

**SELECTBOARD & TRUSTEES
(DRAFT)**

**TOWN OF ESSEX SELECTBOARD
VILLAGE OF ESSEX JUNCTION TRUSTEES
DRAFT 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

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

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52 **4. PUBLIC TO BE HEARD**

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

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

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67 **5. BUSINESS ITEMS**

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

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

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

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

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

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

97

98 **Memorandum of Understanding (MOU)**

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

112

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

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

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138 Ms. Delphia asked if all agreements need to be completed prior to the submission of the MOU. Mr. Ellis
139 affirmed. Mr. Chawla said most of these should be completed easily but suggested that the Tree Farm
140 agreement be removed from the list of agreements included in the MOU document, as this is an undecided
141 issue. Both boards want to ensure that there is no interruption in service at the Tree Farm. Mr. Tyler
142 agreed and said that he believes the communities are currently sharing the cost of the Tree Farm equally.
143 Mr. Watts said that, should the Village separate, they would no longer be contributing to the cost of the
144 buildings on the Tree Farm. Mr. Chawla asked for clarification regarding the Village’s ability to

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

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

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

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166 **Police Agreement**

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

180
181 During public comment, Ms. Dunn asked if the City will be able to increase the level of service expected
182 of the Police Department. She said that this may place an undue burden on the Town. Mr. Murray
183 pointed out a different section of the newly suggested changes to the contract that may be able to prevent
184 this from happening.

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

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188 **Reappraisal & Assessor Services**

189 Mr. Watts said the Selectboard has agreed that the cost of the Assessor’s Office will be based on the
190 number of parcels in each municipality. Ms. Safar and Ms. Shamis said language was added to state, “the
191 City shall compensate the Town for time expended by Town employees in supporting the City’s position
192 in the appeal on a reasonable hourly basis.” This was added in the case of extended appeals, and to allow

193 the offices to disentangle outside of an appeal, should this be required. Mr. Teich asked if this would be
194 applicable to any legal fees that may be required in the case of an appeal. Ms. Safar said this would not be
195 the case. She said each municipality would use their own attorney for an appeal in their respective
196 community. Mr. Ellis said he wanted to review this documentation further. Mr. Watts said the
197 Selectboard would not make any decisions on any of the new information presented at this meeting
198 regarding the agreements. In public comment, Ms. Dunn asked to consider overtime costs when
199 calculating hourly work on appeal projects.

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201 **Police**

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

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

210 Ms. Delphia requested that the following statement be changed: "~~Ms. Delphia~~ **Mr. Murray** wondered
211 how often the retainer contracts would be reviewed. Mr. Martin said they would be reviewed every two
212 years. ~~She~~ **He** also asked Mr. Martin whether this method would be used for all contracting or just for
213 emergencies."

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

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218 **6. CONSENT AGENDA**

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

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

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

227 **b. Approve minutes: September 13, 2021 — (Selectboard only); September 20, 2021 - Joint**

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229 **7. READING FILE**

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

233 **b. List of Boards/Committees/Commission openings**

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

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

236 **e. Upcoming meeting schedule**

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238 **8. EXECUTIVE SESSION**

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

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

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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