

VILLAGE OF ESSEX JUNCTION  
TRUSTEES MEETING MINUTES  
January 12, 2021

**TRUSTEES:** Andrew Brown, President; Raj Chawla; Dan Kerin; Amber Thibeault; George Tyler

**ADMINISTRATION and STAFF:** Evan Teich, Unified Manager; Tammy Getchell, Assistant to the Manager; Rick Jones, Public Works Superintendent; Jim Jutras, WWTF Water Quality Superintendent; Sarah Macy, Finance Director / Assistant Manager; Robin Pierce, Community Development Director; Harlan Smith, EJRP Grounds & Facilities Director

**OTHERS PRESENT:** Annie Cooper; Tim Shea; Ken Signorello; Carl Wermer

**1. CALL TO ORDER**

Mr. Brown called the Village of Essex Junction Board of Trustees meeting to order at 6:31 PM.

**2. AGENDA ADDITIONS/CHANGES**

- Mr. Teich requested the addition of item 5f: Consider approval of Fiscal Year 2020 Fund Balance Assignments, and to change the former 5f to 5g, and the former 5g to 5h.
- Mr. Teich requested the addition of new agenda item 7g to the reading file, Letter from Andrew Brown, President to Town of Essex Selectboard re: Please Vote Yes on Merger Plan.
- Mr. Teich requested the addition of a handout for new item 5f, Memo from Sarah Macy, Finance Director/Assistant to the Manager re: FY2020 Fund Balance Assignments; and a handout for new item 7g, Letter from Andrew Brown sent by email on 1/9/2021 to Town of Essex Selectboard re: Please Vote Yes on Merger Plan.

**3. APPROVE AGENDA**

**DAN KERIN made a motion, seconded by GEORGE TYLER, to approve the agenda as amended. The motion passed 5-0.**

**4. PUBLIC TO BE HEARD**

**a. Comments from public on items not on the agenda**

There were no comments from the public at this time

**5. BUSINESS ITEMS**

**a. Consider approval of Champlain Valley Expo Sound Indemnification Agreement**

Mr. Teich introduced Mr. Shea, Executive Director of the Champlain Valley Expo (CVE) to discuss the proposed Sound Indemnification Agreement for 2020 to 2023. He explained that no changes were made to the agreement from the one that expired December 31, 2021. Mr. Shea explained that a third party sound engineer engages with CVE for sound monitoring during some concerts and shows, in accordance with the agreement with the Village. He and Mr. Teich said that the municipality and CVE have a good working relationship. The Trustees discussed the terms of the agreement with Mr. Shea. They talked about how the timing of a three-year agreement could accommodate a smooth transition if the Town merger vote passes. Mr. Tyler said that existing contracts will be honored during a merger.

Ms. Cooper thanked Mr. Shea for his help with the Out and About event and expressed gratitude to the Trustees for discussing the Sound Indemnification Agreement.

52 **RAJ CHAWLA made a motion, seconded by DAN KERIN, that the Trustees approve the**  
53 **Champlain Valley Expo Sound Indemnification Agreement as amended to expire December**  
54 **31, 2023. The motion passed 5-0.**  
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56 Mr. Shea talked with the Trustees about how the CVE has been operating during the COVID  
57 pandemic and the toll it has taken on their budget. He said 75% of the CVE's employees were  
58 laid off and all events were canceled. He said they are hoping to host the fair in 2021 but are  
59 budgeting a \$1Million dollar loss. He described the important role the CVE has played in  
60 COVID response including: hosting hospital overflow; administering 13,000 tests between March  
61 and August; and currently, administering~500 vaccines per day. Mr. Tyler offered Mr. Shea an  
62 invitation to discuss what type of support he thinks the municipality could provide to the CVE  
63 going forward.  
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65 **b. Consider approval to amend the Wastewater facility FY2021 Capital Plan for pump**  
66 **station odor control**

67 Mr. Jutras explained that the Wastewater Facility typically treats odor control at pump stations  
68 with chemicals and bacteria. He described a recurring odor in the West Street Extension area.  
69 After evaluating the situation, they determined a new method is needed for this section. He  
70 described how the proposed aeration system would solve the odor problem. Mr. Brown spoke  
71 with Mr. Jutras about the approach of phasing-in the system, and they discussed  
72 neighborhoods currently affected by the odor.  
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74 **GEORGE TYLER made a motion, seconded by RAJ CHAWLA, that the Trustees amend the**  
75 **Wastewater facility FY2021 Capital Plan for pump station odor control in the amount of**  
76 **\$100,000. Mr. Brown tabled the motion to hear a public comment.**

77 Mr. Signorello asked if the funds allocated were in the water bill or budget. Mr. Jutras said  
78 funding is from the Wastewater Facility budget.

79 **Mr. Brown resumed consideration of the motion, and the motion passed 5-0.**  
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81 **c. Consider authorization of revised Warranty Deed of Easement on 14 Corduroy Road**

82 Mr. Jutras explained that the request to release a spring easement originally came from a  
83 homeowner at 14 Corduroy Rd. The easement had been for a spring that was actually found to  
84 be a stormwater outfall. Mr. Jutras said the public process for posting and hearing the revision  
85 resulted in no comments or concerns.  
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87 **GEORGE TYLER made a motion, seconded by RAJ CHAWLA, that the Trustees sign the**  
88 **attached "Authorizing Resolution and Consent of the Village of Essex Junction Board of**  
89 **Trustees" document and that the Trustees authorize the Unified Manager to sign the revised**  
90 **Warranty Deed of Easement once received from the Village's attorney.**

91 **The motion passed 5-0.**  
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93 **d. Discussion and possible action on postcard mailer to Village residents re: Town merger**  
94 **vote information**

95 Mr. Teich asked the Trustees whether they wanted to send a postcard to Village residents,  
96 clarifying that they do vote again on Merger this March. Mr. Brown said a \$1600 investment in  
97 this strategy could help eliminate confusion when Village residents see the question about  
98 merger again on their ballot. Mr. Chawla agreed this is important. Mr. Brown said the postcard  
99 should remind people that they are residents of the Village AND the Town. Mr. Kerin said there  
100 was a discussion at the previous night's Selectboard meeting, of a mailing to all Town residents  
101 about the plan for merger. He and Mr. Tyler said a postcard mailing from the Trustees should  
102 be in sync with the Selectboard mailing, coordinated with the Selectboard's messaging and  
103 timing. Mr. Chawla and Ms. Thibeault agreed to review the draft postcard from staff.

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Ms. Cooper said the previous night’s suggestion was for the Town to send out a summary about the Merger and explain how residents can get a copy of the Charter. Ms. Cooper said the Village’s postcard is a good idea and encouraged them to carefully consider the postcard’s color so it does not look like an emergency and it stands out as interesting but not scary. She suggested green. She said the postcard should have a clear message that tells Village residents that they do live in the town and will vote on a certain day/time, etc.

**e. Discussion and possible action to repurpose residual miscellaneous funds for downtown development**

Mr. Teich explained the history of the Land Acquisition Capital reserve fund, established in 1997. He said in 2012 a ballot initiative moved some of the fund to Economic Development around five corners. He suggested that the balance of \$82,248 be moved to the Economic Development Fund as well, which would require a ballot vote. The Trustees discussed how moving these funds would maintain alignment with the spirit of the original fund. Mr. Teich said this year the funds have been used for: park designs, a charrette, beautification, events, and could be used for Memorial Fountain repair. Mr. Chawla suggested this ballot item also be mentioned on the postcard discussed in 5d. Mr. Teich and Mr. Pierce discussed the timeline for Pocket Park’s remediation, redesign and completion.

**RAJ CHAWLA made a motion, seconded by GEORGE TYLER, that the Trustees place a question on the 2021 Annual Meeting ballot asking voters to transfer the remaining balance in the Land Acquisition Capital Reserve Fund to the Economic Development Fund for downtown development. The motion passed 5-0.**

**f. Consider approval of Fiscal Year 2020 Fund Balance Assignments**

Ms. Macy reviewed the memo of FY2020 Fund Balance assignments. She reminded the Trustees that the Village has a 10% voter approved fund balance assignment policy. She said the currently assigned fund balance is \$129,816 for: the Library, Termination Benefits, Health Reimbursement Arrangement, Governance, and Building Maintenance. This leaves unassigned fund balance of \$642,877, which is over the \$106,121 voter approved fund balance limit. She suggested assigning the remaining fund balance to FY2021 paving projects, building projects and into the building maintenance fund.

The Trustees discussed the fund balance assignments with Ms. Macy. Ms. Macy clarified the Termination Benefits category, which addresses potential liability if long-standing employees cash out accrued time. She said the potential compensation pay-out is approximately \$260,000. Mr. Teich explained that building expenses include two roof projects and long-term issues needing repair. Mr. Chawla wondered if any of the fund balance could go to taxpayers. Ms. Macy stressed that paving and other projects are essential. She said the property tax rate could be decreased with funds but it would result in a need to make that amount up with future tax increases because future surpluses are not guaranteed. Mr. Brown said, if money is not spent on projects, the costs of these projects will go up and be more expensive the next year. He said it is wise to fix deterioration issues with this money.

**GEORGE TYLER made a motion, seconded by AMBER THIBEAULT, that in addition to the amounts already assigned, the Trustees assign \$68,303 for paving, an additional \$37,818 for building maintenance, and transfer the balance in the building maintenance line to the Buildings Maintenance Fund. The motion passed 5-0.**

**f. g. Discussion and possible action to extend the Economic Development Tax**

155 Mr. Teich introduced the issue that the Village's Economic Development Tax will expire this  
156 year if no action is taken to continue it. He gave examples of how funds from this tax have been  
157 used including: the purchasing downtown parking spaces, land for a park, beautification,  
158 lighting, and special events. He said there is currently a balance of unexpended funds for  
159 projects that are not yet finished.  
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161 The Trustees discussed whether or not to put a question of continuing this tax on the 2021  
162 Annual Meeting ballot. Mr. Brown said that the tax was a successful venture but in light of the  
163 upcoming merger question, it may not be a good idea to put on the ballot at this time. Mr. Tyler  
164 suggested that the extension be for only one year, if it is extended, so the Village has more  
165 money in the Economic Development Fund if it enters into a merged community. He said the  
166 tax equates to about \$28 on an average \$280,000 home. Mr. Tyler and Mr. Pierce detailed  
167 multiple downtown projects that the funds could be used for including: leveraging for green  
168 space, supporting crescent connector efforts, parking spots, trees, benches, and lights. Mr.  
169 Chawla said if the merger fails, it would be good to have the tax in place so they do not lose  
170 momentum on projects. He asked Mr. Teich to consult legal council to see if the Economic  
171 Development funds would be still guaranteed for downtown projects if the community is  
172 merged. Mr. Kerin said he is not opposed to continuing the tax for a year or so and he wants to  
173 ensure the current fund balance will be able to be used for the Village center if merger passes.  
174 Mr. Smith wondered how the Town would raise money for Economic Development if not with  
175 this tax and Mr. Teich explained that the Town currently does not have a specific plan for  
176 Economic Development to revitalize the Village center. Mr. Smith expressed concern that the  
177 future of funding for Economic Development in the Village center may be at risk, considering  
178 that downtowns need constant and consistent investment from private and public sources. He  
179 said he would prefer the tax be extended for 5 years, so the question does not need to be voted  
180 on multiple times. He asked Mr. Teich to also consult legal council about if the tax would  
181 automatically terminate if the merger vote passed. Mr. Teich explained that in a merged  
182 community, districting will play a roll with how to develop Village center improvements. He said  
183 he would bring questions from this discussion to the Village lawyer.  
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185 **g. h. Discussion and possible action on expansion of sidewalk plowing during COVID**  
186 **pandemic**

187 Mr. Brown spoke with the Trustees and staff about the possibility of expanding sidewalk  
188 plowing during the COVID-19 Pandemic. He referenced Mr. Jones' memo on the topic, which  
189 details costs associated with this proposal. The Trustees discussed the financial costs of the  
190 proposal. Mr. Tyler expressed concern with staff well-being in Public Works, noting that  
191 increased plowing may be a strain during this time when the crew's health is priority. Mr. Jones  
192 said that although he would be willing to try, the Trustees and staff should be prepared for  
193 complaints from residents who may not be used to having snow blown into their driveways or  
194 snowblowers scraping up sod. He talked with the Trustees about how to roll out the idea. The  
195 Trustees agreed that the plowing expansion should be based on the expertise of Mr. Jones and  
196 his team, considering which sidewalks tend to be more travelled. They agreed that the timing of  
197 extra plowing after a storm could be flexible and based on staff capacity. Mr. Chalwa suggested  
198 that the public should be made aware of the change and that it is only through the COVID  
199 months because some may want it to continue in future years. Mr. Teich summarized some of  
200 the limitations to this effort including: some sidewalks have not been plowed for years; sod may  
201 be removed at narrow sidewalks; potential complications with messaging with people who want  
202 or do not want plowing; and accumulation of ice that cannot be plowed. Based on the  
203 discussion, Mr. Jones agreed to consult with his team to identify which streets they would like  
204 to plow; recognizing that this request can be flexible and does not need to include the entire  
205 Village.

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Ms. Cooper said she is confident that Mr. Jones and Mr. Teich know the sidewalks well and she said she was glad they were on board with the idea. She said it will improve Essex walkability. She predicted high phone call volume from Villagers about the change and said this strategy may set a precedent for walkability. She encouraged messaging that when lawns get damage people can connect with the municipality for help fixing them.

**GEORGE TYLER made a motion, and DAN KERIN seconded, that the Trustees approve for both sides of sidewalks plowed on those roads identified by Village staff based upon traffic patterns, staffing and conditions allow for the Winter during the COVID pandemic. The motion passed 5-0.**

**6. CONSENT ITEMS**

- a. Approve Annual Report dedication  
**Approval of a joint dedication with the Town Selectboard of the Town Annual Report and the Village of Essex Junction Annual Report in memory of those who died from the COVID pandemic and in honor of those who are essential to our economy and society and continue to sacrifice daily for our nation’s safety and wellbeing.**
- b. Approve minutes: December 22, 2020, December 28, 2020 Joint
- c. Check Warrants: #17231 – 12/18/20; #17232 – 12/31/20; #17233 – 1/8/21

**AMBER THIBEAULT made a motion, seconded by RAJ CHAWLA, to approve the Consent Agenda. The motion passed 5-0.**

**7. READING FILE**

- a. Board member comments
  - Mr. Brown said that the list of CVE events for this meeting should have also included the Wolfsgart event.
- b. Memo from Robin Pierce re: Village Center Development
- c. Memo from Robin Pierce re: 1 Jackson Street Ground Lease and Possible GMP Easement
- d. Proposed Town merger vote informational materials
- e. Village Budget Status Report December 2020
- f. Upcoming meeting schedule

**8. EXECUTIVE SESSION**

- a. **An executive session is not anticipated**  
An executive session did not take place.

**9. ADJOURN**

**RAJ CHAWLA made a motion, seconded by DAN KERIN, for the Trustees to adjourn the meeting. The motion passed 5-0 at 9:08 PM.**

Respectfully Submitted,  
Cathy Ainsworth  
Recording Secretary