



**VILLAGE OF ESSEX JUNCTION TRUSTEES
TOWN OF ESSEX SELECTBOARD
SPECIAL MEETING AGENDA**

Online and 81 Main Street
Essex Junction, VT 05452
Monday, September 27, 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: 769 648 112#
- **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. *Interview and potential appointment: Emily Taylor for Housing Commission
 - b. **Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction
 - c. ***Discussion of personnel
6. **CONSENT AGENDA**
 - a. Consider approval of Resolution for Vermont Community Development Program Recovery Housing Grant (Selectboard only)
 - b. Approve minutes: September 13, 2021 – (Selectboard only); September 20, 2021 - Joint
7. **READING FILE**
 - a. Board member comments
 - b. List of Boards/Committees/Commission openings
 - c. Email from Deb McAdoo re: Resignation from Housing Commission
 - d. Out and About flyer October 2-3, 2021
 - e. Upcoming meeting schedule
8. **EXECUTIVE SESSION**
 - a. * An executive session may be requested to discuss the appointments of public officials
 - b. **An executive session may be needed to discuss negotiation of contracts and agreements between the Town of Essex and Village/City of Essex Junction
 - c. ***An executive session may be requested to discuss the employment of public employees
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: 9/24/2021

SELECTBOARD & TRUSTEES

TOWN OF ESSEX SELECTBOARD VILLAGE OF ESSEX JUNCTION TRUSTEES JOINT MEETING MINUTES MONDAY, SEPTEMBER 27, 2021

SELECTBOARD: Andy Watts, Chair; Patrick Murray, Vice Chair; Tracey Delphia; Dawn Hill-Fleury;

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

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Marguerite Ladd, Assistant Manager; Bill Ellis, Town Attorney; Brad Luck, Village Parks & Recreation Director; Claudine Safar, Village Attorney, Kristen Shamis, Village Attorney

OTHERS PRESENT: John Alden, Danielle Brown, Bob Burrows, Annie Cooper, Patty Davis, Erin Dickinson, Betsy Dunn, Essex ReTorter, Maureen Gillard, Gina Halpin Barrett, Angel Segarra, Margaret Smith, Emily Taylor, Mike Thorne, Irene Wrenner, Lorraine Zaloom, Jackie _____, pumby 99

1. CALL TO ORDER

Mr. Watts called the Town of Essex Selectboard to order for the Joint meeting with the Village of Essex Junction Board of Trustees at 6:30 PM.

Mr. Brown called the Village of Essex Junction Board of Trustees to order for the Joint meeting with the Essex Selectboard at 6:30 PM.

2. AGENDA ADDITIONS/CHANGES

Mr. Duggan said that additional materials were added to item 6A, "Consider approval of Resolution for Vermont Community Development Program Recovery Housing Grant." He said that proposed edits from the Village Attorney regarding the Police and Reappraisal agreements had come in this afternoon for item 5B, "Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction." Mr. Duggan said the Village Attorney also submitted new documents that afternoon for proposed IT, finance, and stormwater shared service agreements. Mr. Watts said that the Selectboard had not had a chance to look at these materials prior to the meeting. After some discussion, the Selectboard decided that they needed additional time to review the IT, Finance, and Stormwater agreements, and would discuss them at a future meeting. The Selectboard agreed to review the edits to the Police and Reappraisal agreements, as these were warned topics in the meeting agenda.

3. APPROVE AGENDA

TRACEY DELPHIA made a motion, seconded by **DAWN HILL-FLEURY**, for the Selectboard to amend the agenda to include additional materials for item 6A, "Consider approval of Resolution for Vermont Community Development Program Recovery Housing Grant," as well as to move part of item 6B, "Approve minutes: September 13, 2021" from the Consent Agenda to Business. Ms. Delphia amended her motion to add the updated Memorandum of Understanding, the updated Police Services Agreement, and the updated Reappraisal Agreement to item 5B, "Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction." The motion passed 4-0.

RAJ CHAWLA made a motion, seconded by **GEORGE TYLER**, to add the updated Memorandum of Understanding, the updated Police Services Agreement, and the updated Reappraisal Agreement

to item 5B, "Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction." The motion passed 4-0.

4. PUBLIC TO BE HEARD

Mr. Watts explained that this is the time during the meeting for members of the public to speak on items not included in tonight's agenda. He encouraged the public to be civil, brief, use appropriate language, refrain from personal attacks, and address comments to either the Selectboard Chair or Village President. He said that comments should relate to both Boards.

- Ms. Zaloom said a recent development resulted in cutting down several trees. She asked if the Town or Village requires developers to replant. Mr. Watts said that the Boards would investigate.
- Ms. Davis read from a prepared statement regarding the Village Capital Program Review Committee. She also submitted documentation on residents recently relocating from the Deer Crossing area and said she is worried that someone will be shot if no new ordinances are passed to limit firearms discharge.
- Ms. Wrenner said that the Essex Community Historical Society had published a new calendar and encouraged everyone to purchase one for \$15.

5. BUSINESS ITEMS

a. Interview and potential appointment: Emily Taylor for Housing Commission

Ms. Taylor said that she is a Winooski resident who works full-time in Essex for Champlain Housing Trust (CHT) at Susan's Place. She believes that joining the Housing Commission would help to engage residents at Susan's Place, as well as other residents experiencing homelessness, and integrate those residents in the community. Mr. Murray asked Ms. Taylor how her experience working at Susan's Place has gone so far. Ms. Taylor said it is wonderful that Essex Community Development staff have reached out to offer assistance to residents. She believes that this has helped to make residents feel more welcome and eager to volunteer in the community. The Essex Police Department has been a great partner as well. She said transportation access in the Susie Wilson corridor is something that she would like to see expanded. Mr. Duggan confirmed that residency is not a requirement for membership on this Commission. Mr. Brown asked Ms. Taylor, should she be appointed, what she would like to accomplish in the next few years. She said she would like to open the community up to a more diverse population, including those who would like to experience being an Essex resident without owning a home. Mr. Watts asked Ms. Taylor if there is anything else that she would like to add. Ms. Taylor said she has a never-ending curiosity and loves Vermont. Mr. Murray asked if there were other applicants for the two vacant seats, Mr. Duggan said that there were not. Mr. Watts asked if the Selectboard or Trustees wanted to enter in Executive Session to discuss this item, all agreed that this was not necessary

DAWN HILL-FLEURY made a motion, seconded by, TRACEY DELPHIA, that the Selectboard appoint Emily Taylor to the Housing Commission. The motion passed 4-0.

RAJ CHAWLA made a motion, seconded AMBER THIBEAULT, that Trustees appoint Emily Taylor to the Housing Commission for a term ending June 30, 2024. The motion passed 4-0.

b. Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction

The Boards decided to review changes made to the Memorandum of Understanding (MOU), Police Services Agreement, and Reappraisal Agreement. Changes included in the packet include those that were made by both the Selectboard and Trustees, as well as their legal counsels.

Memorandum of Understanding (MOU)

Ms. Hill-Fleury asked why the phrase, “with the understanding that neither Board has the authority to bind future Boards,” was stricken from the document in the version provided by the Village Attorney. Mr. Brown said this was a suggestion from the Village’s legal counsel. Village Attorney Ms. Safar said that future Boards cannot be bound by governmental functions, only proprietary functions and therefore found the line unnecessary. Ms. Hill-Fleury expressed concern with this interpretation. Ms. Safar recommended reflection of why the boards feel the need to add the language to the contract. She feels it does not accomplish anything by its inclusion. Ms. Hill-Fleury asked how taking this language out could impact future contracts for shared services. Mr. Teich said some of the agreements have a clause stating that they can be ended with proper notice. He said there has been a mutual agreement with the Village and Town for Stormwater services for many years. He feels the Boards need to focus on why it is beneficial for the Town to share the service and why it is beneficial for the Village to want the service. The Selectboard chose to accept the change, and strike “with the understanding that neither Board has the authority to bind future Boards” from the document.

Regarding the Police Contract, Mr. Ellis asked if the Board of Trustees plan to get voter approval for this ten-year contract. He said this would allow voters to decide that this is something that they want or not. Mr. Tyler said that the Village has been doing so in their role as Town citizens and believes that not having such an agreement would make residents uncomfortable. Mr. Watts said that the difference is that Village voters will no longer be able to vote on the budget yearly. Should the City budget fail, they could not change the amount paid for police services. Mr. Tyler said that this will be one of the agreements being submitted with the charter and that voters would be able to express concern on any of these through the public hearings.

Ms. Delphia said that there should be a review date on the MOU. She asked when the MOU would expire, should the Vermont legislature not approve the City charter, and asked that it be spelled out in the document. Mr. Ellis agreed that it should be specified if the MOU will expire at the end of the current legislative session (2022), or the next biennium (2024). Mr. Murray said he would like to have it end at the current session, with the option to renew. Mr. Brown said the Boards should decide what they want and the attorneys could make sure that this is reflected in the document. He indicated a desire to have this completed by the end of 2022. All agreed to list the review date as the 2021-2022 legislative session in the document. Should the Village become a City, Mr. Watts said the MOU may have no value as the agreeing entity (the Village) no longer exists. Ms. Safar said that the City will take over all agreements for the Village. Mr. Watts said there has been significant interest in retaining Town access to Essex Junction Recreation & Parks programs, as well as Village Access to Indian Brook. He believes this will need to be discussed further in executive session. Mr. Watts said that, should separation occur, the City and Town will need to determine how to allocate Justices of the Peace. The Justices of the Peace also handle delinquent tax requests as the Board of Abatement. Mr. Watts said that the Selectboard would like additional information regarding the administration transition plan.

Ms. Delphia asked if all agreements need to be completed prior to the submission of the MOU. Mr. Ellis affirmed. Mr. Chawla said most of these should be completed easily and suggested that the Tree Farm agreement be removed from the list of agreements included in the MOU document as the Tree Farm relationship between the Village and Town will continue regardless of Village separation and incorporation into a city. Both boards want to ensure that there is no interruption in service at the Tree Farm. Mr. Tyler agreed and said that he believes the communities are currently sharing the cost of the Tree Farm equally. Mr. Watts said that, should the Village separate, they would no longer be contributing to the cost of the buildings on the Tree Farm. Mr. Chawla asked for clarification regarding the Village’s ability to determine what happens to the buildings at the Tree Farm. Mr. Teich said the Town and Village

are joint owners of the entire property. There is a provision in the agreement that the Town maintain the buildings. Mr. Tyler asked which municipality would be responsible for planning decisions on the property. Mr. Teich asked if the Town and Village Planning Commissions have jointly met, and if so, this may be a good topic for the meetings. Mr. Tyler said this has happened a few times, but this is not a regular occurrence. Mr. Brown addressed Ms. Delphia's earlier question, saying all agreements are intended to be included in the MOU. Mr. Watts said the Selectboard needs to continue to have a discussion on whether to include information on the Tree Farm in this document.

Ms. Delphia suggested requesting public comment after each document was discussed. Mr. Brown and Mr. Murray indicated their approval, so long as the comments were relevant to what was just discussed. In public comment, Ms. Dunn asked if the boards would need to go to arbitration or mediation if one community wanted to amend the agreement, but the other did not. Mr. Watts said these statements are missing from the updated document given to the Boards, however, he also questioned that statement when it was in the original packet. He requested that this be further reviewed. Mr. Watts said there is no way for either party to terminate the agreement. Upon Mr. Teich's suggestion, this issue will be resolved by attorneys.

Ms. Davis said there are pipes that are under the Tree Farm that are for the Village's use and suggested speaking to zoning about these.

Police Agreement

Mr. Watts suggested that the Police Department "true-up" not occur during the first quarter of the year. Mr. Luck said that date was determined after conversations with Sarah Macy, Finance Director. An additional "true-up" would occur after an audit, if needed. The Selectboard asked for additional time to consider this, as this was a new change. Mr. Chawla encouraged the Selectboard to trust the Finance Department's opinion on this issue. Mr. Brown asked for clarification on what type of audit would be used. Mr. Duggan said it could refer to any type of audit and was intentionally not specified. In response to the section on Equity and Inclusion, Mr. Chawla said he is uncomfortable with having a police force where residents of the City do not have any oversight. He said that he will trust that this will happen in the long-term. Mr. Murray said he is more comfortable with verbiage that allows City residents oversight without specifying a certain number of residents that would be on the committee. With regards to the termination of the agreement, Mr. Luck encouraged the boards to be more specific regarding the amount of time required for the notice of intent to terminate. Mr. Watts said the Selectboard would not make any decisions on any of the new information presented at this meeting regarding the agreements.

During public comment, Ms. Dunn asked if the City will be able to increase the level of service expected of the Police Department. She said that this may place an undue burden on the Town. Mr. Murray pointed out a different section of the newly suggested changes to the contract that may be able to prevent this from happening.

Ms. Cooper thanked the boards for their hard work during this process.

Reappraisal & Assessor Services

Mr. Watts said the Selectboard has agreed that the cost of the Assessor's Office will be based on the number of parcels in each municipality. Ms. Safar and Ms. Shamis said language was added to state, "the City shall compensate the Town for time expended by Town employees in supporting the City's position in the appeal on a reasonable hourly basis." This was added in the case of extended appeals, and to allow the offices to disentangle outside of an appeal, should this be required. Mr. Teich asked if this would be applicable to any legal fees that may be required in the case of an appeal. Ms. Safar said this would not be

the case. She said each municipality would use their own attorney for an appeal in their respective community. Mr. Ellis said he wanted to review this documentation further. Mr. Watts said the Selectboard would not make any decisions on any of the new information presented at this meeting regarding the agreements. In public comment, Ms. Dunn asked to consider overtime costs when calculating hourly work on appeal projects.

Police

Mr. Duggan drew the boards' attention to memos from staff regarding police costs. The memos reviewed indirect costs of the Police Department, which would be approximately 2%-5% of the departmental cost. Mr. Watts said the Selectboard will discuss this further in executive session. Mr. Brown said he feels that using a flat percent is the easiest way of determining this cost, and suggested 3.5%, as it is right in the middle of the range estimated by staff. Mr. Teich indicated his support for the 3.5% figure, as he feels it is easy and fair. Mr. Duggan and Mr. Teich thanked staff for their hard work on preparing these documents.

c. Approve minutes: September 13, 2021 – (Selectboard only)

Ms. Delphia requested that the following statement be changed: “**Ms. Delphia** wondered how often the retainer contracts would be reviewed. Mr. Martin said they would be reviewed every two years. **Mr. Murray** asked Mr. Martin whether this method would be used for all contracting or just for emergencies.”

TRACEY DELPHIA made a motion, seconded by PATRICK MURRAY, to approve the minutes as amended. The motion passed 4-0.

6. CONSENT AGENDA

DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to approve the Consent Agenda, excluding the minutes from September 13, 2021. The motion passed 4-0.

RAJ CHAWLA made a motion, seconded by AMBER THIBEAULT, to approve the Consent Agenda. The motion passed 4-0.

a. Consider approval of Resolution for Vermont Community Development Program Recovery Housing Grant (Selectboard only)

b. ~~Approve minutes: September 13, 2021 – (Selectboard only);~~ September 20, 2021 - Joint

7. READING FILE

a. Board member comments: Ms. Delphia drew the Board's attention to the Out and About in Essex event happening throughout the community on Oct. 2 and 3. Ms. Hill-Fleury and Mr. Chawla thanked Deb McAdoo for her service on the Housing Commission.

b. List of Boards/Committees/Commission openings

c. Email from Deb McAdoo re: Resignation from Housing Commission

d. Out and About flyer October 2-3, 2021

e. Upcoming meeting schedule

8. EXECUTIVE SESSION

~~a. An executive session may be requested to discuss the appointments of public officials~~

c. An executive session may be requested to discuss the employment of public employees

PATRICK MURRAY made a motion, seconded by DAWN HILL-FLEURY that the Selectboard enter into executive session to discuss the employment of public employees in accordance with 1

V.S.A. Section 313(a)(3), to include the Trustees, Village Attorney, Town Attorney, Unified Manager, Deputy Manager, and Assistant Manager. Motion passed 4-0.

GEORGE TYLER made a motion, seconded by RAJ CHAWLA that the Selectboard enter into executive session to discuss the employment of public employees in accordance with 1 V.S.A. Section 313(a)(3), to include the Selectboard, Village Attorney, Town Attorney, Unified Manager, Deputy Manager, and Assistant Manager. Motion passed 4-0.

b. An executive session may be needed to discuss negotiation of contracts and agreements between the Town of Essex and Village/City of Essex Junction

TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard make the specific finding that general public knowledge of contracts and confidential attorney-client communications made for the purpose of providing professional legal services to the body would place the Town at a substantial disadvantage. The motion passed 4-0.

TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that that the Selectboard enter into executive session to discuss contracts and confidential attorney-client communications made for the purpose of providing professional legal services to the body, pursuant to 1 V.S.A. § 313(a)(1)(A) and (F) to include the Town Attorney, Unified Manager, and Deputy Manager. The motion passed 4-0.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, for the Selectboard to continue to 11:15 p.m. Motion passed 4-0 at 11 PM.

DAWN HILL_FLEURY made a motion, seconded by TRACEY DELPHIA, for the Selectboard to exit executive session. Motion passed 4-0 at 11:14 PM.

9. ADJOURN

RAJ CHAWLA made a motion, seconded by AMBER THIBEAULT, for the Trustees to adjourn. Motion passed 4-0 at 9:58 PM.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, for the Selectboard to adjourn. Motion passed 4-0 at 11:14 PM.

Respectfully Submitted,
Darby Mayville
Recording Secretary

**Approved this 4TH day of October, 2021
(See minutes of this day for corrections, if any)**


Tracey Delphia, Clerk, Selectboard