



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

Online & 2 Lincoln St.
Essex Junction, VT 05452
Tuesday, August 10, 2021
6:30 PM

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This meeting will be held both remotely and in person. Available options to watch or join the meeting:

- **WATCH:** the meeting will be live-streamed on [Town Meeting TV](#).
- **JOIN ONLINE:** [Join Microsoft Teams Meeting](#). Depending on your browser, you may need to call in for audio (below).
- **JOIN CALLING:** Join via conference call (*audio only*): (802) 377-3784 | Conference ID: 916 638 863#
- **PROVIDE FULL NAME:** For minutes, please provide your full name whenever prompted.
- **CHAT DURING MEETING:** Please use “Chat” to request to speak, only. **Please do not use for comments.**
- **RAISE YOUR HAND:** Click on the hand in Teams to speak or use the “Chat” feature to request to speak.
- **MUTE YOUR MIC/TURN OFF VIDEO:** When not speaking, please mute your microphone on your computer/phone.

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. Work Session on Essex Junction Independence Initiative
 - b. Discussion with Police Chief about incident on Pearl Street
 - c. Discussion of Draft Public Nuisance Ordinance including Trash Hauling
 - d. Consider making Bike Walk Advisory Committee a 7-member committee
 - e. *Discussion of a legal matter
6. **CONSENT ITEMS**
 - a. Consider a purchasing policy waiver and issue professional engineering services for Brickyard Rd culvert crossing
 - b. Consider approval of letter to State of Vermont Agency of Commerce and Community Development’s Downtown Development Board re: the possible transfer of Essex Junction’s Village Center and Neighborhood Development Area designations to the new City of Essex Junction municipal corporation
 - c. Consider approval of CVE banner applications over Vermont Route 2A
 - d. Approve minutes: July 19, 2021 – Joint; July 27, 2021
 - e. Approve Check Warrant #17261 – 7/23/21; #17262 – 7/30/21; #17894 – 8/6/21
7. **READING FILE**
 - a. Board member comments
 - b. Letter from High Speed Rail Alliance re: passenger rail infrastructure
 - c. Letter from Aaron Martin re: Zoning Board Resignation
 - d. Email from Lou Ann Pioli re: Senior Center
 - e. VHFA Awards Federal and State tax credits
 - f. Memo from Sarah Macy re: Planning for Fiscal Year 2023 budget
 - g. Memo from Robin Pierce re: Village Center Development
 - h. Brownell Library hours update
 - i. Groundwater Monitoring Compliance Points from Waite Heindel
 - j. Email from Andy Champagne re: Racism in Essex
 - k. Upcoming meeting schedule
8. **EXECUTIVE SESSION**
 - a. *An executive session is anticipated to discuss a pending or probable civil litigation.

9. 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: 8/6/2021

A handwritten signature in black ink, appearing to be "J. Smith", written over a horizontal line.

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
August 10, 2021**

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

ADMINISTRATION: Evan Teich, Unified Manager; Ron Hoague, Chief of Police; Robert Kissinger, Lieutenant; Marguerite Ladd, Assistant Manager; Brad Luck, Director of Essex Junction Parks & Recreation; Robin Pierce, Community Development Director

OTHERS PRESENT: Andy Champagne, Annie Cooper, Micah Hagan, Timothy Miller, Gabrielle Smith, Irene Wrenner

1. CALL TO ORDER

Andrew Brown called the meeting to order at 6:31 pm.

2. AGENDA ADDITIONS/CHANGES

None at this time.

3. APPROVE AGENDA

Because the agenda was not modified, approval was not needed.

4. PUBLIC TO BE HEARD

a. Comments from public on items not on the agenda

Andy Champagne asked about the health benefits for a Town public safety employees and how good they are. Mr. Brown replied that the Fire Department is paid on-call volunteers and do not receive benefits, that Essex Rescue is a separate non-profit with separate benefits, and that the Town and Village Police have different benefits. Mr. Teich added that the paid portion of benefits varies depending on the union, but that employees receive health and dental benefits, paid vacation, and a contribution to a 401k or are part of the state pension system. Mr. Champagne said that it could help with recruitment for first responder services if the Village could offer them some form of benefits, given the Covid-19 pandemic. Mr. Teich said that the Village will look into whether any ARPA funds could be used for some of this.

Gabrielle Smith said that over 90 Town of Essex residents submitted a letter to the Selectboard expressing support for sharing of police services between the Town and the Village, if the Village separates. She noted that the letter will be an agenda item on the Selectboard's next meeting.

Irene Wrenner spoke about the priority list that the Trustees submitted to the Town Selectboard -- that in terms of priority #9, she cannot think of any Town services that don't serve Village residents, noting that the Town's Fire Department responds to mutual aid in the Village. She recommended that this statement be corrected in the revised set of priorities. Mr. Brown noted that by the same argument, Town outside the Village residents also benefit from Village services.

Annie Cooper applauded the work done by the Village on the independence initiative thus far.

Timothy Miller noted that the Town Fire Department doesn't necessarily serve the Village, saying that the Village has mutual aid agreements with Williston, Underhill, Colchester, and St. Michael's, and not just with the Town.

5. BUSINESS ITEMS

a. Work Session on Essex Junction Independence Initiative

Mr. Luck briefly noted the topics for discussion during the work session, which include: reviewing the intergovernmental committees list, having an initial said conversation about what kind of educational materials should be developed and the timing for distribution to residents, reviewing information about Village Center and Neighborhood Development Area Designations, reviewing minor charter additions and changes, discussing City police services, local options tax, retail cannabis, and reviewing the FAQs from Our Village Our Voices.

Mr. Luck provided an update from the last conversation on intergovernmental lists, noting the estimated budget figures using the FY2022 budget, and provided a summary of the committees and commissions that were discussed at the prior meeting.

Mr. Luck then began a discussion of educational materials for the community and timing of distribution. He said that there was the report from 1996 that was included in the packet as an example of materials, as well as the Greater Essex 2020 document. Mr. Brown said that a succinct brochure with high level financial figures and key dates, as well as a link to more detailed website information, may be more helpful than lengthy documents. Ms. Thibeault agreed, adding that she would like to see the 1996 study on the independence website. Mr. Tyler noted that others are independently working on putting facts together and that having both a shorter and longer version of materials may be the best option. He asked how soon prior to a vote any kind of materials should be sent to voters. He said that the Trustees should be focusing on a shorter pamphlet with graphics as the main priority. Mr. Kerin said that a cohesive and consistent message to the community is important.

Mr. Tyler asked whether staff has a sense of the level of interest, knowledge, and enthusiasm for this initiative on the part of Village residents. Mr. Chawla said that there is enthusiasm among residents that are typically involved in Village current events but expressed doubt that the less-engaged residents have much of an opinion or knowledge so far. He said that it will be extremely helpful to focus on communicating about the bottom line and whether it will save residents money. Ms. Thibeault noted that residents who are moving into the Village may not be as informed. Mr. Kerin emphasized the importance of communicating a succinct message and set of facts.

The Trustees spoke about the specific types of information that could be put together and shared. Mr. Brown suggested some of the elements of the separation analysis from the 1990s, such as the status quo and the vote history of merger and separation, as well as an assets list of the Village, staff's financial analysis on separation, and Town/Village departmental expenditures and how they would change if separation happens, and an FAQ. Mr. Kerin said that more ways of visually communicating this information would be helpful.

The Trustees spoke about the timing of the distribution of materials. Mr. Brown said that it should line up with the timeline for voting. Mr. Luck said that ballots should go out by October 8, and suggested that at the Trustees' September 28 meeting, communication content should be finalized. He said that he will work with staff on printing and mailing materials. Mr. Chawla noted that Our Village Our Voices is also planning on conducting mass outreach, and that the Village should coordinate with them on that.

Mr. Luck then spoke about the Essex Junction Village Center and Neighborhood Development Area designations. Mr. Tyler said that these two designations are extremely valuable in terms of thoughtful redevelopment, and that the Village would like to transfer these designations if a new municipal entity is formed. He said that the Village has been advised to draft a letter to the State's Agency of Commerce and Community Development (ACCD) Downtown Development Board requesting this

transfer. He said that there is an expanded set of benefits to becoming a designated downtown and that State funding available to assist municipalities in setting up a designated downtown and associated boards. Ms. Thibeault asked about the timing of downtown designation and Mr. Tyler said that the Village would likely have to wait until it is separated from the Town to receive that designation. Mr. Pierce said that it would be better to apply for that designation after separation occurs.

Mr. Luck noted several suggested charter additions and changes. One of them was to have the City Clerk appointed annually by the Manager with Council approval. The next was around the Village Center and Neighborhood Development Areas maintaining their State designations. The final was around clarifying agenda-setting for City Council. Mr. Brown said it would be helpful to clarify, but that it may be more appropriate to clarify that in a policy, rather than the charter.

Mr. Luck then began a discussion about City Police services, noting that the Trustees had previously discussed a back-up plan, should sharing Police services with the Town not be feasible. He summarized a draft letter to other municipalities asking whether they would be interested in providing Police services to the City of Essex Junction. Mr. Brown said that although sharing Police services with the Town is the strongly preferred option, having this alternate plan available is also prudent. Mr. Tyler said that any conversation around sharing Police services with other municipalities will likely be lengthy and may not be resolved by the time of the separation vote. Mr. Kerin noted that conversations with the Vermont State Police or Chittenden County Sheriff's Office could take less time. The Trustees had no edits to the letter and agreed that it could be sent out to municipalities at this time. Mr. Luck also discussed a second alternative, which would be to put out an RFP for a feasibility assessment around forming a City of Essex Junction Police Department. Mr. Brown said that he didn't see the harm in doing so, unless it was too burdensome on staff. Mr. Kerin expressed concern that this second alternative would be cost-prohibitive and burdensome on staff, as well as conflict with the separation timeline. Mr. Tyler said that discussions with the Selectboard look to be on track, but that having alternatives is prudent.

The Trustees then discussed the local option tax timeline and feasibility. Mr. Luck said that he has reached out to the Tax Department but hasn't heard back yet. He said that one difficulty is determining whether a business is part of the City or the Town, and whether taxes can be taxed and appropriated correctly. He said that a next step could be developing contract terms between the Town and City on this. Mr. Brown spoke in favor of having a local options tax option available for voter consideration in April 2022. Ms. Thibeault and Mr. Chawla agreed. Mr. Chawla asked whether the Village would have its own opportunity to vote on retail cannabis, should it be separate from the Town. Mr. Pierce noted that the cannabis decision will be opt-in, and that a statewide Cannabis Control Board (CCB) will be formed separately from municipalities' Local Control Commissions. He said that most decisions other than in planning and zoning around cannabis will be decided by the CCB. Mr. Luck said he would reach out to the state about whether the Village (City) would have its own vote on cannabis retail or whether the Town would decide.

The Trustees reviewed the draft FAQs from Our Village Our Voices, which include both a set of FAQs for residents and a set for businesses. Mr. Brown noted that mail-in voting will still be permitted, and language should be adjusted in the FAQs pertaining to that. Mr. Tyler asked how the FAQs will be used. Ms. Smith replied that they will be posted online, given their length.

b. Discussion with Police Chief about incident on Pearl Street

Mr. Brown asked what the Police Department is doing to ensure that this type of incident doesn't occur again. Chief Hoague replied that since the last press release on the incident, the department has reassigned the case to another supervisor who investigated and conducted interviews and submitted

their findings to the State's Attorney Office. He added that Mr. William's motorcycle was returned to him the weekend following the incident. He noted that he has met with Tabitha Moore to evaluate the incident and how improvements can be made in future, and that the department has started working on a training program for officers to think beyond probable cause when making determinations about incidents. He additionally noted the potential to conduct a class for citizens on the criminal justice process.

Mr. Brown asked how the Trustees can help the Police Department and community in situations such as this. Chief Hoague replied that the Trustees are citizens and that the Police Department would take its advice and feedback on policies as seriously as that of any other citizen. Mr. Chawla and Mr. Kerin expressed appreciation for the Police Department's openness and willingness to engage with the community and improve. Chief Hoague said that some of these improvements are the direct result of trust-building and input from the racial justice task force that has been meeting for the last 8 months.

c. Discussion of Draft Public Nuisance Ordinance including Trash Hauling

Mr. Brown provided background on the draft Public Nuisance Ordinance. Lieutenant Kissinger noted that many ordinances are outdated and that this draft would include language for someone to take civil action against another person who is causing a disturbance.

Mr. Brown asked about references to the Town of Essex within the draft ordinance. Lieutenant Kissinger replied that references to the Village and Town would be replaced with the word "municipality." Mr. Brown also asked that "noise" be replaced with "sound", and that gender-specific language be removed and broadened.

Mr. Brown asked how this ordinance would be enforced. Lieutenant Kissinger replied that it will be difficult to measure decibels for mufflers for loud vehicles. He noted a current ordinance that doesn't reference decibels, which could be used for this purpose. He said that the decibel reading language is to provide an objective way to measure sound and determine sound violations. Mr. Brown asked whether it would be possible to use technology to enforce some of the noise and traffic violations that occur. Lieutenant Kissinger replied that there is technology available for running stoplights, but it has been cost-prohibitive in the past. He said he would follow up and obtain updated pricing information. He said it would also be difficult to link those automatically generated tickets to drivers, if the drivers are not the owner of the vehicle. Mr. Kerin pointed out that this applies to bicycles as well as vehicles.

Chief Hoague noted that this draft ordinance is based on an ordinance from Williston and that it is intended to provide officers with an objective way of determining whether public nuisances are occurring when responding to complaints. He also noted concerns that the original ordinance's disorderly conduct section may have had some First Amendment issues and has since been updated to maintain constitutionality.

Mr. Chawla noted that some areas of the ordinance note 6:00 AM as the beginning permissible time for some noises and others note 7:00 AM and asked that these be made consistent throughout the ordinance, suggesting that all be changed to 7:00 AM. He also said that the 200-foot distance requirement seems arbitrary. Lieutenant Kissinger said that Williston's ordinance notes a 500-foot distance requirement. Mr. Brown suggested looking at decibel measurements at different distances in order to set the sound buffer distance requirement. Mr. Chawla questioned whether to have a distance requirement specified at all. Chief Hoague said it would make sense to remove distance requirements from the ordinance, as having officers measure distance would increase administrative burden.

Mr. Brown noted that the draft should incorporate edits discussed tonight and be brought forward to the Trustees at its next meeting for review and approval.

d. Consider making Bike Walk Advisory Committee a 7-member committee

Mr. Hagan noted that the Bike Walk Advisory Committee has been an 8-member committee to date, and that the difficulty in filling all positions combined with the potential for tied votes with an even-numbered committee has prompted them to propose that the Committee be reduced to 7 members.

GEORGE TYLER made a motion, and DAN KERIN seconded, that the Trustees change the Bike/Walk Advisory Committee to become a 7-member board. The motion passed 5-0.

e. *Discussion of a legal matter

RAJ CHAWLA made a motion, and DAN KERIN seconded, that the Trustees authorize staff to file a legal appeal to the NBDS permit issue to the Essex Junction Wastewater Facility on July 22, 2021. The motion passed 5-0.

6. CONSENT ITEMS

- a. Consider a purchasing policy waiver and issue professional engineering services for Brickyard Rd culvert crossing
- b. Consider approval of letter to State of Vermont Agency of Commerce and Community Development's Downtown Development Board re: the possible transfer of Essex Junction Village Center and Neighborhood Development Area designations to the new City of Essex Junction municipal corporation
- c. Consider approval of CVE banner applications over Vermont Route 2A
- d. Approve minutes: July 19, 2021 – Joint; July 27, 2021
- e. Check Warrants: #17261—7/23/21; #17262—7/30/21; #17894—8/6/21

DAN KERIN made a motion, and GEORGE TYLER seconded, to approve the consent agenda as amended.

The following amendments were made to the consent agenda:

6d: July 27, 2021 minutes:

- Line 102-103: strike “perhaps it would be good to let them know which of the items in that material are the high priority ones” with “perhaps the Selectboard could address the items as we prioritize them.”

The motion passed 5-0.

7. READING FILE

a. Board member comments: Mr. Tyler asked about the postponement of public parking at 11 Park Street. Mr. Teich said staff would put information regarding that postponement together and share it with the Board. Mr. Brown asked that during the next fiscal year's budget build, staff propose a concept to ensure that ordinance enforcement is more proactive than reactive in nature. Mr. Brown emphasized that the priorities around separation that were sent to the Selectboard were not demands but were proposals that were developed at the request of Chairperson Watts on behalf of the Selectboard. He also said he'd heard about a proposal that the Essex Junction Fire Department be

included in the Town's budget but did not have further information on this. Mr Brown offered that it could be discussed at a future Joint Board meeting with the Selectboard.

b. Letter from High Speed Rail Alliance re: passenger rail infrastructure

c. Letter from Aaron Martin re: Zoning Board Resignation

d. Email from Lou Ann Pioli re: Senior Center

e. VHFA Awards Federal and State tax credits

f. Memo from Sarah Macy re: Planning for Fiscal Year 2023 budget

g. Memo from Robin Pierce re: Village Center Development

h. Brownell Library hours update

i. Groundwater Monitoring Compliance Points from Waite Heindel

j. Email from Andy Champagne re: Racism in Essex

k. Upcoming meeting Schedule

8. EXECUTIVE SESSION:

* An executive session may be needed to discuss a pending or probable civil litigation.

ANDREW BROWN made a motion, and GEORGE TYLER seconded, that the Trustees make the specific finding that general public knowledge of pending or probable civil litigation, to which the public body is or may be a party, would place the Village at a substantial disadvantage. The motion passed 5-0.

ANDREW BROWN made a motion, and GEORGE TYLER seconded, that the Trustees enter into executive session to discuss pending or probable civil litigation, to which the public body is or may be a party, pursuant to 1 V.S.A. § 313(a)(1)(E), to include the Unified Manager, Assistant Manager, and Water Quality Superintendent. The motion passed 5-0 and the Trustees entered into Executive Session at 8:57 PM.

RAJ CHAWLA made a motion and DAN KERIN seconded to authorize staff to file a legal appeal to the NPDES Permit issued to the Essex Jct. Wastewater facility on July 22,2021. The motion passed 5-0.

9. ADJOURN

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

The meeting adjourned at 9:11 PM.

Respectfully Submitted,
Amy Coonradt