1. CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG [7:00 PM]

2. AGENDA ADDITIONS/CHANGES

3. APPROVE AGENDA

4. PUBLIC TO BE HEARD
   a. Comments from Public on Items Not on Agenda

5. PUBLIC HEARING [7:05 PM]
   a. Public hearing to consider proposed amendments to Town of Essex Charter to expand the Selectboard from 5 at-large members to 6 members – 3 of whom would be elected from inside-the-Village and 3 of whom would be elected from outside-the-Village

6. BUSINESS ITEMS
   a. Workshop on FY2021-2025 Capital Budget and Plan
   b. Approve warning for public hearing on FY2021-2025 Capital Budget and Plan
   c. *Discussion of legal matter

7. CONSENT ITEMS
   a. Approve minutes: January 21, 2020
   b. Check Warrant #17685—01/24/2020

8. READING FILE
   a. Selectboard Comments
   b. Email from Bridget Downey-Meyer re: Gather at the Table
   c. Informational materials for 2020 Town Meeting
   d. Email from Charles Baker re: I89 Study initial public meetings
   e. Upcoming meeting schedule

9. EXECUTIVE SESSION
   a. *An executive session is anticipated for discussion of a legal matter

10. 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, 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. This agenda is available in alternative formats upon request. Meetings of the Selectboard, like all programs and activities of the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Town Manager’s office at 878-1341.

Certification: __________________ 01/24/2020
SELECTBOARD

TOWN OF ESSEX
SELECTBOARD
SPECIAL MEETING
January 27, 2020

SELECTBOARD: Elaine Haney, Chair; Max Levy, Vice Chair; Patrick Murray, Clerk; Annie Cooper; Andy Watts.

ADMINISTRATION: Evan Teich, Unified Manager; Dennis Lutz, Public Works Director.

OTHERS PRESENT: Paul Austin, Gary Balaun, Paul Beliveau, Jeff Benjamin, Andrew Brown, Stanton Bushway, Raj Chawla, Bernard Derry, Colleen Derry, Paula Duke, Betsy Dunn, Edda Ekstrom, Tiffany Gershon, Kimberley Gleason, Mary Lou Hurley, Stephen Jaborek, Eileen Kamerling, Fred Kamerling, Dave Kilbon, John Lang, Ethan Lawrence, Robert Metcalf, Hubert Norton, Mike Nosch, Mike Plageman, Bruce Post, Lori Rippa, Keeley Schell, Christine Sheftic, Richard Sheftic, Ken Signorello, Walter Smerek, Harlan Smith, Mitchell Stern, Daryl Stultz, Saramichelle Stultz, Liz Subin, Mike Sullivan, Dennis Thibalt, Margaret Thibalt, Mike Thorne, Ann Towle, George Tyler, Chuck Vile, Ed Wilbur, Irene Wrenner, Sharon Zukowski.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE TO THE FLAG
Ms. Haney called the meeting of the Town of Essex Selectboard to order at 7:00pm and invited all in attendance to rise and join in the “Pledge of Allegiance.”

2. AGENDA ADDITIONS/CHANGES
None at this time.

3. AGENDA APPROVAL
No changes were made and approval is not needed at this time.

4. PUBLIC TO BE HEARD
None at this time.

5. PUBLIC HEARING
   a. Public hearing to consider proposed amendments to Town of Essex Charter to expand the Selectboard from 5 at-large members to 6 members—3 of whom would be elected from Inside-the-Village and 3 of whom would be elected from Outside-the-Village
Ms. Haney introduced the agenda item as a public hearing to discuss a potential charter change to expand the Selectboard from 5 at-large members to 6 members, 3 elected from inside the Village and 3 elected from the Town outside the Village. She outlined the process for discussing this agenda item, noting that it is the first of two public hearings at which the public can ask questions regarding the proposed charter changes as well as hear concerns about the change that have been brought to the Selectboard’s attention.

Patrick Murray, the Selectboard clerk, read aloud the proposed charter changes.
Ms. Haney stated that the Selectboard takes petitions seriously, and that it acts immediately to begin the process of getting them on the ballot, researching what would be requested and how they would be implemented. She stressed that this is not the merger plan vote, which will occur in November 2020. She finally stated that the Selectboard has not taken a formal position on the petitioned charter change.

Ms. Haney summarized a number of concerns with the proposed charter change, all of which she said had been brought to the Selectboard’s attention by members of the public and staff, including concerns about over-and-under representation if the change is made, concerns about an even number of board members and lack of precedent, concerns about the creation of districts and formation of a new board, concerns about legislative approval, and concerns about fully informing the public of the implications of such a charter change triggered via a petition.

Ms. Haney noted that each member of the public who wishes to speak would be given two-and-a-half minutes to do so, and that the Selectboard would also solicit comments via email or phone.

Public comments:

- Bob Bates asked if the concerns above represented the Selectboard’s concerns or Ms. Haney’s own concerns, and stated that the Selectboard cannot take a position on a particular issue to be voted on. Ms. Haney stated that the summarized concerns about were from board members, staff members, and residents, and had been aggregated. She stated that it would be inappropriate for the Selectboard to take a position on an issue prior to a public hearing.

- Paula Duke stated that she would be more supportive of a charter change that included an additional at-large member of the Selectboard. She also requested a copy of the concerns the Selectboard has received so far from the public, stating that members of the public may want to help work on and solve some of the issues raised.

- Betsy Dunn agreed with the prior statement and requested the names of the citizens who had raised those concerns.

- Bob Bates stated that he would like to examine this proposed change side-by-side with the Selectboard and Village Trustees’ joint recommendations for representation through a merger, which recommends two representatives from inside the Village, two from the Town outside the Village, and three at-large representatives. He noted that that proposal is for a transitional government for five to seven years, after which a new board could develop a different permanent model for representation or revert to seven at-large members. He believes that legislators reviewing the language could be confused about the ultimate goal of that proposal, and that it does not state clearly what kind of representation it wants. He finally noted that this proposed charter change would equalize representation with a three-and-three split.

- Mike Plagemen first thanked Max Levy for 12 years of service on the Selectboard. He stated that he himself had served on the Selectboard for six years, and noted that the Village never had the majority of representation, but that it wasn’t an issue that hampered the Town’s business. He agreed with Ms. Duke that a three-and-three split plus one at-large Selectboard member would be more appropriate.

- Keeley Schell thanked the Selectboard for its service. She voiced her concern about any changes that would add to the total number of representatives on the board. She noted her
experience with being elected to the school board where there weren’t enough people running for election and the board ultimately had to appoint someone to a seat. She would like to see more members of the public running for seats, but cautioned against adding additional seats to boards.

Bruce Post noted that he signed the petition for this charter change. He also cited his past work with the Budget to Ballot group and on proposals for multi-district communities based on neighborhoods. He stated his frustration that proposals such as this were not listened to, even though many citizens contributed to them.

Harlan Smith stated that he is not opposed to a three-and-three split, but is worried about an even number of Selectboard members and implications for tie votes on contentious issues. He said he is worried that many important issues could become gridlocked and then dropped. He also emphasized that continually drawing lines between the Village and Town is detrimental to the community as a whole.

Mike Sullivan echoed Mr. Smith’s concerns, that this change would bring permanent separation to the two areas.

Ethan Lawrence stated that he is new to the community and lives in a rural part of Essex and that his biggest concern is misrepresentation. He stated that he sees two parts of Essex—a denser part with many residents and amenities, and a more rural, spread-out area with fewer residents who rely less on municipal amenities. He emphasized that he is not for a division of the two, but that each should be recognized as a unique part of the Town’s composition.

George Tyler stated that he is a member of the Board of Trustees and has been working on the governance and merger proposal cited above. He noted that through this work, the Selectboard and Trustees hired a legal counsel to advise them on how to navigate any proposals through the legislature, and were informed that the legislature has never approved an even number of seats on a municipal board. He cautioned against sending any proposed changes to the legislature that did not have precedence, which is why the merger proposal contains an odd number of representative seats.

Sara-Michelle Stultz stated that this current proposal is not equal representation and does not represent the entire community’s perspective. She stated that this can only happen with equal taxation and equal representation with a merged community. She suggested dividing the Town into three neighborhoods (urban, suburban, rural) with the same taxation rate and equal representation.

Andrew Brown first called attention to one of the hand-outs, which was passed out by the petition-writers and not by the municipality. Ms. Haney commented that the hand-out should have been given to the Selectboard for distribution. Mr. Brown noted that the municipal manager is hired and evaluated by the Selectboard and Trustees, which would mean that eight Village residents and three Town residents would evaluate that position if the charter change passed, leading to an uneven supervision of the municipality. He also noted concerns about timing, should this charter change pass and be sent to the legislature. If the legislature chooses not to take up the change during this session and postpones review until 2021, the merger vote in November could occur and potentially also be sent to the legislature, giving them contradictory representation changes coming from the Essex community.

Jeff Benjamin stated that current districts are further divisions and that the proposed charter change does not solve that. He proposed getting rid of districts in Essex altogether.

John Lang stated his support for a merger if it leads to efficiencies in the budget, but does not support an increase in his taxes. He feels that the Town would be hurt by a merger if its taxes...
increase, and emphasized that the rationale for consolidation should ultimately be reduction of cost, which should not lead to tax increases.

- Ed Wilbur thanked the Selectboard for their service. He noted that the merger conversation has felt like a sales pitch and that non-merger options were not examined. He stated that he felt under-represented as a rural resident, noting that he does not have access to many of the amenities in the Village, such as sidewalks, sewer, water, natural gas, and reliable internet coverage, all of which he pays for himself. He emphasized that the costs of living in a rural area need to be taken into consideration when discussing tax increases for the Town.

- Ken Signorello stated that he is one of the petition-writers, and that he sought advice from the Secretary of State on the wording of the charter change.

- Mary Lou Hurley stated that the lack of precedent isn’t a non-starter and thinks the merger conversation has been forced upon citizens. She also stated that the three-and-three split as proposed in the charter change is fair.

- Darryl Stultz noted that one of the petition writers had previously served on the Selectboard but that she never brought this issue before the Selectboard during her tenure and never proposed a sixth member be added.

- Irene Wrenner stated that the majority of the people designing the merger plan are Village residents, that members of the public have asked for equal representation at that table and been denied, and that it is up to residents to bring an issue like this onto the ballot to ensure equal representation if it can’t occur through the Selectboard.

- Paul Austin stated that if this proposal is so contentious then it probably shouldn’t go forward. He also stated that everyone should pay their fair share in taxes, and that the problem can only be solved once there is an understanding of the Village and Town finances and why they aren’t equal.

- Kim Gleason stated that she appreciates the fact-finding that the Selectboard has done, and that taking this charter change to the legislature while simultaneously trying to make a broader, more strategic decision is short-sighted. She also stated that the community is wasting its energy on being divisive when it should be working together.

- Betsy Dunn clarified on an earlier point that when Vermont House Committee on Government Operations receives a request for a charter change, they review it but if they decide not to take it up in the current session then it does not get looked at during the next session unless it is presented to them again.

Ms. Haney noted that the second public hearing on this issue would take place on Monday, February 3.

MAX LEVY made a motion, and ANNIE COOPER seconded, to close the public portion of the hearing to consider amendments to the Town of Essex Charter. Motion passed 5-0.

A five-minute recess was taken at 8:02pm. The Essex Selectboard meeting resumed at 8:07pm.

6. BUSINESS ITEMS

    a. Workshop on FY2021-2025 Capital Budget and Plan

Dennis Lutz guided the discussion for this business item. He noted that the substantive issue is that the proposed FY2021 capital plan shows capital tax additions of $537,000, spending of $2,461,274, and an ending balance of $3,301,325. He noted that the timeframe is tight for
warning a public hearing, but staff have proposed to plan one for February 3 at 6:50pm to solicit comments.

Mr. Teich noted that the plan is relatively set and that any questions or suggestions on moving funds could be addressed similarly to surplus funds, at a later meeting. He suggested getting the budget passed and then having Finance Director/Assistant Manager Sarah Macy and Mr. Lutz conduct presentations to discuss moving funds if needed.

The Selectboard discussed several areas of the capital budget where they had questions, but ultimately came to consensus and all outstanding questions were answered.

b. Approve warning for public hearing on FY2021-2025 Capital Budget and Plan

ANDY WATTS made a motion, and MAX LEVY seconded, to warn a public hearing for February 3, 2020 at 6:50pm for the purpose of soliciting comments on the FY2020 Capital Budget and Five Year Plan. Motion passed 5-0.

c. *Discussion of legal matter

An executive session is anticipated related to this business item.

7. CONSENT ITEMS

MAX LEVY made a motion, and ANNIE COOPER seconded, to approve the consent agenda for January 27, 2020. Motion passed 5-0.

a. Approve minutes – January 21, 2020
b. Check Warrant #17685—01/24/2020

8. READING FILE:

a. Selectboard Comments

Mr. Watts noted that he’d signed up to distribute materials on February 24th but that he will be on vacation during that time. Ms. Haney replied that the schedule will be updated to reflect that.

Mr. Murray noted that a basketball tournament is occurring in mid-February which brings in a lot of local citizens and would be a good opportunity for Selectboard members to attend and conduct outreach.

b. Email from Bridget Downey-Meyer re: Gather at the Table
c. Informational materials for 2020 Town Meeting
d. Email from Charles Baker re:I-89 Study initial public meetings
e. Upcoming meeting schedule

9. EXECUTIVE SESSION:

a. *An executive session is anticipated for discussion of a legal matter

ANDY WATTS made a motion, and MAX LEVY seconded, that the Selectboard make the specific finding that the general public knowledge of pending or probable civil litigation, to
which the public body is or may be a party, would place the Town at a substantial disadvantage. Motion passed 5-0.

ANDY WATTS made a motion, and MAX LEVY seconded, that the Selectboard 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. The motion passed 5-0 and the Selectboard entered into an executive session at 8:36pm.

ELAINE HANEY made a motion, and ANNIE COOPER seconded, that the Selectboard exit executive session. Motion passed 5-0 at 8:46pm.

10. ADJOURN:
ANNE COOPER made a motion, and PATRICK MURRAY seconded, to adjourn the meeting. The motion passed 5-0 at 8:46pm.

Respectfully Submitted,
Amy Coonradt
Recording Secretary

Approved this __16th___ day of _March____, 2020
(See minutes of this day for corrections, if any)

Patrick Murray, Clerk, Selectboard