

VILLAGE OF ESSEX JUNCTION  
TRUSTEES MEETING MINUTES  
May 25, 2021

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

**ADMINISTRATION and STAFF:** Evan Teich, Unified Manager; Maureen Gillard, Recreation & Parks Afterschool Enrichment Coordinator; Jim Jutras, Water Quality Superintendent; Marguerite Ladd, Assistant Manager; Brad Luck, Essex Junction Recreation and Parks (EJRP) Director

**OTHERS PRESENT:** Bob Burrows; Alise Certa; Annie Cooper; Elaine Haney; Tamara Jaques; Deb McAdoo; Timothy Miller; Patrick Murray; Gabrielle Smith; Dennis Thibeault; Kyleigh; Susanna; R M

1. **CALL TO ORDER**

Mr. Brown called the meeting to order at 6:30 PM.

2. **AGENDA ADDITIONS/ CHANGES**

Mr. Brown proposed to make item 6c, agenda item 5e and to remove items 6d,e and f from the agenda to be considered at a future meeting with an interview process. Mr. Brown also requested that item 6j become item 5f. Mr. Tyler added a revised version of the charter document and a document with questions for legal counsel to item 5a.

3. **APPROVE AGENDA**

**GEORGE TYLER made a motion, seconded by AMBER THIBEAULT, that the Trustees approve all agenda changes. 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. **Work session on Essex Junction Independence Initiative**

Mr. Luck provided an overview of the evening's work session, to discuss:

A. Draft Charter and next steps

B. Review timeline & consider scheduling additional work sessions

C. Outreach strategies

D. Updates of Community Conversations group with chair Elaine Haney

Mr. Brown opened public comments but there were none at this time.

A. Mr. Luck presented a draft of the City of Essex Junction Charter to review, discuss, and revise during the meeting. The draft charter included notes compiled by the Trustees prior to the meeting and did not include sections that will be discussed once legal counsel answers to questions have been received. This draft also did not include subchapters which had no comments, edits. Or were considered "noncontroversial." Mr. Luck highlighted survey comments from a survey conducted by KSV during the merger process, which suggested that change in government may be challenging for the public. The Trustees had the following discussions and made changes to the charter:

- § 201- The Trustees chose as the corporate existence wording: "The inhabitants of the Village of Essex Junction, within the corporate limits as now established, shall be a municipal corporation by the name of the 'City of Essex Junction'."
- § 203b- Mr. Tyler requested clarification on policing wording from legal counsel.

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- § 203e- The Trustees requested clarification from legal counsel on whether power system information needs to be in the charter, for the work described to be able to take place. Mr. Brown, Mr. Tyler, and Mr. Chawla discussed wanting to avoid setting up a need for future charter changes.
  - § 205a- The Trustees acknowledged the importance of determining a municipal government structure for the new City of Essex Junction. Mr. Tyler said he found through his research of other Vermont cities with similar density population, that these cities have council manager forms of government, which include mayors. Mr. Brown said that adding the new variable of a mayoral structure could complicate the current separation process. He suggested they maintain the system that is in place and embed the discussion and decision on a new structure to take place during a 3-5 year transition plan. The Trustees discussed this approach and agreed with it. Mr. Chawla said the strategy would effectively buy time, without losing continuity. Mr. Kerin said this strategy would avoid public confusion and allow details to be worked out later. Ms. Thibeault said embedding governance formation into the transition work will generate more voter input. Mr. Tyler said he thinks many people have a misunderstanding of what a mayor does, in a weak mayor system, so it would benefit them to take enough time for a thorough discussion. Mr. Luck suggested that the values people hold for how they would measure good governance could be addressed with the community engagement process being led by Ms. Haney in order to inform this future discussion.
  - §301- The Trustees chose to postpone determining what districting language to include in this section, until legal counsel clarifies what should be specified. Mr. Chawla stressed the importance of appropriate representation and an established ward system.
  - §302- The Trustees described this section as similar to what is in the current charter. They did not add or remove anything.
  - §303a- Mr. Tyler changed this section to read: “consisting of five members elected at large.”
  - §304- This section remained as written.
  - §305a – Mr. Tyler replaced the words “Chairperson” and “Vice Chairperson” to “President” and “Vice President”, to remain consistent to current charter language.
  - §306a- The Trustees discussed the compensation paid to council members. They agreed with the minimum of \$1500 but changed wording to include this compensation in the budget each year, not as a separate item to be voted on. Mr. Brown said this should be acceptable because there are public hearings and budget development meetings where the public could provide feedback on compensation. The Trustees discussed how this could allow the compensation to reflect annual changes if needed.
  - §308- The Trustees changed the language to “President” and “Vice President” for consistency.
  - §310b- The Trustees changed the language to a 3-person quorum, based on size of the proposed board.
  - §312- This section remained as written.
  - §402- The Trustees agreed for the language to remain with a moderator. Mr. Tyler said that mayors become moderators in some mayoral city annual meetings, so this may be discussed again during the transition years.
  - §501- Mr. Tyler said that many cities call their annual meeting “City Meeting Day” not “Town Meeting Day”. The Trustees agreed with this change. Mr. Chawla and Mr. Brown hoped the municipality could align voting with the school. Mr. Tyler recapped how the FY2022 ballots were aligned but said it could be a challenge to align them every year. Mr. Brown requested legal counsel on if the charter can say “City Meeting Day may be set by the council to align with the schools.”
  - §601- Mr. Tyler said the city charters he researched had lengthy descriptions of how to adopt ordinances, but they were not consistent. Mr. Brown suggested that the ordinance process be

- 106 the same as the Essex Town's process. The Trustees agreed. Mr. Tyler preferred the current  
107 ordinance process in the Village but agreed to move forward with Essex Town's process.
- 108 • §604- The Trustees agreed with the changes made, in response to Ms. Thibeault's  
109 suggestion prior to the meeting, to this section.
  - 110 • §701- The Trustees agreed not to change this section on the Manager yet, because they are  
111 planning for changes to the governance to take place during the transition phase, at which  
112 point Manager powers may also change.
  - 113 • §704- Ms. Thibeault and Mr. Chawla said their questions on this section had been resolved.
  - 114 • §803- The Trustees agreed with the language of this section. Mr. Chawla proposed  
115 reimagining services and budgeting at a time a few years in the future.
  - 116 • §804- The Trustees agreed that a Development Review Board should be established, and  
117 they kept this section as written. They chose not to specify the number of members, which  
118 would then default to the state statute of no fewer than 5 or more than 9.
  - 119 • §805- Mr. Chawla requested clarification on the Brownell Library Trust board member  
120 selection process. Mr. Tyler said some board members are appointed by the Trust but others  
121 must be elected through the voters. The Trustees did not change the language of this section.
  - 122 • §901- Mr. Brown and Ms. Thibeault discussed how to avoid confusion, in this section,  
123 between hiring or contracting.
  - 124 • §§902-906- Mr. Tyler said there are a variety of ways to handle appraisals and requested a  
125 recommendation from legal counsel on these sections.
  - 126 • §906 Mr. Teich requested that the language of this section avoid the verbiage "Real Estate  
127 Assessor" because this role is rare in Vermont. He requested legal counsel provide language  
128 that could give the most latitude for qualifications of the position.
  - 129 • §1002- The Trustees changed the language at the beginning this section to "City Meeting" for  
130 consistency. They changed part "d" to read "no fewer than the next five years".
  - 131 • §1005a- The Trustees change the language to read "City Meeting" for consistency.
  - 132 • §1005c- The Trustees said this section was acceptable, in line with governance.
  - 133 • §1103- The Trustees said comments on this section were addressed previously.
  - 134 • §1201 (b)2- The Trustees changed the language to read "no fewer than 5 years".  
135

136 The Trustees reviewed the draft of legal questions for Ms. Safar, Village Attorney. Mr. Tyler  
137 said he was interested in hearing suggestions on how to transition from a Village to a City, and  
138 that the examples and sub-questions in the legal questions encapsulate this. He said he is  
139 interested in hearing details related to establishing a federal tax entity, contractual agreements,  
140 ordinances, land development codes, land records, the Police Department, broadband, and the  
141 role of a City Clerk. Mr. Tyler suggested that Ms. Safar draft language for a transitional period  
142 to be reviewed by the Trustees and included in the charter. Mr. Chawla clarified that the city  
143 would also need to serve as the board of liquor control for the municipality. Mr. Teich  
144 suggested that they request Ms. Safar draft a section about taxation and abatements, with  
145 language similar to the Town Charter's. Ms. Thibeault suggested that the entire draft charter be  
146 provided to Ms. Safar for review to date.

- 147 B. Mr. Luck reviewed the timeline with the Trustees to consider scheduling additional work  
148 sessions. He suggested four options and the Trustees discussed their availability. Mr. Luck  
149 explained that the goals of the extra meetings would be to develop the organization and Village  
150 departments. The Trustees agreed to meet earlier (4:00 pm) on their June 8 meeting and then  
151 decide whether another meeting is needed on June 14. Mr. Luck said Ms. Safar reviewed the  
152 timeline and wanted to be sure that public meetings which include any public hearings be  
153 clearly warned and executed.
- 154 C. Mr. Luck invited the Trustees to discuss a postcard, drafted for outreach to the community,  
155 about Essex Junction Independence. Ms. Thibeault suggested a typo fix on page two in the

156 third paragraph. The Trustees agreed with the content and design of the postcard, confirmed  
157 funding availability for the mailing, and approved for it to be sent within the current fiscal year.  
158 Mr. Luck suggested that a strategy to consider at a later date could be to host summer chats  
159 with the public on the topic of Essex Junction Independence.

160 D. Ms. Haney provided updates on the Community Conversations group. This volunteer group, led  
161 by Ms. Haney, includes Gabey Smith, Bridget Meyer, and Alise Certa. Ms. Haney said they are  
162 not working directly with the Trustees or on the charter, but are moving intentionally to lay  
163 groundwork for resident participation in community conversations about Essex Junction. She  
164 said there will be many ways for residents to participate and anybody who wants to volunteer  
165 will be trained on how to engage. She said their first event will be in June. Ms. Haney said the  
166 Community Conversations efforts will amplify what the Trustees are doing well and share facts  
167 about the Village as well as what is in the charter. Additionally, they will conduct a "Get Out the  
168 Vote" campaign. She said the website and Facebook pages for this effort will launch soon. The  
169 Trustees had no questions for Ms. Haney but expressed gratitude and said they are eager to  
170 hear back from the group about what people are saying.  
171

172 Mr. Brown closed the work session at 8:28 PM.  
173

174 b. **Discussion and possible action on July 4th fireworks permit at Champlain Valley Expo**  
175 Mr. Luck said Essex Junction Recreation and Parks (EJRP) will be hosting the annual Village July  
176 4 fireworks and community celebration. He said that, due to the 15-month pandemic and the  
177 event's popularity, the Champlain Valley Exposition (CVE) offered the event to take place at their  
178 location at no charge. Event activities will take place on the midway lawn, followed by fireworks at  
179 9:30 PM. He said fireworks for this municipal event normally do not require approval but, because  
180 of the CVE location this year, he was requesting the Trustees to discuss and approve them. Mr.  
181 Brown appreciated CVE's willingness to accommodate the event. Ms. Thibeault said she reached  
182 out to Fire Chief Gaboriault about concerns with fireworks during dry weather. She said the Chief  
183 has since signed off on the permit and said he has no concerns at this time. She said, as per  
184 usual, the Fire Department will be present at the event. Mr. Kerin and Mr. Teich talked about the  
185 Police Department's role at the event. Mr. Luck said Lieutenant Kissinger is happy with the location  
186 change. Mr. Teich explained that CVE is a preferred location because the previous location  
187 resulted in clogged street traffic. He said he hoped this may also be a possibility in the future, but it  
188 would depend on CVE's concert schedule.  
189

190 **ANDREW BROWN made a motion, seconded by GEORGE TYLER, that the Trustees support the**  
191 **fireworks and community activities for this July 4<sup>th</sup> to take place at Champlain Valley**  
192 **Exposition and advise the municipal manager to sign the fireworks permit.**  
193 **The motion passed 5-0.**  
194

195 c. **Consider approval of supplemental grant funding through the Vermont Agency of**  
196 **Agriculture, Food and Markets (VAAF) to complete Vermont Phosphorus Innovation**  
197 **Challenge (VPIC) PePhlo project at the wastewater facility**  
198 Mr. Jutras made a request for approval of supplemental grant funding and talked about a second  
199 step to be planned later regarding the Phosphorous Innovation Project. He said the Wastewater  
200 Treatment Facility (WWTF) was invited to apply for a final grant to complete the Innovation  
201 Challenge and create a mobile facility. He said the budget for the grant is \$300,000 with a  
202 \$150,000 match from the Village. He said some of the matching funds could come from a previous  
203 grant and the application needs to be submitted by the end of FY2021. He anticipates that the  
204 project will be complete December 31, 2021. Mr. Jutras explained that, in the past, UVM has been  
205 the grantee for this project, but the Village would be the grantee this time in order to procure the  
206 equipment needed. Mr. Jutras said a second step, that did not need action at this point, is about  
207 phosphorous innovation resulting from this project. He said it will be an item that is marketable,

208 sellable, and should be patented. He said a next step could be to create a legal business entity for  
209 a patent, which would be an opportunity for a return on investment, and he is looking into a  
210 National Science Foundation grant to cover the patent process. The Trustees expressed their  
211 enthusiasm for the innovation. Mr. Brown said this is further evidence that the WWTF is amazing  
212 and award-winning and he is in support of moving forward with the patent direction.  
213

214 **DAN KERIN made a motion, seconded by AMBER THIBEAULT, that the Trustees authorize the**  
215 **Unified Manager to sign VAFFM grant documents for a project total of \$300,000 to fund the**  
216 **final phase of the PePhlo project and to further authorize the match funds in the amount of**  
217 **\$150,000 to come out of the wastewater facility capital account. Any supplemental project**  
218 **support funds secured in the Village name are to be returned to the WWTF capital fund. The**  
219 **motion passed 5-0.**  
220

221 d. **\*Discussion and possible action to execute Essex Junction Employee Association contract**  
222 **for 2021-2024**

223 This took place as agenda item 8a.  
224

225 e. **\*\*Discussion and possible action on Chittenden County Regional Planning Commission**  
226 **Board and Committee Appointments**

227 Mr. Brown said there may be another person interested in his seat on the Chittenden County  
228 Regional Planning Commission and he would like the opportunity for the Trustees to interview the  
229 individual. He requested that this interview be scheduled on a future meeting agenda and that they  
230 also discuss whether the Village would also like to have an alternate for the position.  
231

232 f. **Check Warrants: #17251 – 5/14/21; #17252 – 5/21/21**

233 The Trustees removed check number 34055 from the warrants, to be addressed at a future  
234 meeting, if necessary.  
235

236 **GEORGE TYLER made a motion, seconded by DAN KERIN, that the Trustees approve the**  
237 **check warrants, as amended. The motion passed 5-0.**  
238

239 6. **CONSENT ITEMS**  
240

241 **DAN KERIN made a motion, seconded by AMBER THIBEAULT, to approve the consent agenda**  
242 **remaining items:**

243 a. **Consider approval of Chittenden Solid Waste District fiscal year 2022 budget**

244 To approve the Chittenden Solid Waste District fiscal year 2022 budget.

245 b. **Warn a public hearing on FY2022 Proposed Utility Rates on June 8, 2021**

246 To warn the first of two public hearings on the proposed FY2022 Utility Rates for Tuesday June 8,  
247 2021.

248 ~~e. **\*\*Discussion and possible action on Chittenden County Regional Planning Commission**~~  
249 ~~**Board and Committee Appointments**~~

250 • Agenda change: item moved to 5e.

251 ~~d. **\*\*Consider reappointment of Karen Dolan to the Village Capital Program Review Committee**~~

252 • Agenda change: item removed from the agenda to be addressed at a future meeting.

253 ~~e. **\*\*Consider reappointment of Philip Batalion to the Village Planning Commission**~~

254 • Agenda change: item removed from the agenda to be addressed at a future meeting.

255 ~~f. **\*\*Consider reappointment of Warren Spinner to the Village Tree Advisory Committee**~~

256 • Agenda change: item removed from the agenda to be addressed at a future meeting.

257 g. **\*\*Consider reappointment of Claudine Safar as the Village Attorney**

258 To approve the Unified Manager to appoint Claudine Safar as the Village Attorney.

259 h. **\*\*Consider reappointment of Jeff Kirschner as the Village Engineering Consultant**

260 To approve the Unified Manager to appoint Jeff Kirschner as the Village Engineering Consultant.

- 261 i. **Approve minutes: May 11, 2021**  
262 j. ~~Check Warrants: #17251 – 5/14/21; #17252 – 5/21/21~~  
263 • Agenda change: item moved to 5f.

264 **The motion passed 5-0.**  
265

266 **7. READING FILE**

267 a. **Board member comments**

- 268 • Mr. Chawla extended congratulations, on behalf of the Trustees, to Mr. Fleury for achieving the  
269 Green Mountain Water Environment Associations Vermont Operator of the year award and to  
270 Ms. Constandi for winning the Bob Wood Young Professional Award.  
271 • Mr. Teich said that although the Memorial Day parade will not be taking place this year, people  
272 can consider visiting the memorial in the Village center and take time to recognize individuals  
273 who served the country. He said thank you, on behalf of Essex, and that their service is not  
274 forgotten.  
275 • Mr. Teich said that Municipal offices are planned to reopen June 1, with slower opening of the  
276 libraries. He said the municipality is also instituting a Remote Work Policy based on success of  
277 remote work this year.  
278 • Mr. Teich said they are working with Town Meeting TV to plan for hybrid meetings, possibly to  
279 be ready in August. With online meeting attendance up so significantly, they would like people  
280 to be able to continue be able to attend virtually if they want to.  
281 • Mr. Tyler commended Mr. Teich for doing a great job managing municipal efforts during the  
282 pandemic. Mr. Teich also thanked department heads, staff, police, and board support.

283 b. **Covid-19 Water Usage through April 2021**

284 c. **Letter from James Jutras re: Comments, 3-1254 Village of Essex Junction National Pollutant  
285 Discharge Elimination System (NPDES) discharge permit**

286 d. **Residential Property Sales – Out of State Buyers 2017-2020**

287 e. **2020 Champlain Valley Expo (CVE) Annual Report**

288 f. **Bernard Fleury Green Mountain Water Environment Associations Vermont Operator of the  
289 year**

290 g. **Ann Constandi wins Bob Wood Young Professional Award**

291 h. **Upcoming meeting schedule**  
292

293 **8. EXECUTIVE SESSION**

- 294 a. **\*An executive session is anticipated for contracts and labor relations agreements with  
295 employees**  
296

297 **ANDREW BROWN made a motion, seconded by RAJ CHAWLA, that the Trustees make the  
298 specific finding that premature general public knowledge of the Village's position concerning  
299 ongoing contract negotiations and labor relations agreements with employees would place the  
300 Village at a substantial disadvantage. The motion passed 5-0 at 8:58 PM.**  
301

302 **ANDREW BROWN made a motion, seconded by AMBER THIBEAULT, that the Trustees enter  
303 into executive session to discuss contracts and labor relations agreements with employees  
304 pursuant to 1 V.S.A. §313(a)(1)(A) and 1 V.S.A. § 313(a)(1)(B), to include the Unified Manager,  
305 Deputy Manager, EJRP Director, Assistant Manager and HR Director. The motion passed 5-0 at  
306 8:59 PM.**  
307

308 **GEORGE TYLER made a motion, seconded by RAJ CHAWLA, to end the executive session.  
309 The motion passed 5-0 at 9:18 pm.**  
310

311 **AMBER THIBEAULT** made a motion, seconded by **DAN KERIN**, that the Trustees authorize the  
312 **Unified Manager** to execute a contract with the **Essex Junction Employee Association** for **2021-**  
313 **2024**. The motion passed **5-0**.  
314

315 **AMBER THIBEAULT** made a motion, seconded by **GEORGE TYLER**, that the Trustees authorize  
316 the **Vermont Municipal Employees' Retirement System (VMERS) Group C** effective on **October**  
317 **1, 2021**, for all eligible **Village of Essex Junction** employees, both within the **Essex Junction**  
318 **Employee Association** and outside of the **Essex Junction Employee Association**. The motion  
319 passed **5-0**.  
320

321 b. **\*\*An executive session may be requested to discuss the appointment of public officials**  
322 An executive session did not take place on this item.  
323

324 9. **ADJOURN**  
325

326 **DAN KERIN** made a motion, and **RAJ CHAWLA** seconded, that the Trustees adjourn the  
327 meeting. The motion passed **5-0** at **9:21 PM**.  
328

329  
330 Respectfully Submitted,  
331 Cathy Ainsworth