1. CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG [6:45 PM]
2. AGENDA ADDITIONS/CHANGES
3. APPROVE AGENDA
4. PUBLIC TO BE HEARD
   a. Comments from Public on Items Not on Agenda
5. PUBLIC HEARINGS
   a. Fiscal Year 2021-2025 Capital Budget and Five-Year Plan [6:50 PM]
   b. Second of two public hearings 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 [7:00 PM]
6. BUSINESS ITEMS
   a. Approval of Fiscal Year 2021 Capital Budget and Five-Year Plan
   b. Preparation for Town Meeting—Greg Duggan
7. CONSENT ITEMS
   a. Acknowledge two new street names for private drives to be located at 78-81 Susie Wilson Road
8. READING FILE
   a. Selectboard Comments
   b. Memo from Dennis Lutz and Aaron Martin re: 21-23 Pinecrest Drive Sewer Allocation
   c. Letter from Jill Remick re: CORRECTED 2019 Equalization Study Results
9. EXECUTIVE SESSION
   a. An executive session is not anticipated
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: ___________________________ 01/31/2020
TOWN OF ESSEX
SELECTBOARD MEETING MINUTES
Monday, February 3, 2020

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

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager.

OTHERS PRESENT: Harris Abbott; Jan Abbott; Gil Allen; Lisa Allen; Paul Austin; Gary J. Balaun; Robert Bancroft; Iris Banks; Gina Halpin Barrett; Dennis Bergeron; Robert Bates; Alyssa Black; Al Bombardier; Andrew Brown; Diane Clemens; Patty Davis; Paula Duke; Libby Dunbar; Betsy Dunn; Dylan Giambatista; Vincent Franco; Jerry Fox; Matt Gilbert; Ann Gray; Lori Houghton; Mary Lou Hurley; Sharon Illenye; Stephanie Isaboreh; Tim Jerm; Art Johnson; Lynn Johnson; Brad Kennison; Dan Kerin; Dave Kilbon; John Larkin; Bob Leuang; Alice Martin; Catherine Mitchell; Candace Morgan; Guy Morin; Hubert Norton; Mike Nosch; Michael Plageman; Mary Post; Linda Proctor; Marybeth Redmond; Michael Ross; Sara Serabian; Brian Shelden; Gabrielle Smith; Harlan Smith; Margaret Smith; Ken Signorello; Mitch Stern; Alvin Strong; Daryl Stultz; Saramichelle Stultz; Mike Sullivan; Andy Suntup; Linda Suntup; Dennis Thibault; Mike Thorne; Ralph Undercoffler; Chuck Vile; Carl Wermer; Jean White; Irene Wrenner; Lorraine Zaloom

1. CALL TO ORDER/ PLEDGE OF ALLEGIANCE TO THE FLAG
Elaine Haney called the meeting of the Town of Essex Selectboard to order at 6:46 PM and invited all in attendance to rise and join in the “Pledge of Allegiance.”

2. AGENDA ADDITIONS/ CHANGES
There were no additions or changes to the agenda.

3. AGENDA APPROVAL
With no changes to the agenda approval was not necessary.

4. PUBLIC TO BE HEARD
a. Comments from Public on Items Not on Agenda
Mr. Signorello began to talk about state statutes on charter change and referenced the Essex petition. Ms. Haney requested that he hold his remarks until agenda item 5b.

Mr. Bergeron asked the Selectboard why the Town payed 78% of total legal fees related to merger in FY19. Ms. Haney said the funds were invested in professional and attorney fees. Mr. Duggan added that the cost sharing calculation between the Village and Town was based on a metric of the grand list, while considering that Village residents pay Town taxes in addition to their taxes to the Village. Mr. Bergeron stated his disagreement.

Mr. Franco announced his candidacy for the Selectboard.

5. PUBLIC HEARINGS
a. Fiscal Year 2021-2025 Capital Budget and Five-Year Plan
Ms. Haney opened the Public Hearing on the Capital Budget and 5-year plan at 6:54 PM.

Ann Gray extended thanks, as a community member and member of the Essex Community Historical Society, for the Town’s support of the Historical Society and restoration of water. She also shared that the Historical Society submitted a letter of interest for a National Preservation Trust Grant.
MAX LEVY made a motion, seconded by PATRICK MURRAY, that the Selectboard close the public hearing on the Capital Budget and Five-Year Plan. The motion passed 5-0 at 6:56 PM.

b. Second of two public hearings to consider proposed amendments to the 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 opened the Public Hearing on the proposed amendments to the Town of Essex Charter at 6:57 PM.

Ms. Haney provided parameters of how the hearing would be conducted and explained its purpose. Mr. Murray read the proposed charter change. Mr. Watts clarified two points made during the previous hearing. He talked about governance, mayoral role, and the risk of private meetings related to quorum size. Mr. Murray explained limitations in making revisions to the proposed Charter change and discussed the risk of potential legal flaws with the proposal.

BETSY DUNN criticized the Selectboard chair for expressing concerns about the proposed charter change prior to the previous hearing. Ms. Dunn shared her understanding of petition, and statutes enforcement and encouraged the Selectboard to allow the petition’s originators to have a chair at the table. Ms. Haney talked about a recent public records request where she released her communications related to the proposed charter change.

SARAMICHELLE STULTZ shared her opinion that the proposed Charter change’s representation structure is problematic and, even though its intention is to solve underlying representation problems, it could undermine the functions of the Selectboard.

JAN ABBOTT said she thinks the proposed Charter change contributes to divisiveness and the timing of the change does not make sense. She advocated for Selectboard members to be elected based on the “best qualified”, not “best located”.

PATTY DAVIS said she believes half of Essex is underrepresented and the proposed 3-3 representation model is a good solution. She suggested that ties of a 6-person board could be handled by tabling the subject and the proposed charter change can be revised, if this is found to be needed. She disagreed with the Selectboard chair’s decision to share her opinions about the charter change proposal in the previous meeting.

MARY POST expressed shock that residents would criticize the petition for the proposed charter change and took issue with the introductory comment of the Selectboard chair at the beginning of the previous meeting.

DENNIS BERGERON read the parts of the charter that would not change (B&C) and had not been read earlier. He shared his negative perception of the current joint board make-up of 8 people from the Village and only 2 from outside the Village. He also criticized the participation of Village Trustees in decision making.

BRAD KENNISON said that, if the proposed Charter change is approved by the voters, it would necessitate approval from the Legislature before it could be implemented. He requested that, if the voters approve the change, the legislators respect the voting body by approving it.
GABRIELLE SMITH cautioned that she sees the charter change defining Essex by what divides it, not what unites it. She expressed concerns about taxation divisions and believes the representation structure should serve the entire municipality.

CARL WERMER stated his opinion that the proposed charter change’s representative structure of 3 from in the Village and 3 from outside the Village would exasperate divisions.

LORRAINE ZALOAM said her experiences suggest that districting can work. She advocated for Essex to merge and said the proposed charter change could provide effective representation.

SHARON ILENYE agreed with the sentiments of Ms. Zaloam and requested to yield the remainder of her time to Mr. Signorello.

MARYLOU HURLEY said she has experienced various instances, over her 44 years as a resident of Essex, when her interests and values did not feel well represented as a person who lives in the Town outside the Village. She shared her opinion that the proposed charter change would provide an equal and fair representation structure.

ROBERT BATES expressed concern with the timing of the proposed charter change vote because the fall merger vote could supersede it.

DIANE CLEMENS stated her opinion that the Capital Plan should include records preservation. Regarding the charter change, she said that if one of the previous attempts to merge Essex had succeeded, the change would not be needed now. She encouraged neighborliness.

IRIS BANKS stated her support of the proposed charter change and requested to yield her time to Mr. Signorello.

MIKE SULLIVAN expressed concern that the proposed charter change may establish a border that does not consider all of the rural, suburban, village and other subsections of Essex.

TIM JERMAN stated that he will vote “no” to the proposed Charter change and advocated for a seven-person representation structure (3 people from outside the Village and 3 from the Village, plus 1 person elected at large) that includes a merger plan to address tax issues.

KEN SIGNORELLO said that, because the Village and the Town outside the Village have almost the same population, he sees the Charter change as a good representation model that can be implemented according to the established charter process. He said that, in his point of view, the 3-3 representation structure will force negotiation, honor differing values and recognize already defined boundaries.

IRENE WRENNER shared her perspective that the current at-large representation structure of the Selectboard does not work well for the interests of various lifestyles because the half of the Town that becomes over-represented sets the agenda. She advocated for a ward or district representation model.

ELIZABETH DUNBAR said that the 3-month process from petition to voting on the proposed charter change shows that a charter change can take place quickly if it is found to be needed.

BRIAN SHELDEN expressed concern that the proposed charter change would establish a representation model that would not change based on population fluctuations. He proposed an independent redistricting commission that can bring Essex together instead.
PAULA DUKE said she would prefer a model that also includes one at-large representative so she could vote for someone who may not be running from her district.

PAUL AUSTIN said that the Village and Town outside the Village representation should be equal and he is not concerned that an even board wouldn’t be able to find compromise. He talked about the unique needs and tax structures of the two districts.

AL BOMBARDIER shared his experience representing the Town outside the Village as a school board member during the school merger. He said that, through canvassing, he learned about deeply-rooted perceptions of people not being represented fairly. He supports the proposed charter change representation structure because his experience of equal representation at the school board has forced consideration of perspectives and compromises.

HARLAN SMITH said that the proposed charter change sounds fair but does not answer enough questions, so he would prefer a charter change proposal that is more complete.

VINCE FRANCO talked about generations of his family who have resided in Essex, stating his understanding of the different perspectives in the community. He said he sees the proposed charter change as a resident-led effort to address an issue people are concerned about.

HUBERT NORTON noted that, as a former planner, he understands the dynamic of unintended consequences. He restated multiple perspectives shared by others who spoke before him to reiterate their comments about the charter change process and the concern about fair representation.

MARGARET SMITH shared her point of view that the joint representative body of Trustees and Selectboard members does not seem fair because there are 8 representatives who live in the Village and 2 who live in the Town outside the Village. She also expressed concern that the merger proposal being voted on in November will increase taxes of residents in the Town outside the Village by $300 by the end of 12 years. She yielded the rest of her time to Ms. Wrenner, who then spoke about the risks of unbalanced power and unequal representation.

JERRY FOX is concerned by his prediction that, over the next 20 years, if the Town outside the Village is not represented well, the rural community and fields will become a suburbia.

DAN KERIN extended an invitation for community members, who attended this hearing, to stay for the Joint meeting of the Selectboard and Trustees which will include information about the merger plan scheduled for November and a discussion with Legislators on the topic. Ms. Haney added that the Joint meeting’s merger plan discussion will be the first of many outreach meetings on the proposed merger. She said the next outreach meeting will be February 15 from 1-3pm at Essex Middle School.

Ms. Haney thanked the community members who attended the proposed Charter change hearing for sharing their thoughts and perspectives.

MAX LEVY made a motion, seconded by PATRICK MURRAY, that the Selectboard close the public hearing on the proposed amendments to the Town of Essex Charter. The motion passed 5-0.

Ms. Haney called a recess to enter into the Joint Meeting of the Village of Essex Junction Trustees and the Town of Essex Selectboard at 8:15 PM.

Ms. Haney called the Selectboard back to order from the Joint Meeting at 10:23 PM.
6. **BUSINESS ITEMS**

   a. **Approval of Fiscal Year 2021 Capital Budget and Five-Year Plan**
   
   The Selectboard members had no questions and there was no more discussion on the Capital Budget and Five-Year Plan.

   MAX LEVY made a motion, seconded by PATRICK MURRAY, that the Selectboard adopt the FY2021 Capital Budget and Five Year Plan. The motion passed 5-0.

   b. **Preparation for Town Meeting—Greg Duggan**
   
   Mr. Levy brought up the importance of having the Selectboard attend a variety of events to reach a broad audience with Town Meeting outreach. He pointed out that board members had planned to do outreach at four Essex High School girls basketball games, which would likely result in providing materials to the same group of parents. Board members encouraged each other to share any ideas that would be beneficial for outreach.

7. **CONSENT ITEMS**

   MAX LEVY made a motion, seconded by ANNIE COOPER, to approve the Consent Agenda, with Selectboard comments:

   a. **Acknowledge two new street names for private drives to be located at 78-81 Susie Wilson Road**
   
   Acknowledgment that the E911 Coordinator & State have approved the names ‘Serene Place’ and ‘Wilson’s End Place’ for the private drives.
   
   The motion passed 5-0.

8. **READING FILE**

   a. Selectboard Comments

   b. **Memo from Dennis Lutz and Aaron Martin re: 21-23 Pinecrest Drive Sewer Allocation**
   
   Mr. Murray asked to receive a crash course on the Town’s sewer system and sewer capacity allocations. Mr. Teich said he would put Mr. Murray in touch with Public Works Director Dennis Lutz and Town Engineer Aaron Martin.

   c. **Letter from Jill Remick re: CORRECTED 2019 Equalization Study Results**

9. **EXECUTIVE SESSION**

   a. An executive session is not anticipated

10. **ADJOURN**

   ANNI COOPER made a motion, seconded by PATRICK MURRAY, to adjourn. Motion passed 5-0 at 10:33 p.m

   Respectfully Submitted,
   
   Cathy Ainsworth
   
   Recording Secretary

   Approved this 18th day of February, 2020

   (See minutes of this day for corrections, if any)