approve 2022 Roadway Resurfacing Project Bid to SD Ireland
  - d. Approve Combination Sewer Cleaning Truck Bid to Chadwick Baross
7. **READING FILE**
  - a. 2022 Equalization Study for Town of Essex and Village of Essex Junction
  - b. Conflict of Interest & Ethics Policy – final document
  - c. “Municipal regulation of cannabis and public health in Canada” article
8. **ADJOURN**

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Certification: 5/19/22 Brad Luck

**VILLAGE OF ESSEX JUNCTION  
TRUSTEES MEETING MINUTES  
May 25, 2021**

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

**ADMINISTRATION and STAFF:** Evan Teich, Unified Manager; Maureen Gillard, Recreation & Parks Afterschool Enrichment Coordinator; Jim Jutras, Water Quality Superintendent; Marguerite Ladd, Assistant Manager; Brad Luck, Essex Junction Recreation and Parks (EJRP) Director

**OTHERS PRESENT:** Bob Burrows; Alise Certa; Annie Cooper; Elaine Haney; Tamara Jaques; Deb McAdoo; Timothy Miller; Patrick Murray; Gabrielle Smith; Dennis Thibeault; Kyleigh; Susanna; R M

**1. CALL TO ORDER**

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

**2. AGENDA ADDITIONS/ CHANGES**

Mr. Brown proposed to make item 6c, agenda item 5e and to remove items 6d,e and f from the agenda to be considered at a future meeting with an interview process. Mr. Brown also requested that item 6j become item 5f. Mr. Tyler added a revised version of the charter document and a document with questions for legal counsel to item 5a.

**3. APPROVE AGENDA**

**GEORGE TYLER made a motion, seconded by AMBER THIBEAULT, that the Trustees approve all agenda changes. 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. Work session on Essex Junction Independence Initiative**

Mr. Luck provided an overview of the evening's work session, to discuss:

A. Draft Charter and next steps

B. Review timeline & consider scheduling additional work sessions

C. Outreach strategies

D. Updates of Community Conversations group with chair Elaine Haney

Mr. Brown opened public comments but there were none at this time.

A. Mr. Luck presented a draft of the City of Essex Junction Charter to review, discuss, and revise during the meeting. The draft charter included notes compiled by the Trustees prior to the meeting and did not include sections that will be discussed once legal counsel answers to questions have been received. This draft also did not include subchapters which had no comments, edits. Or were considered "noncontroversial." Mr. Luck highlighted survey comments from a survey conducted by KSV during the merger process, which suggested that change in government may be challenging for the public. The Trustees had the following discussions and made changes to the charter:

- § 201- The Trustees chose as the corporate existence wording: "The inhabitants of the Village of Essex Junction, within the corporate limits as now established, shall be a municipal corporation by the name of the 'City of Essex Junction'."
- § 203b- Mr. Tyler requested clarification on policing wording from legal counsel.

- § 203e- The Trustees requested clarification from legal counsel on whether power system information needs to be in the charter, for the work described to be able to take place. Mr. Brown, Mr. Tyler, and Mr. Chawla discussed wanting to avoid setting up a need for future charter changes.
- § 205a- The Trustees acknowledged the importance of determining a municipal government structure for the new City of Essex Junction. Mr. Tyler said he found through his research of other Vermont cities with similar density population, that these cities have council manager forms of government, which include mayors. Mr. Brown said that adding the new variable of a mayoral structure could complicate the current separation process. He suggested they maintain the system that is in place and embed the discussion and decision on a new structure to take place during a 3-5 year transition plan. The Trustees discussed this approach and agreed with it. Mr. Chawla said the strategy would effectively buy time, without losing continuity. Mr. Kerin said this strategy would avoid public confusion and allow details to be worked out later. Ms. Thibeault said embedding governance formation into the transition work will generate more voter input. Mr. Tyler said he thinks many people have a misunderstanding of what a mayor does, in a weak mayor system, so it would benefit them to take enough time for a thorough discussion. Mr. Luck suggested that the values people hold for how they would measure good governance could be addressed with the community engagement process being led by Ms. Haney in order to inform this future discussion.
- §301- The Trustees chose to postpone determining what districting language to include in this section, until legal counsel clarifies what should be specified. Mr. Chawla stressed the importance of appropriate representation and an established ward system.
- §302- The Trustees described this section as similar to what is in the current charter. They did not add or remove anything.
- §303a- Mr. Tyler changed this section to read: “consisting of five members elected at large.”
- §304- This section remained as written.
- §305a – Mr. Tyler replaced the words “Chairperson” and “Vice Chairperson” to “President” and “Vice President”, to remain consistent to current charter language.
- §306a- The Trustees discussed the compensation paid to council members. They agreed with the minimum of \$1500 but changed wording to include this compensation in the budget each year, not as a separate item to be voted on. Mr. Brown said this should be acceptable because there are public hearings and budget development meetings where the public could provide feedback on compensation. The Trustees discussed how this could allow the compensation to reflect annual changes if needed.
- §308- The Trustees changed the language to “President” and “Vice President” for consistency.
- §310b- The Trustees changed the language to a 3-person quorum, based on size of the proposed board.
- §312- This section remained as written.
- §402- The Trustees agreed for the language to remain with a moderator. Mr. Tyler said that mayors become moderators in some mayoral city annual meetings, so this may be discussed again during the transition years.
- §501- Mr. Tyler said that many cities call their annual meeting “City Meeting Day” not “Town Meeting Day”. The Trustees agreed with this change. Mr. Chawla and Mr. Brown hoped the municipality could align voting with the school. Mr. Tyler recapped how the FY2022 ballots were aligned but said it could be a challenge to align them every year. Mr. Brown requested legal counsel on if the charter can say “City Meeting Day may be set by the council to align with the schools.”
- §601- Mr. Tyler said the city charters he researched had lengthy descriptions of how to adopt ordinances, but they were not consistent. Mr. Brown suggested that the ordinance process be

the same as the Essex Town's process. The Trustees agreed. Mr. Tyler preferred the current ordinance process in the Village but agreed to move forward with Essex Town's process.

- §604- The Trustees agreed with the changes made, in response to Ms. Thibeault's suggestion prior to the meeting, to this section.
- §701- The Trustees agreed not to change this section on the Manager yet, because they are planning for changes to the governance to take place during the transition phase, at which point Manager powers may also change.
- §704- Ms. Thibeault and Mr. Chawla said their questions on this section had been resolved.
- §803- The Trustees agreed with the language of this section. Mr. Chawla proposed reimagining services and budgeting at a time a few years in the future.
- §804- The Trustees agreed that a Development Review Board should be established, and they kept this section as written. They chose not to specify the number of members, which would then default to the state statute of no fewer than 5 or more than 9.
- §805- Mr. Chawla requested clarification on the Brownell Library Trust board member selection process. Mr. Tyler said some board members are appointed by the Trust but others must be elected through the voters. The Trustees did not change the language of this section.
- §901- Mr. Brown and Ms. Thibeault discussed how to avoid confusion, in this section, between hiring or contracting.
- §§902-906- Mr. Tyler said there are a variety of ways to handle appraisals and requested a recommendation from legal counsel on these sections.
- §906 Mr. Teich requested that the language of this section avoid the verbiage "Real Estate Assessor" because this role is rare in Vermont. He requested legal counsel provide language that could give the most latitude for qualifications of the position.
- §1002- The Trustees changed the language at the beginning this section to "City Meeting" for consistency. They changed part "d" to read "no fewer than the next five years".
- §1005a- The Trustees change the language to read "City Meeting" for consistency.
- §1005c- The Trustees said this section was acceptable, in line with governance.
- §1103- The Trustees said comments on this section were addressed previously.
- §1201 (b)2- The Trustees changed the language to read "no fewer than 5 years".

The Trustees reviewed the draft of legal questions for Ms. Safar, Village Attorney. Mr. Tyler said he was interested in hearing suggestions on how to transition from a Village to a City, and that the examples and sub-questions in the legal questions encapsulate this. He said he is interested in hearing details related to establishing a federal tax entity, contractual agreements, ordinances, land development codes, land records, the Police Department, broadband, and the role of a City Clerk. Mr. Tyler suggested that Ms. Safar draft language for a transitional period to be reviewed by the Trustees and included in the charter. Mr. Chawla clarified that the city would also need to serve as the board of liquor control for the municipality. Mr. Teich suggested that they request Ms. Safar draft a section about taxation and abatements, with language similar to the Town Charter's. Ms. Thibeault suggested that the entire draft charter be provided to Ms. Safar for review to date.

- B. Mr. Luck reviewed the timeline with the Trustees to consider scheduling additional work sessions. He suggested four options and the Trustees discussed their availability. Mr. Luck explained that the goals of the extra meetings would be to develop the organization and Village departments. The Trustees agreed to meet earlier (4:00 pm) on their June 8 meeting and then decide whether another meeting is needed on June 14. Mr. Luck said Ms. Safar reviewed the timeline and wanted to be sure that public meetings which include any public hearings be clearly warned and executed.
- C. Mr. Luck invited the Trustees to discuss a postcard, drafted for outreach to the community, about Essex Junction Independence. Ms. Thibeault suggested a typo fix on page two in the

third paragraph. The Trustees agreed with the content and design of the postcard, confirmed funding availability for the mailing, and approved for it to be sent within the current fiscal year. Mr. Luck suggested that a strategy to consider at a later date could be to host summer chats with the public on the topic of Essex Junction Independence.

- D. Ms. Haney provided updates on the Community Conversations group. This volunteer group, led by Ms. Haney, includes Gabey Smith, Bridget Meyer, and Alise Certa. Ms. Haney said they are not working directly with the Trustees or on the charter, but are moving intentionally to lay groundwork for resident participation in community conversations about Essex Junction. She said there will be many ways for residents to participate and anybody who wants to volunteer will be trained on how to engage. She said their first event will be in June. Ms. Haney said the Community Conversations efforts will amplify what the Trustees are doing well and share facts about the Village as well as what is in the charter. Additionally, they will conduct a "Get Out the Vote" campaign. She said the website and Facebook pages for this effort will launch soon. The Trustees had no questions for Ms. Haney but expressed gratitude and said they are eager to hear back from the group about what people are saying.

Mr. Brown closed the work session at 8:28 PM.

**b. Discussion and possible action on July 4th fireworks permit at Champlain Valley Expo**

Mr. Luck said Essex Junction Recreation and Parks (EJRP) will be hosting the annual Village July 4 fireworks and community celebration. He said that, due to the 15-month pandemic and the event's popularity, the Champlain Valley Exposition (CVE) offered the event to take place at their location at no charge. Event activities will take place on the midway lawn, followed by fireworks at 9:30 PM. He said fireworks for this municipal event normally do not require approval but, because of the CVE location this year, he was requesting the Trustees to discuss and approve them. Mr. Brown appreciated CVE's willingness to accommodate the event. Ms. Thibeault said she reached out to Fire Chief Gaboriault about concerns with fireworks during dry weather. She said the Chief has since signed off on the permit and said he has no concerns at this time. She said, as per usual, the Fire Department will be present at the event. Mr. Kerin and Mr. Teich talked about the Police Department's role at the event. Mr. Luck said Lieutenant Kissinger is happy with the location change. Mr. Teich explained that CVE is a preferred location because the previous location resulted in clogged street traffic. He said he hoped this may also be a possibility in the future, but it would depend on CVE's concert schedule.

**ANDREW BROWN made a motion, seconded by GEORGE TYLER, that the Trustees support the fireworks and community activities for this July 4<sup>th</sup> to take place at Champlain Valley Exposition and advise the municipal manager to sign the fireworks permit.**  
**The motion passed 5-0.**

**c. Consider approval of supplemental grant funding through the Vermont Agency of Agriculture, Food and Markets (VAAF) to complete Vermont Phosphorus Innovation Challenge (VPIC) PePhlo project at the wastewater facility**

Mr. Jutras made a request for approval of supplemental grant funding and talked about a second step to be planned later regarding the Phosphorous Innovation Project. He said the Wastewater Treatment Facility (WWTF) was invited to apply for a final grant to complete the Innovation Challenge and create a mobile facility. He said the budget for the grant is \$300,000 with a \$150,000 match from the Village. He said some of the matching funds could come from a previous grant and the application needs to be submitted by the end of FY2021. He anticipates that the project will be complete December 31, 2021. Mr. Jutras explained that, in the past, UVM has been the grantee for this project, but the Village would be the grantee this time in order to procure the equipment needed. Mr. Jutras said a second step, that did not need action at this point, is about phosphorous innovation resulting from this project. He said it will be an item that is marketable,

sellable, and should be patented. He said a next step could be to create a legal business entity for a patent, which would be an opportunity for a return on investment, and he is looking into a National Science Foundation grant to cover the patent process. The Trustees expressed their enthusiasm for the innovation. Mr. Brown said this is further evidence that the WWTF is amazing and award-winning and he is in support of moving forward with the patent direction.

**DAN KERIN made a motion, seconded by AMBER THIBEAULT, that the Trustees authorize the Unified Manager to sign VAFFM grant documents for a project total of \$300,000 to fund the final phase of the PePhlo project and to further authorize the match funds in the amount of \$150,000 to come out of the wastewater facility capital account. Any supplemental project support funds secured in the Village name are to be returned to the WWTF capital fund. The motion passed 5-0.**

**d. \*Discussion and possible action to execute Essex Junction Employee Association contract for 2021-2024**

This took place as agenda item 8a.

**e. \*\*Discussion and possible action on Chittenden County Regional Planning Commission Board and Committee Appointments**

Mr. Brown said there may be another person interested in his seat on the Chittenden County Regional Planning Commission and he would like the opportunity for the Trustees to interview the individual. He requested that this interview be scheduled on a future meeting agenda and that they also discuss whether the Village would also like to have an alternate for the position.

**f. Check Warrants: #17251 – 5/14/21; #17252 – 5/21/21**

The Trustees removed check number 34055 from the warrants, to be addressed at a future meeting, if necessary.

**GEORGE TYLER made a motion, seconded by DAN KERIN, that the Trustees approve the check warrants, as amended. The motion passed 5-0.**

**6. CONSENT ITEMS**

**DAN KERIN made a motion, seconded by AMBER THIBEAULT, to approve the consent agenda remaining items:**

**a. Consider approval of Chittenden Solid Waste District fiscal year 2022 budget**

To approve the Chittenden Solid Waste District fiscal year 2022 budget.

**b. Warn a public hearing on FY2022 Proposed Utility Rates on June 8, 2021**

To warn the first of two public hearings on the proposed FY2022 Utility Rates for Tuesday June 8, 2021.

~~**e. \*\*Discussion and possible action on Chittenden County Regional Planning Commission Board and Committee Appointments**~~

- Agenda change: item moved to 5e.

~~**d. \*\*Consider reappointment of Karen Dolan to the Village Capital Program Review Committee**~~

- Agenda change: item removed from the agenda to be addressed at a future meeting.

~~**e. \*\*Consider reappointment of Philip Batalion to the Village Planning Commission**~~

- Agenda change: item removed from the agenda to be addressed at a future meeting.

~~**f. \*\*Consider reappointment of Warren Spinner to the Village Tree Advisory Committee**~~

- Agenda change: item removed from the agenda to be addressed at a future meeting.

**g. \*\*Consider reappointment of Claudine Safar as the Village Attorney**

To approve the Unified Manager to appoint Claudine Safar as the Village Attorney.

**h. \*\*Consider reappointment of Jeff Kirschner as the Village Engineering Consultant**

To approve the Unified Manager to appoint Jeff Kirschner as the Village Engineering Consultant.

- i. **Approve minutes: May 11, 2021**  
j. ~~**Check Warrants: #17251 – 5/14/21; #17252 – 5/21/21**~~

- Agenda change: item moved to 5f.

**The motion passed 5-0.**

**7. READING FILE**

**a. Board member comments**

- Mr. Chawla extended congratulations, on behalf of the Trustees, to Mr. Fleury for achieving the Green Mountain Water Environment Associations Vermont Operator of the year award and to Ms. Constandi for winning the Bob Wood Young Professional Award.
- Mr. Teich said that although the Memorial Day parade will not be taking place this year, people can consider visiting the memorial in the Village center and take time to recognize individuals who served the country. He said thank you, on behalf of Essex, and that their service is not forgotten.
- Mr. Teich said that Municipal offices are planned to reopen June 1, with slower opening of the libraries. He said the municipality is also instituting a Remote Work Policy based on success of remote work this year.
- Mr. Teich said they are working with Town Meeting TV to plan for hybrid meetings, possibly to be ready in August. With online meeting attendance up so significantly, they would like people to be able to continue be able to attend virtually if they want to.
- Mr. Tyler commended Mr. Teich for doing a great job managing municipal efforts during the pandemic. Mr. Teich also thanked department heads, staff, police, and board support.

**b. Covid-19 Water Usage through April 2021**

**c. Letter from James Jutras re: Comments, 3-1254 Village of Essex Junction National Pollutant Discharge Elimination System (NPDES) discharge permit**

**d. Residential Property Sales – Out of State Buyers 2017-2020**

**e. 2020 Champlain Valley Expo (CVE) Annual Report**

**f. Bernard Fleury Green Mountain Water Environment Associations Vermont Operator of the year**

**g. Ann Constandi wins Bob Wood Young Professional Award**

**h. Upcoming meeting schedule**

**8. EXECUTIVE SESSION**

- a. \*An executive session is anticipated for contracts and labor relations agreements with employees**

**ANDREW BROWN made a motion, seconded by RAJ CHAWLA, that the Trustees make the specific finding that premature general public knowledge of the Village's position concerning ongoing contract negotiations and labor relations agreements with employees would place the Village at a substantial disadvantage. The motion passed 5-0 at 8:58 PM.**

**ANDREW BROWN made a motion, seconded by AMBER THIBEAULT, that the Trustees enter into executive session to discuss contracts and labor relations agreements with employees pursuant to 1 V.S.A. §313(a)(1)(A) and 1 V.S.A. § 313(a)(1)(B), to include the Unified Manager, Deputy Manager, EJRP Director, Assistant Manager and HR Director. The motion passed 5-0 at 8:59 PM.**

**GEORGE TYLER made a motion, seconded by RAJ CHAWLA, to end the executive session. The motion passed 5-0 at 9:18 pm.**

AMBER THIBEAULT made a motion, seconded by DAN KERIN, that the Trustees authorize the Unified Manager to execute a contract with the Essex Junction Employee Association for 2021-2024. The motion passed 5-0.

AMBER THIBEAULT made a motion, seconded by GEORGE TYLER, that the Trustees authorize the Vermont Municipal Employees' Retirement System (VMERS) Group C effective on October 1, 2021, for all eligible Village of Essex Junction employees, both within the Essex Junction Employee Association and outside of the Essex Junction Employee Association. The motion passed 5-0.

b. **\*\*An executive session may be requested to discuss the appointment of public officials**  
An executive session did not take place on this item.

9. **ADJOURN**

DAN KERIN made a motion, and RAJ CHAWLA seconded, that the Trustees adjourn the meeting. The motion passed 5-0 at 9:21 PM.

Respectfully Submitted,  
Cathy Ainsworth