

**TOWN OF ESSEX
SELECTBOARD MEETING MINUTES
Monday July 12, 2021**

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

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Owiso Makuku, Community Development Director; Aaron Martin, Town Engineer / Utilities Director

OTHERS PRESENT: Robert Bates; Marcus Certa; Andy Champagne; Patty Davis; Erin Dickinson; Betsy Dunn; Peter Edelman; Maureen Gillard; Karen Hammer Williamson; Gina Halpin Barrett; Barbara Higgins; Ethan Lawrence; Karen Lemnah; Ken Mincar; Bruce Post; Mary Post; Roseanne Prestipino; Al Senecal; Gabrielle Smith; Margaret Smith; Ken Signorello; Irene Wrenner; Lorraine Zaloom; Karenlee; RM

1. CALL TO ORDER

Mr. Watts called the Essex Selectboard to order at 6:30 PM.

2. AGENDA ADDITIONS/ CHANGES

Mr. Duggan asked to add the Pledge of Allegiance to the agenda. Ms. Hill-Fleury requested Item 6c, minutes from June 21, 2021, be moved to Business Items, after 5f.

3. AGENDA APPROVAL

TRACEY DELPHIA made a motion, seconded by PATRICK MURRAY, to approve the agenda with the amendments. The motion passed 5-0.

Mr. Watts invited all in attendance to rise and join in the Pledge of Allegiance.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Mr. Champagne said that the facial expressions and comments made by staff and Selectboard members during meetings are shutting down public input and causing anger during meetings. He suggested creating a public outreach committee; providing food at meetings; and actively listening to people from the community who are making comments.

Mr. Lawrence requested an update on the work being done at Osgood Hill Road. Mr. Teich said the speed study had resumed after technical difficulties and the results should be ready in a couple weeks. Mr. Duggan added that construction on the road caused a delay until the regular traffic flow returned. Mr. Lawrence said the construction on Osgood Hill Road is still incomplete after a long time and someone should look into it.

Ms. Zaloom said the City Protect link to police crime data, on the Town website, has been broken since April and asked that it be fixed. She also said the new way data is being shared on the site has made it harder to search.

Mr. Edelman spoke in support of Ms. Makuku's work and requested "Interim" be removed from her job title, to become Community Development Director.

Ms. Davis said Ms. Makuku should be promoted to Community Development Director or Manager if the position opens. She shared statutes that support board functions, transparency, open records, and open meetings. She said people speaking should not be interrupted during meetings.

55 Ms. Wrenner provided a presentation, using visual aids, of what she called the “top ten myths we
56 heard from staff and elected officials in the run up to merger”. She also said there was a myth on
57 the new Village website, Our Village Our Voices, about how taxes would be billed regarding
58 separation.
59

60 Ms. Post said dynamics during Selectboard meetings, like eye rolling, mean comments, dirty
61 tricks, interruptions, and public defamation, should not be the norm. She said good people are
62 being polarized because of it.
63

64 Ms. Gabrielle Smith said she would correct the new “Our Village, Our Voices” website to say that
65 currently the Village gets billed for taxes from the two Essex municipalities on one piece of paper,
66 but if separation passes, they would only be billed for taxes from one municipality.
67

68 Mr. Post said the Selectboard should not overuse the executive session option to discuss topics
69 that effect the public. He gave an example from the 2008 local options tax vote to illustrate how
70 this might backfire.
71

72 Mr. Signorello asked that the Town of Essex’s history page, on the website, not remain blank. He
73 also asked how many requests from the public are needed before the topic of including staff
74 salaries in the annual report would become an agenda item at a Selectboard meeting.
75

76 Ms. Higgins suggested more time be given between when the public is informed of an issue and
77 when the Selectboard votes on it, so people who might want to weigh in could do so. She
78 suggested that significant items warned on Friday for a Monday meeting should only be discussed
79 at the meeting and not voted on until the following meeting.
80

81 **5. BUSINESS ITEMS**

82 a. **Discussion and potential action on Community Development fees**

83 Ms. Makuku introduced the issue of increasing permit fees in the Town of Essex, as detailed in
84 Exhibit A of her memo. She said fees have not been raised for 20 years and are not enough to
85 cover the staff time to process permits. Ms. Makuku proposed adopting a cost per square foot
86 calculation, an approach more accurate for adopting fees. She said that they considered the fee
87 rates of neighboring communities, when determining how much to increase fees, and strategized
88 how to incentivize development for all building types, including affordable housing.
89

90 The Selectboard discussed the proposal with Ms. Makuku. Ms. Hill-Fleury asked if developers
91 were consulted about the fees, and she asked for a definition of affordable housing. Ms. Makuku
92 provided the federal definition of affordable housing. Ms. Delphia said she was very interested in
93 incentivizing desired development. Mr. Watts asked about when the increased fees would be
94 enacted and Ms. Makuku said October 1, 2021. She anticipated that small developers may fast
95 track to develop prior to this date but she did not believe large projects would. Mr. Watts said the
96 fee increases would result in higher revenues than what was planned in the budget.
97

98 Mr. Lawrence asked what fee incentives may exist for agricultural land. Ms. Makuku discussed
99 zoning districts, agriculture stipulations and farm concessions with him.
100

101 **DAWN HILL-FLEURY made a motion, seconded by VINCE FRANCO, to adopt revised fees as
102 laid out in Exhibit A, to become effective October 1, 2021. The motion passed 5-0.**
103

104 b. **Consider approval of added costs to complete the upgrade of the intersection traffic
105 signals at Essex Way and the Circ Highway**

106 Mr. Martin introduced the issue of whether or not the Selectboard would authorize the completion
107 of the intersection traffic signal upgrade at Essex Way and the Circ Highway. He explained that

108 the project was delayed due to challenges with parts and materials but upgrades are still needed.
109 He suggested that the \$117,150 request to complete the project come from the traffic impact fee
110 fund. He talked with Ms. Hill-Fleury about the additional sensors being installed and Mr. Watts
111 about how the upgrades would improve safety for turning traffic.
112

113 Ms. Davis said safety for turning traffic was also enhanced when a yellow blinking light was
114 installed on Sandhill Road.
115

116 Mr. Champagne wondered if there was a different way to pay for the additional costs of the
117 project. Mr. Martin explained that impact fees must be used within 6 years or developers can
118 request this money back, so using the impact fee fund is appropriate for the project.
119

120 **TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard**
121 **approve the added costs to complete the upgrade of the intersection traffic signals. The**
122 **estimate for all the remaining work is on the order and should not exceed \$120,000. The**
123 **motion passed 5-0.**
124

125 **c. Consider approving dissolution of Memorial Hall Committee**

126 Mr. Duggan introduced the proposal to dissolve the Memorial Hall Committee. He said the
127 committee had not been meeting for three years so the functions outlined in the purpose of the
128 committee had been adopted by staff. Parks and Recreation has been managing the space and
129 Public Works has been maintaining it.
130

131 The Selectboard discussed what impact the dissolution of the Memorial Hall Committee would
132 have on stakeholders who use Memorial Hall, Essex Players being the largest. Mr. Teich talked
133 about other occasional renters of the space through Parks and Rec, and said the space had been
134 considered for childcare. He discussed upgrades and repairs to the building through Public Works
135 and parking challenges on site. Mr. Duggan described the staff challenges with adding another
136 meeting to the calendar. He read the mission of the committee and Ms. Dickinson clarified that an
137 original purpose of the committee was to support initial building rehabilitation efforts. Ms. Hill-
138 Fleury said she hoped dissolution would not increase the work expected of staff. Mr. Teich said,
139 with the addition of the Building Maintenance Manager this year, there is capacity to handle the
140 building responsibilities. Ms. Delphia wondered if a new mission should be developed, instead of
141 dissolving the committee. Mr. Franco wondered whether other buildings have a similar committee.
142 Mr. Watts said similar committees have existed, such as with the construction of a new police
143 facility, and that once projects are finished the similar committees typically end.
144

145 Ms. Dunn said that she would have considered this committee, had it been advertised when she
146 was looking to volunteer. She said Memorial Hall should be useable for guest speakers and left as
147 it is. She expressed concerns that it would be considered for childcare. She said having an active
148 Memorial Hall Committee would make the community richer.
149

150 Staff clarified that the space is no longer being considered for daycare.
151

152 Ms. Post said this issue reflects the problem she mentioned during Public To Be Heard. The issue
153 just came up and the public did not have time to form opinions before the Selectboard had
154 scheduled a vote on it.
155

156 Ms. Hammer Williamson, a current member of the board of directors for the Community Players,
157 described her experience on the Memorial Hall Committee as well as various other appointments
158 she held. She suggested the committee meet quarterly. She also described the technical and
159 lighting upgrades to the space provided by the Community Players.
160

161 Mr. Post said that people speaking at the meeting could not be heard by the public on site and
162 requested reconnecting the speakers for meetings. He quoted a poem to express his concern with
163 the Memorial Hall Committee issue, “first known when lost.”
164

165 Ms. Wrenner said a major stakeholder of Memorial Hall is the taxpayers so having the committee
166 would still be beneficial. She explained how people could accommodate for Memorial Hall’s
167 limited parking and suggested that staff be assigned to meetings differently. She expressed
168 support for Ms. Delphia’s idea.
169

170 Mr. Champagne said the public became upset by this issue when it seemed like the municipality
171 may remove the Community Players from the space so it could be used for daycare.
172

173 Ms. Zaloom asked for clarification on what happened with the daycare possibility and the
174 Community Players. Mr. Teich said that when Essex Junction Recreation and Parks requested
175 more space for childcare, there was an exploratory discussion to consider if it was possible to use
176 Memorial Hall. He said nothing came of the discussions and the Community Players were not
177 asked to leave.
178

179 The Selectboard discussed the issue again. Mr. Murray thought the concerns brought up by the
180 public were mostly for the Community Players not the Memorial Hall Committee. He said that it
181 would be unfortunate if additional staff time was assigned to the meetings and then nobody shows
182 up. Ms. Hill-Fleury said that five people had recently called with interest in being on the
183 committee. The Selectboard was in consensus that the Committee should not be dissolved at this
184 time but remain dormant until budget discussions in November. They said, in the meantime, a
185 new focus should be developed for the committee, inclusive of the Parks and Recreation
186 department.
187

188 **d. Discussion and potential action on public forums and Town of Essex planning in response**
189 **to Village of Essex Junction’s independence initiative**

190 Mr. Duggan introduced the issue of the Selectboard scheduling public forums about what the
191 Town of Essex should consider for its future as the Village of Essex Junction pursues separation
192 from the Town to create an independent city. He said the forums could help determine next steps
193 for governance, tax equity, community stability, budgeting, services to keep, services to share,
194 capital planning and more. He said they could also use the forums to talk with residents about
195 what direction they would prefer to go in to prepare for the possible loss of 42% of the Town’s tax
196 base, which would result from the Village’s separation. He said the contracted facilitator could
197 hold the forums in August. Ms. Hill-Fleury wanted to make sure the forums would be scheduled at
198 various times and locations to encourage participation. She thought it would be important to
199 schedule the forums soon.
200

201 Ms. Dunn said that the Town of Essex should only consider what separation would look like
202 without involving Essex Junction. She suggested that people who live in the Village not be on the
203 Selectboard during these discussions and if separation does not pass, they should create a
204 districting governance process.
205

206 Ms. Higgins said she was perplexed by how the Selectboard had been driven by efforts of the
207 Village. She said when separation is being discussed in the Town, the Village should not be in the
208 discussion. She said discussions about separation should only take place after there is a vote, if
209 separation passes, so people do not get confused.
210

211 Ms. Wrenner wondered why the Town was not more inspired and excited by discussions of
212 separation. She said this should be a time for them to work on district representation and equal
213 representation. She said the Trustees do not have to meet with the Selectboard about this.
214

215 Mr. Post said he worries that the Town outside the Village would be “left behind” if separation
216 passes but they had not made decisions and held discussions about it. He said the discussion
217 with Town outside the Village residents should be about effective districting and representation
218 and how to have a voice in the new Town of Essex.
219

220 Ms. Gabrielle Smith said that the Town of Essex should plan conversations about the new Town
221 of Essex after the separation vote. Otherwise, she said it would be uncomfortable, as a resident of
222 the Town who lives in the Village, to not be allowed in discussions taking place about the Town
223 she lives in. She said she supports the Town outside the Village’s separation discussion but, until
224 a time comes when she is no longer part of the Town, as a Village resident, she does not agree
225 with removing Village residents from the Selectboard during this process.
226

227 Mr. Signorello said the discussions about how the Town should prepare for separation should not
228 take place until after the separation vote if it passes. He said the year and a half after the vote
229 would be a good time to discuss solutions. He requested the Selectboard and staff stop saying
230 there is a tax equity problem.
231

232 Ms. Higgins said that if the separation vote passes, there should be an election of new board
233 members who only live in the Town outside the Village.
234

235 Mr. Champagne said that because the Town of Essex did not vote on separation they should not
236 be talking about separation. He said a public relations committee could help.
237

238 The Selectboard discussed the issue again. Mr. Watts wondered if there should be a plan for how
239 to include Town residents who live in the Village in discussions, or if it is possible to have
240 discussions with only residents of the Town outside the Village. He said the discussions being
241 planned are just a starting point. Mr. Duggan said the forums could allow residents the opportunity
242 to discuss what they think the Town of Essex should do now, in order to prepare for a future with
243 or without the Village of Essex Junction being part of the Town. Ms. Hill-Fleury said transition
244 phase discussions should take place after the vote, but now she would like to know people’s
245 thoughts about what to do in the event of either possible result of the separation vote. Mr. Murray
246 said, as a Town resident who lives in the Village, he would resign from the Selectboard if the
247 Village’s separation vote passed. He said he was interested in discussing how they would move
248 forward if the vote does not pass. Mr. Franco said they would be doing a disservice to the Town
249 outside the Village if they do not plan for either potential vote outcome.
250

251 The Selectboard was in consensus that forum discussions should take place during the interim
252 before the vote. Mr. Watts said this would put them in the best position to move forward after the
253 vote with either result.
254

255 e. ***Consider approval of tax stabilization agreement with Glavel, Inc.**

256 Mr. Duggan introduced the issue of whether the Selectboard would authorize the Unified Manager
257 to execute a tax stabilization agreement with Glavel, Inc. and Allen Brook Development. He said
258 this was a Burlington based company opening a manufacturing facility in Essex and the tax
259 stabilization would support the new start up with approximately \$18,500 in tax savings over four
260 years. Thereafter, the Town would receive full taxes. Ms. Delphia wondered what the livable wage
261 requirement would be of the business. Mr. Mincar of Glavel said the wage would be \$17 per hour,

262 minimum, with opportunities for shift premiums. He said this is equivalent to the wages at
263 GLOBALFOUNDRIES.
264

265 **DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, that the Selectboard**
266 **authorize the Unified Manager to execute the tax stabilization agreement with Glavel, Inc. and**
267 **Allen Brook Development. The motion passed 5-0.**
268

269 **f. Consider approval of additional joint meetings between Selectboard and Essex Junction**
270 **Board of Trustees**

271 The Selectboard discussed whether to add 3 joint meetings with the Boar of Trustees to the
272 schedule. They said they would prefer only one joint meeting a month but recognized that there
273 may be times when joint meetings about separation may be needed. Ms. Delphia expressed
274 concern with the increased staff time required for more meetings. They talked about the 6-day gap
275 between two of the joint meetings, because there would not be an opportunity for a Selectboard
276 meeting between them if a separate discussion were needed. They decided to add the meetings
277 to the schedule only if they could discuss whether or not to cancel the next upcoming joint
278 meeting when they meet jointly each time; they would determine whether there is an agenda and
279 staff availability for the meetings. Mr. Watts agreed to communicate this with the Trustees.
280

281 **6c Approve minutes: June 21, 2021**

282 Ms. Fleury made an amendment to line 184 of the minutes, replacing “Mr. Fleury for his award”
283 with “the Essex Cemetery Commission for their award.”
284

285 **TRACEY DELPHIA made a motion, seconded by VINCE FRANCO, to approve the minutes as**
286 **amended. The motion passed 5-0.**
287

288 **g. **Legal discussion on Village of Essex Junction’s proposed separation from Town of**
289 **Essex**

290 This agenda item took place as item 8b.
291

292 **6. CONSENT ITEMS**

293
294 **VINCE FRANCO made a motion, seconded by DAWN HILL-FLEURY, to approve the Consent**
295 **Agenda:**

296 **a. Consider authorizing Chair and Unified Manager to sign on to any efforts to have American**
297 **Rescue Plan Act money currently designated for Vermont counties to instead be allocated**
298 **to cities, towns, and villages**

- 299 • that the Selectboard authorize the Chair and Unified Manager to sign on to any efforts
300 to have American Rescue Plan Act money currently designated for Vermont counties to
301 instead be allocated to cities, towns, and villages.

302 **b. Consider approval to accept allocation of Coronavirus Local Fiscal Recovery Funding**
303 **(CLFRF)**

- 304 • that the Town of Essex accept its allocation of Coronavirus Local Fiscal Recovery
305 Funding (CLFRF) from the US Treasury, along with the Award Terms & Conditions and
306 Assurances of Compliance with the Civil Rights Requirements that are requirements of
307 accepting these funds.
- 308 • that the Selectboard appoint Evan Teich to serve as the Town’s “Authorized
309 Representative” as required by the Coronavirus Local Fiscal Recovery Funding

310 (CLFRF) from the US Treasury, to sign the Award Terms & Conditions and Assurances
311 of Compliance with the Civil Rights Requirements.

- 312 • that the Selectboard name Evan Teich to be the “Contact Person” and Sarah Macy to be
313 the “Secondary Contact Person” for the Town’s CLRFR Award from U.S. Treasury.

314 ~~c. Approve minutes: June 21, 2021~~

315 This item took place after 5f.

316 d. Check Warrants: #17879 – 6/25/21; #17882 – 7/2/21; 17884 – 7/9/21

317 The motion passed 5-0.

318

319 **7. READING FILE**

320 a. Board member comments

- 321 • Mr. Watts thanked staff for including the Human Services funding recipient notes in the
322 reading file.

323 b. Email from Evan Einhorn re: Resignation from Housing Commission

324 c. Email from JD Chapple-Sokol Human Services Fund award to Steps to End Domestic Violence

325 d. Email from Travis Sabataso re: Insurance Change

326 e. News from Vermont Rail Council

327 f. Memo from Greg Duggan re: Update on invitation to Secretary of State to provide, open meeting
328 law training

329 g. Thank you notes for Human Services Funding

330 h. List of strategic planning session

331 i. Upcoming meeting schedule

332

333 **8. EXECUTIVE SESSION**

334 a. ***An executive session may be requested to discuss to discuss contracts**

335 No executive session took place for this item.

336

337 b. ****An executive session is anticipated to discuss legal matters**

338

339 **PATRICK MURRAY made a motion, seconded by TRACEY DELPHIA, that the Selectboard**
340 **make the specific finding that general public knowledge of confidential attorney-client**
341 **communications made for the purpose of providing professional legal services to the body**
342 **would place the Town at a substantial disadvantage. The motion passed 5-0.**

343
344 **PATRICK MURRAY made a motion, seconded by TRACEY DELPHIA, that the Selectboard**
345 **enter into executive session to discuss confidential attorney-client communications made for**
346 **the purpose of providing professional legal services to the body, pursuant to 1 V.S.A. §**
347 **313(a)(1)(F) to include the Unified Manager and Deputy Manager. The motion passed 5-0 at**
348 **10:13 PM.**

349
350 **Dawn Hill-Fleury made a motion, seconded by Vince Franco, to exit executive session. The**
351 **motion passed 5-0 at 11:01 PM.**

352
353 **9. ADJOURN**

354
355 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to adjourn. The motion**
356 **passed 5-0 at 11:01 PM.**

357

358 Respectfully Submitted,

359 Cathy Ainsworth

**SELECTBOARD
(DRAFT)**

July 12, 2021

360 Recording Secretary
361

362 Approved this _____ day of _____, 2021
363 (See minutes of this day for corrections, if any)
364

365 _____
366 Tracey Delphia, Clerk, Selectboard