

TOWN OF ESSEX
SELECTBOARD MEETING MINUTES
Thursday, April 14, 2021

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

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; James Jutras, Water Quality Superintendent; Marguerite Ladd, Assistant Manager; Brad Luck, EJRP Director; Robin Pierce, Community Development Director

OTHERS PRESENT: Mark Aubel, Jonathan Breen, Bob Burrows, Marcus Certa, Heidi Clark, Diane Clemens, Andy Champagne, Annie Cooper, Amanda Dall, Renee Dall, Tracey Delphia, Jon N. Demeritt, Erin Dickinson, Karen Dolan, Betsy Dunn, Alan Fay, Erin Forbes, Dylan Giambatista, Margaret Gilbert, Maureen Gillard, Micah Hagan, Susan Hale, Elaine Haney, Sam Hooker, Lori Houghton, Tamara Jaques, Christopher Kenney, Evan Lawrence, Joan MacKenzie, Elizabeth McCormick, Sue McCormack, Bridget Meyer, Timothy Miller, Patrick Murray, Sarah Nosek, Mary Post, Roseanne Prestipino, John Rowell, Gabrielle Smith, Harlan Smith, Saramichelle Stultz, Mike Sullivan, Melanie T., Jim Waite, Corey Wood, Irene Wrenner, Henry Wu, Dennis _____, Erin _____, Susanna _____, RM

1. CALL TO ORDER

Mr. Teich called the meeting of the Village Trustees to order at 6:31 PM, as tonight is the reorganization meeting of the Board.

2. REORGANIZATION

Mr. Teich explained the process of reorganization and requested a nomination for chair from the Board.

DAN KERIN made a motion, seconded by GEORGE TYLER, to nominate Andrew Brown for President. Motion passed 5-0.

GEORGE TYLER made a motion, seconded by DAN KERIN, to nominate Raj Chawla for Vice-President. Motion passed 5-0.

3. AGENDA ADDITIONS/ CHANGES

Mr. Brown requested that the following business items be moved to the Consent Agenda:

- d. Consider approval of street markings on north side of Maple Street.
- e. Consider approval of grant applications for culvert crossing replacements at Densmore Drive and Brickyard Road.

Mr. Brown requested that the following business item be removed from the agenda:

- h. Discussion of legal counsel recommendations on options and next steps regarding merger and/or separation of Village of Essex Junction from Town of Essex.

Mr. Chawla requested that the following item from the Reading File be discussed by the board at a future meeting:

- e. Letter from VTRANS re: Essex Junction Crosswalk Beacons – Lincoln/Central, Main/Pleasant, and Main/Church

49 **4. APPROVE AGENDA**

50 **DAN KERIN made a motion, seconded by RAJ CHAWLA to approve the agenda as amended.**
51 **Motion passed 5-0.**

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53 **5. PUBLIC TO BE HEARD**

54 None.

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56 **6. BUSINESS ITEMS**

57 **a. *Interview and possible appointment: Evan Lawrence, Bike/Walk Advisory Committee (BWAC)**

58 Mr. Lawrence was asked to tell the board a little about himself and his interest in the BWAC. Mr.
59 Lawrence said that he and his partner had purchased a home in the Village about two months ago and that
60 they felt very supported by the community. He would like to join this committee to help give back and to
61 establish roots in the community. Mr. Chawla asked Mr. Lawrence if there was anything that he would
62 like to see happen in the community regarding bike and pedestrian access. Mr. Lawrence recommended
63 additional locked bike parking and increasing connectivity for bikes and pedestrians.

64
65 **RAJ CHAWLA made a motion, seconded by DAN KERIN to appoint Evan Lawrence to the**
66 **Bike/Walk Advisory Committee. Motion passed 5-0.**

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68 **b. Presentation of “Across the Dotted Line: Community Connections in Essex” – Gabrielle Smith**
69 **from Heart and Soul of Essex**

70 Ms. Smith said that she and Mr. Wu have been working on a photo story initiative called “Across the
71 Dotted Line: Community Connections in Essex.” This is sponsored by Heart & Soul of Essex, a non-profit
72 that was founded in 2012 when the Orton Family Foundation awarded the Essex community a grant to
73 engage the community and seek out our values. This project creates an online photo gallery of friendships,
74 family, and other connections in the community. Ms. Smith read a few of these stories to the audience.
75 Ms. Smith said that the project will be ending shortly, however, the images would remain on the website
76 for the next few months. Mr. Brown, Mr. Kerin, and Mr. Tyler all expressed support for this project. Mr.
77 Chawla and Ms. Thibault also expressed support and indicated their willingness to support this project in
78 continuing for a longer period. In public to be heard, Ms. Cooper volunteered her assistance to help the
79 initiative continue.

80
81 **c. Consider appointment of Trustees member to Cannabis Study Committee**

82 Mr. Teich said that a committee has been formed to study this issue, and that it would be comprised of the
83 Town and Village Community Development directors, as well as a member of both the Selectboard and
84 Trustees. Mr. Chawla expressed his concerns that a Public Health representative is not included on this
85 board and said that he is having a difficult time understanding the committee’s purpose. The Board
86 discussed consulting with the Town Health Officer or employees of the Howard Center to learn more about
87 this issue. Mr. Teich said that the state is proposing an opt in/opt out program for cannabis sales in
88 communities, as well as some minor boundaries that towns/villages will be allowed to set. The purpose of
89 this committee is to get community input and see if Essex should opt in or out of retail cannabis. Mr.
90 Chawla expressed his concern that the Town Economic Development Commission is researching health
91 impacts of retail cannabis sales, as he does not believe that they are the best group to do so. Mr. Pierce
92 clarified the timelines with Board and said that it is important to consider the economic impact of both
93 retail and cannabis manufacturing. Zoning bylaws can also be used to limit where retail cannabis can be
94 sold.

95

96 In public comment, Ms. Cooper said that the Economic Development Commission has been working with
97 Public Health department representatives on this issue, as well as engaging residents. Ms. Houghton said
98 that the state of Vermont House of Representatives has a lot of resources on their website that Essex can
99 use to help decide.

100

101 **Motion by RAJ CHAWLA, seconded by GEORGE TYLER to appoint Amber Thibault to the**
102 **Cannabis Study Committee. Motion passed 5-0.**

103

104 ~~d. Consider approval of street markings on north side of Maple Street~~

105 ~~e. Consider approval of grant applications for culvert crossing replacements at Densmore Drive and~~
106 ~~Brickyard Road~~

107 **f. Discuss Annual Meeting outcomes**

108 Mr. Brown said that the Trustees would express their thoughts and then the public will have their chance to
109 speak. He said that the election proved that the Village is overwhelmingly happy to separate. It may be
110 difficult to have a charter ready for a November vote, but not impossible. Mr. Kerin expressed his support
111 for moving forward with separation and said that there is a possibility of continuing to share some services.
112 Mr. Tyler said that the two “no” votes have showed how residents outside of the village feel, and that the
113 disparity in funding from tax levies must be addressed. Ms. Thibault expressed her support for previous
114 comments. Mr. Chawla said that he is disappointed with the results of the election, but that the Board is
115 ready to move forward thoughtfully.

116

117 Public Comments:

- 118 • Mr. Hagan expressed support for the comments made by the Board regarding separation.
- 119 • Mr. Sullivan pointed out that as a Village resident, he funds several departments in the Town of
120 Essex yet is not able to get services from them.
- 121 • Ms. Haney thanked the Trustees for negotiating with the Selectboard in good faith. She expressed
122 her disappointment that merger did not pass and said that the charter was full of innovation and
123 compromise.
- 124 • Ms. Cooper stated that she always felt heard and respected by the Trustees. She commended Mr.
125 Tyler for pushing for the gradual tax increase for the Town outside of the Village. She said that her
126 tax dollars pay for 100% of the Village Community Development Department, and 42% of the
127 Essex Community Development Department, however, she is only able to access services from the
128 former. She was the Chair of the Economic Development Commission however she has no access
129 to the services in the department that the Commission falls under.
- 130 • Ms. Smith said that she does not believe that the Town outside the Village will ever support merger.
131 She contradicted a recent Front Porch Forum post that stated that the Village had “luxury” services.
- 132 • Ms. Wrenner said that EJRP and Brownell both have much higher budgets than their Essex
133 counterparts.
- 134 • Ms. Clemens said that the worst thing about this process is seeing the distrust that has spread
135 between residents of the Village and outside the Village. The community needs to move forward
136 from this process.
- 137 • Mr. Giambatista said that he is encouraging new voices with creative ideas to become involved in
138 the community.
- 139 • Mr. Miller said that he is exhausted from the merger, and that separation is the only path forward
140 that he sees.
- 141 • Mr. Smith said that he is disappointed by the result of the merger vote but wants to move forward
142 with separation. He said that the creation of a charter seems simple but unwinding the MOUs
143 would be more difficult.

- 144 • Ms. Stultz said that Brownell Library is like a community center, which Essex Free Library is not.
145 She said that she thinks that it is an amazing value for the services that it provides.
- 146 • Mr. Rowell thanked everyone for their hard work and provided some historical context on the
147 Village’s establishment in the 1800s.
- 148 • Mr. Hooker said that he cautions that separation will not make the acrimony between residents
149 disappear.
- 150 • Ms. Haney said that, while the Village funds 42% of Capital Projects in Essex, 98% of these
151 projects occur outside of the Village. This disparity must be corrected. She said that planning for
152 the new community will be difficult, but that good things are coming. It is important to prove that
153 we can stand on our own.

154
155 Mr. Brown stated that the charter is not the difficult part of the transition, but that a budget will need to be
156 drafted, employees hired, and agreements corrected. He also stated that if a neighborhood adjacent to the
157 Village would like to join the community, they should circulate a petition and present it to the Trustees.
158 Mr. Tyler stated that he wanted to debunk the myth that the Village has “luxury” items. The community is
159 efficient and well-run, and the only reason that Brownell costs more money to run than Essex Free Library
160 is because it has a bigger staff and more people use it.

161
162 **g. Discussion and potential action on Merger Alternatives Committee**

163 Mr. Brown offered the suggestion that, instead of forming a new committee, the Trustees dedicate a portion
164 of every meeting to this issue. This will help to allow the issue to be discussed at a meeting in the evening,
165 rather than during the day and thus increase public engagement. Since the Trustees are already educated on
166 the issues, no learning curve will be required. The Board indicated their support. The Board said that
167 volunteers could assist with public outreach while the Trustees did the “boring work” of writing
168 agreements and a charter. Mr. Luck said that there is a lot of good energy that could be used to assist with
169 public outreach and that spring and summer is an excellent time for this. Mr. Brown said that he would
170 like to see this process completed by the November timeline, as it would allow the new charter to be
171 approved by the legislature in 2022. Mr. Tyler said that he is open to some continued sharing with the
172 Town of Essex in areas that make sense. Mr. Brown said that it is important that the Trustees have equal
173 rights on any shared initiatives and are not seen as a “second class board.” Mr. Luck will be the staff
174 project coordinator and will present a committee plan at the next meeting.

175
176 In public comment, Ms. McCormack thanked everyone for their hard work. She expressed support for the
177 parallel process of having a group to take care of the public process while the Trustees worked on the
178 technical details. Mr. Sullivan, Mr. & Mrs. Certa, and Ms. Cooper volunteered to assist with outreach.
179 Ms. Haney offered support for charter development.

180
181 ~~**h. **Discussion of legal counsel recommendations on options and next steps regarding merger and/or**~~
182 ~~**separation of Village of Essex Junction from Town of Essex**~~

183 ~~**i. **Discussion of Draft Wastewater Facility Discharge Permit**~~

184
185 **7. CONSENT ITEMS**

186 **Motion by AMBER THIBAUT, second by DAN KERIN to approve the consent agenda, with a**
187 **friendly amendment that the draft minutes from March 16 have the times included. Motion passed**
188 **5-0.**

189 a. Consider reconstitution of the Town/Village Storm Water Coordinating Committee and appointment of
190 Trustees member to the Committee

191 b. Approve minutes: March 16, 2021; March 22, 2021 - Joint board

- 192 c. Check Warrants: 17244 – 3/26/21; 17245 – 4/2/21
- 193 d. Consider approval of street markings on north side of Maple Street
- 194 e. Consider approval of grant applications for culvert crossing replacements at Densmore Drive and
- 195 Brickyard Road
- 196 f. Consider approval of street markings on north side of Maple Street
- 197 g. Consider approval of grant applications for culvert crossing replacements at Densmore Drive and
- 198 Brickyard Road
- 199

200 **8. READING FILE**

- 201 a. Board member comments: Mr. Tyler said that he was asked to represent the Trustees on the Stormwater
- 202 Coordinating Committee. Mr. Brown said that the planning process for the Crescent Connector continues
- 203 to move forward, and that work on a multi-use path connecting Essex and Colchester will begin shortly.
- 204 Mr. Teich expressed his thanks for the hard work of staff members at the Clerk’s office and poll workers.
- 205 b. Resignation letter from Bruce L. Murdough re: resignation from Zoning Board of Adjustment
- 206 c. Memo from Renae Marshall, Colchester Deputy Town Manager, Aaron Frank, Colchester Town
- 207 Manager, Robert Vickery, Colchester Town Assessor and Julie Graeter, Colchester Town Clerk/Treasurer
- 208 re: Act 175 Vermont Education Property Tax Transition
- 209 d. Chittenden County Regional Planning Commission March Newsletter
- 210 e. Letter from VTRANS re: Essex Junction Crosswalk Beacons – Lincoln/Central, Main/Pleasant, and
- 211 Main/Church
- 212 f. Memo from Annie Costandi, Chelsea Mandigo, Dennis Lutz, and James Jutras re: Information on
- 213 Stormwater Phosphorus Control Plan Submittal
- 214 g. Memo from Robin Pierce re: Crescent Connector Update h. Colchester-Essex VT-15 Multi-Use Path
- 215 Project
- 216 i. New meeting schedule for 2021-2022
- 217

218 **9. EXECUTIVE SESSION**

- 219 a. ~~*An executive session may be requested to discuss the appointment(s) of a public official~~
- 220 b. **An executive session is anticipated to discuss legal matters.
- 221

222 **Motion by ANDREW BROWN, seconded by RAJ CHAWLA that the Trustees make the specific**

223 **finding that general public knowledge of pending or probable civil litigation, to which the public**

224 **body is or may be a party, would place the Village at a substantial disadvantage. Motion passed, 5-0.**

225

226 **Motion by ANDREW BROWN, seconded GEORGE TYLER by move that the Trustees enter into**

227 **executive session to discuss pending or probable civil litigation, to which the public body is or may be**

228 **a party, pursuant to 1 V.S.A. § 313(a)(1)(E), to include the Unified Manager, Assistant Manager, and**

229 **Water Quality Superintendent and the Village Attorney. Motion passed 5-0 at 9:15 PM.**

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231 **10. ADJOURN**

232 **DAN KERIN made a motion, seconded by GEORGE TYLER, to adjourn. Motion passed 5-0 at 9:29**

233 **p.m.**

234

235 Respectfully Submitted,

236 Darby Mayville

237 Recording Secretary

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