

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
SPECIAL MEETING
MINUTES OF MEETING
June 8, 2021**

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

ADMINISTRATION: Evan Teich, Unified Manager; Maureen Gillard, School Age Childcare Director; Marguerite Ladd, Assistant Town Manager; Brad Luck, EJRP Director; ; Robin Pierce, Community Development Director.

OTHERS PRESENT: Bob Burrows, Andy Champagne, Diane Clemens, Tracey Delphia. Elaine Haney, Claudine Safar, Kristen Shamis, Mike Sullivan, Gabrielle Smith, Saramichelle Stultz, Dennis Thibeault, Mike Thorne, Irene Wrenner, RM, Susanna

1. **CALL TO ORDER**

Andrew Brown called the meeting to order at 4:00 pm.

2. **AGENDA ADDITIONS/CHANGES**

Ms. Thibeault requested removing Consent Item 9b from the Consent Agenda and placing it on the deliberative agenda as Business Item 8h.

3. **APPROVE AGENDA**

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

4. **WORK SESSION ON ESSEX JUNCTION INDEPENDENCE INITIATIVE**

Mr. Luck began the work session by noting stating its goals: to discuss developing the general organization and departments of the new City entity, discuss statutory options for sharing services, discuss results of staff surveys about organization, review a draft organization chart, and discuss a timeline for becoming an independent City.

Mr. Brown opened the discussion up for public comment. There was no public comment.

Mr. Luck asked for input to get a sense of some measures in order to find the best approach in terms of developing the general organization and departments that will serve Essex Junction. He asked the Trustees to think about what criteria is needed for developing services and departments for the City. Board members listed: efficiency, clear Village oversight of policies and budget, objective analysis of existing intra-municipal agreements with the Town, focus on what is best for the Village, continued efforts toward downtown redevelopment, climate change, and structural needs so that the City can adjust and be nimble.

Mr. Luck then began a discussion of statutory options for shared services. He outlined three options for sharing services, which include: the creation of a municipal district; writing inter-local contracts (MOUs are often grouped into this category but tend to be used for more aspirational situations, though they are treated similarly to inter-local contracts under Vermont law); and a piece of Vermont statute that specifically discusses inter-municipal police services. Ms. Safar outlined each further, citing their corresponding statutes (24 VSA 4902, which discusses the contents of an inter-local contract or MOU, 24 VSA 4866, which discusses the creation of an intermunicipal

49 district, and 24 VSA 1938, which describes intermunicipal police agreements). She asked the
50 Board whether they'd consider creating an independent district or enter into some kind of
51 contractual agreement for a shorter period of time to determine if that would be preferable.

52 Mr. Brown asked whether the Village could form a district prior to becoming a City or before it
53 separates from the Town. Ms. Safer replied that the Village would need to become a City prior to
54 arranging such an agreement or forming such a district.

55 Mr. Chawla noted a concern about partnering with the Town on police services around equal
56 oversight. He said he isn't comfortable with contracting for police services without oversight, and
57 that the only option for doing so seems to be forming a municipal district. He asked if it would be
58 possible to identify an oversight board in an inter-local contract. Ms. Safar replied that she would
59 need to think about how the new City could have strong oversight.

60 Mr. Tyler asked if a municipal district would have a Board and whether it would have taxing
61 authorities. Ms. Safar replied that participating municipalities would have the authority for revenue
62 generation.

63 Mr. Kerin asked about how liability issues would be dealt with in one of these arrangements. Ms.
64 Safar replied that in an inter-municipal agreement, the liability would generally reside with
65 municipality that owns those services, not the one that is purchasing them. She noted that the
66 Village's first line of defense would still be its insurance policy, in terms of legal liability.

67 Mr. Luck noted that it is difficult to predict the real cost of the City until there is a proposed budget
68 and that it is important to think about how the City would be organized and departments formed.
69 He summarized a survey of Village and Consolidated department employees. He noted that some
70 Village departments are in favor of becoming a City. He noted that Consolidated departments are
71 more uncertain about the future, whether it be independence for the City or a continued
72 consolidated structure. He then provided an overview of the department-by-department analysis
73 conducted, which includes the following:

- 74
- 75 • **Administration:** recommended a City Manager, Communications & Strategic Initiatives
76 (currently Assistant to the Manager), Administrative Assistant, and an HR Director/Assistant
77 Manager. Mr. Chawla cited concern about having the HR Director be an Assistant Manager
78 with its own direct reports, should there be Human Resources issues.
- 79 • **Assessing:** recommended keeping the Assessor Department similarly to how it is now, which
80 is consolidated. Mr. Brown asked what kind of board level policies would need to be set for
81 assessing. Mr. Teich replied that assessing is generally conducted per state statute and
82 appeals go through the Board of Tax Abatement.
- 83 • **Brownell Library:** no suggestion to consolidate the libraries. There was a suggestion that
84 some of the library staff could be more strongly leveraged as technical support in an
85 Information Technology (IT) department. Mr. Kerin suggested co-locating IT staff either at the
86 library or the Village office.
- 87 • **Clerk/Treasurer's Office:** recommended keeping the C/T office separate, and suggested a 1.0
88 FTE for the Clerk/Treasurer, and 1.0 FTE for Assistant City Clerk/Office Coordinator.

- 89 • **Community Development:** no changes recommended, since this is a Village-only department
90 currently.
- 91 • **Finance:** the current Finance Director recommended that a business consultant examine the
92 position and evaluate whether a separated or shared Finance Department is more suitable. Mr.
93 Luck suggested that the Trustees could make that decision, consult with the Selectboard, or
94 ask a future City Manager to do this.
- 95 • **Fire Department:** the Fire Department is currently separate and there will continue to be a
96 mutual aid agreement with the Town. The focus will be on upgrading the facility and not
97 changing it from what it is now.
- 98 • **Human Resources:** recommended to have one HR Director that is also potentially an
99 Assistant Manager. It was noted that it is difficult to have one HR office for two separate
100 municipalities.
- 101 • **Information Technology:** recommended to ask Vermont League of Cities and Towns to
102 conduct an assessment of IT needs and help develop an RFP for contracted IT services, if
103 needed.
- 104 • **Police Department:** recommended sharing a consolidated Police Department. There is an
105 opportunity to provide citizen oversight through an inter-local contract or municipal district.
- 106 • **Public Works:** no recommended changes from current, as the department is currently Village-
107 only.
- 108 • **Recreation & Parks:** Current staff recommended keeping the department co-located with the
109 Town, saying that they function well together. Also, the more citizens, the more opportunities to
110 run more programs and meet minimum participation. However, if there are two municipalities,
111 Mr. Luck advised separating and having one Parks department for each municipality or
112 consolidating the departments into one.
- 113 • **Wastewater:** no recommended changes, since this is a Village-only department.

114
115 Mr. Luck then reviewed the proposed organizational chart. The Board discussed whether the
116 Assessor and the Clerk/Treasurer should be separate or shared. They decided (3-2) that the
117 Assessor should be separate, and decided (3-2) that the Clerk/Treasurer should be shared.
118

119 Mr. Luck then outlined the timeline for engaging with the Selectboard and becoming a City. He said
120 that there would be a charter vote in November, and then the Fiscal Year 2023 budgets would be
121 developed, then the charter would be sent to the legislature for approval in the spring of 2022, town
122 budget and election would be voted on in March 2022 and the charter signed into law potentially in
123 May of 2022. He said the City would then form its fiscal year 2023 transitional year and hire its
124 administration (department heads), develop a Fiscal Year 2024 budget, which would then go to a
125 vote in March/April of 2023 and the City would subsequently have its own budget effective July, 1,
126 2023.
127

128 Mr. Tyler asked what money they would be using to hire administration for a transitional
129 government and how much financial flexibility would the City have to use funds approved for the
130 Village for other purposes.
131

132 Mr. Luck then asked how to proceed with the Selectboard. Mr. Brown replied that they will be
133 discussing strategy and long-term goals in executive session at some point.

134
135 5. INVOCATION TO CIVILITY
136

137 6. PUBLIC TO BE HEARD
138

- a. Comments from Public on Items Not on Agenda

139 Mr. Champagne suggested that the Village Trustees not spend so much time pursuing a
140 separation from the Town, since it is not certain that the separation would pass and that
141 resources are being wasted on pursuing something that might not come to fruition.

142 7. PUBLIC HEARING

143 Finance Director Macy said that the FY2022 rates proposed increase by 2.88% or \$15.67 per year
144 for the average residential user (120 gallons per day). She spoke about the methodology to
145 calculate rates for water, sewer, and sanitation. She noted an anomaly in the established formula
146 that would produce a decreasing rate, but she recommended that the sewer rates be kept level for
147 FY2022 instead of decreasing them for the year. She said that if the downward trend continues,
148 then the Village will reevaluate its rate development methodology.

149
150 She provided an overview of how the Village combined utility rates are calculated. She noted that
151 the last several years have shown increases. She noted that water rates had the largest increase
152 of the three categories, partly due to a \$50,000 increase in transfer to Capital Reserve and
153 increases to employee benefit costs. She noted again the recommendation to keep the sewer rates
154 level for the year. She noted an increase, driven by personnel costs. She also noted the large
155 water user rate, which is charged to GlobalFoundries.

156
157 Mr. Teich noted that this is a highly-regulated utility both by the state and Federal governments and
158 that the Village takes the quality of its water very seriously. He noted that the Village isn't
159 responsible for the rate that Champlain Valley Water District charges, which they pass on to
160 consumers.

161
162 Mr. Brown closed the public hearing at 8:23 PM.
163

164 **RAJ CHAWLA made a motion, and GEORGE TYLER seconded, to warn the second of two**
165 **public hearings on the proposed FY22 Utility Rates for Tuesday, June 22, 2021. The motion**
166 **passed 5-0.**
167

168 8. BUSINESS ITEMS

- 169 a. *Consider reappointment of Karen Dolan to the Village Capital Program Review Committee
170 Mr. Brown asked how Ms. Dolan's time on the Capital Program Review Committee has been so
171 far. Ms. Dolan replied that she has had a positive experience and would like the opportunity to
172 continue serving in that role.
173

174 **GEORGE TYLER made a motion, and RAJ CHAWLA seconded, to reappoint Karen Dolan to the**
175 **Village Capital Program Review Committee for a 3-year term ending on June 30, 2024. The**
176 **motion passed 5-0.**
177

- 178 b. *Consider reappointment of Phillip Batalion to the Village Planning Commission
179 No vote taken at this time, as the candidate was absent. The Trustees will vote when they have a
180 chance to speak to the candidate.
181

182 c. *Consider reappointment of Warren Spinner to the Village Tree Advisory Committee
183 Mr. Brown asked Mr. Spinner about current activities on the Tree Advisory Committee and how his
184 time on the Committee has been so far. Mr. Spinner replied that his experience has been a good
185 one. He noted several activities in the public tree arena, including fulfilling a grant requirement to
186 plant 18 trees in the Village. He noted that the Village is a Great Trees City for the sixth year in a
187 row. He said that the Committee is looking forward to working with the Planning Commission on
188 Land Development Code (LDC) updates and have already provided some feedback related to the
189 Village regarding trees for the pocket park.

190
191 **GEORGE TYLER made a motion, and DAN KERIN seconded, to reappoint Warren Spinner to**
192 **the Village Tree Advisory Committee for a 3-year term ending on June 30, 2024. The motion**
193 **passed 5-0.**

194
195 d. Consider approval of COVID “true-up” bonuses for employees
196 Mr. Teich said that the Village has a policy that the non-union employees receive the same
197 benefits as union employees. Due to Covid, he said that all staff agreed to a lower raise than in a
198 normal year. He said that the Village has worked out a “true-up” with the union and that the bonus
199 amounts would be \$1,250 for a full-time employee, and a prorated amount for part-time employees
200 based on hours. He finally noted that this funding was already in the Village budget but had not yet
201 been spent.

202 **GEORGE TYLER made a motion, and RAJ CHAWLA seconded, that the Trustees authorize**
203 **bonuses to all employees defined as “Full-Time” in the Village Personnel Regulations, who**
204 **received a reduced pay raise per Section 108 in the Village personnel regulations as adopted**
205 **on August 25, 2020 in the amount of \$1,250 to be paid in the last pay check in June of 2021 and**
206 **that the Trustees authorize bonuses to all employees defined as “Part-Time” in the Village**
207 **Personnel Regulations, who received a reduced pay raise per Section 108 in the Village**
208 **personnel regulations as adopted on August 25, 2020 in the pro-rated amount of \$1,250 times**
209 **their Full-Time Equivalent Status to be paid in the last pay check in June of 2021. The motion**
210 **passed 5-0.**

211 e. Presentation, discussion, and potential action to update Community Development fees
212 Community Development Director Pierce said that the Village has examined what other
213 municipalities are charging for permitting fees, with the goal of receiving more funding to pay for
214 time spent reviewing applications and visiting sites. He said that staff analyzed what was permitted
215 most often in surrounding towns and municipalities, including zoning compliance, certificates of
216 occupancy, and accessory dwelling units. He said that if fees are increased, the Village would
217 receive an additional \$19,000. He said that most fees come from existing properties changing
218 hands, not new development. He said that the proposal is more reflective of the time spent on
219 applications.

220
221 Ms. Thibeault suggested that the effective date of the fee increase be July 1, to correlate to the
222 budget cycle.

223
224 Mr. Chawla emphasized that this action would not be to raise revenue but to cover expenses that
225 the Village incurs.

226
227 Mr. Brown said that the fees seem comparable to other communities. He also asked whether an
228 annual increase in fees makes sense as the cost of conducting the work increases. He spoke in
229 support of incentives for energy efficiency.

230
231 The Trustees will continue this discussion at their subsequent meeting and anticipate an effective
232 date of July 1.

233
234 f. 1 Main Street Pocket Park update

235 Mr. Pierce noted that he has met with two members of the Tree Advisory Committee and then put
236 together a revised sketch for the pocket park at 1 Main Street. He said that decisions about soil
237 and types of trees would need to be made as part of the finalized design and construction
238 requirements, in order to go to out to bid. He noted that he has asked the Tree Advisory Committee
239 meet with Rick Hamlin to put together information for a bid and work in the timeline needed by the
240 CCRPC.

241
242 Mr. Kerin asked if the bluestone pavers are permeable. Mr. Pierce replied no, that permeable
243 pavers are not as robust as impermeable ones.

244
245 Mr. Tyler said he has done some research on the use of trees for bioremediation at former gas
246 stations. He said it draws the hydrocarbons as well as heavy metals from the soils and into the
247 tree. He expressed support for putting trees into this pocket park for this type of remediation.

248
249 Mr. Chawla asked about bike facilities for the pocket park. Mr. Pierce replied that details such as
250 bike facilities will be fleshed out further into the process.

251
252 **Raj Chawla made a motion, and Dan Kerin seconded, that the Trustees approve use of the**
253 **village economic development funds to move this project forward by allocating \$5,000 to the**
254 **Village Engineer to work with the Tree Advisory Committee (TAC) to determine vegetative**
255 **species and soil volumes needed for the vegetation to thrive, and provide bid and construction**
256 **drawings for the new Park. Voting: unanimous (5-0); motion carries.**

257
258 g. CCRPC Appointments – Clarification on Alternate and TAC Alternate

259 Mr. Brown noted that the original memo had him listed as the alternate to the CCRPC, but that
260 there has been a request for Elaine Haney to fulfill that role. He said he would be happy to
261 relinquish his seat to Ms. Haney. Mr. Kerin recommended keeping Jeff Carr as the backup.

262 **RAJ CHAWLA made a motion, and GEORGE TYLER seconded, that the Trustees reappoint**
263 **Robin Pierce as TAC, Chelsea Mandigo as CWAC Representative, James Jutras as CWAC**
264 **Alternate, Dan Kerin as Board of Director Representative, and Elaine Haney as Board of**
265 **Director Alternate to the Chittenden County Regional Planning Commission’s Planning Advisor**
266 **Committee. The motion passed 5-0.**

267 h. Consider approval of FY2022 Essex CHIPS lease

268 Ms. Thibeault asked why this is conducted on an annual basis as opposed to a longer-term lease.

269
270 **AMBER THIBEAULT made a motion, and DAN KERIN seconded, that the Trustees approve the**
271 **FY2022 lease of the 2nd floor of Lincoln Hall to Essex C.H.I.P.S. to commence July 1, 2021 and**
272 **end June 30, 2022 with the amendment to add the notary’s provision. The motion passed 5-0.**

273
274 9. **CONSENT ITEMS**

275 a. Warn second public hearing on Fiscal Year 2022 Proposed Utility Rates for June 22, 2021

276 b. Consider approval of FY2022 Essex CHIPS lease **now Business Item 8h**

277 c. Approve minutes: May 24, 2021; May 25, 2021 (Joint)

d. Check Warrants: #17253 – 5/28/21; #17254 – 6/4/21

AMBER THIBEAULT made a motion, and RAJ CHAWLA seconded, to approve the consent agenda as presented. The motion passed 5-0.

10. **READING FILE**

a. Board member comments: Mr. Chawla noted that the Juneteenth celebration would take place on June 19th outside of Brownell Library. Mr. Teich said that CHIPS conducted an excellent bike repair (and giveaway) event that was well-attended. He thanked the Bike Walk Committee for their sponsorship of the event.

b. Email from Liz Subin re: Supporting Equity Work in Essex

c. Essex Juneteenth Celebration

d. Upcoming meeting schedule

11. **EXECUTIVE SESSION**

a. *An executive session may be requested to discuss the appointments of public officials.
No executive session at this time.

12. **ADJOURN**

DAN KERIN made a motion, and RAJ CHAWLA seconded, to adjourn the meeting. The motion passed 5-0.

The meeting adjourned at 8:56 PM.

Respectfully Submitted,
Amy Coonradt