



# TOWN OF ESSEX SELECTBOARD REGULAR MEETING AGENDA

Online & 81 Main St.  
Essex Junction, VT 05452  
Monday, October 18, 2021  
6:30 PM

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Phone: (802) 878-1341

*This meeting will be held both remotely and in person. Available options to watch or join the meeting:*

- **WATCH:** the meeting will be live streamed on [Town Meeting TV](#).
- **JOIN ONLINE:** [Join Microsoft Teams Meeting](#). Depending on your browser, you may need to call in for audio (below).
- **JOIN CALLING:** Join via conference call (*audio only*): (802) 377-3784 | Conference ID: 113 824 224#
- **PROVIDE FULL NAME:** For minutes, please provide your full name whenever prompted.
- **CHAT DURING MEETING:** Please use "Chat" to request to speak, only. **Please do not use for comments.**
- **RAISE YOUR HAND:** Click on the hand in Teams to speak or use the "Chat" feature to request to speak.
- **MUTE YOUR MIC:** When not speaking, please mute your microphone on your computer/phone.

1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
  - a. Comments from Public on Items Not on Agenda
5. **PUBLIC HEARING**
  - a. Public hearing to discuss the survey of existing Class 3 Town Highway No. 708, Fleury Road
6. **BUSINESS ITEMS**
  - a. Consider approval of Fleury Road survey and documentation of Fleury Road right of way
  - b. Consider passage of Public Nuisance and Dog Licensing and Control ordinances and warning of public hearing to consider final passage
  - c. Presentation of Chittenden County Regional Planning Commission annual update
  - d. Discussion and potential action on open meeting law training from Vermont League of Cities and Towns
  - e. \*Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction
  - f. \*\*Discussion of personnel
7. **CONSENT ITEMS**
  - a. Consider acknowledgement of new street name at 25 Essex Way private drive
  - b. Consider approval of Extra Mile Day proclamation
  - c. Approve minutes: October 4, 2021, October 5, 2021
  - d. Check Warrants: #17913 -- 10/1/21; #17915 -- 10/8/21
8. **READING FILE**
  - a. Board member comments
  - b. Memo from Greg Duggan re: Petition to lower speed on VT Route 128 between Weed Road and Irene Avenue
  - c. List of Boards/Committees/Commissions vacancies
  - d. Upcoming meeting schedule
9. **EXECUTIVE SESSION**
  - a. \*An executive session is anticipated to discuss negotiation of contracts and agreements between the Town of Essex and Village/City of Essex Junction
  - b. \*\*An executive session may be needed to discuss personnel matters

Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the Chair, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the Chair. This agenda is available in alternative formats upon request. Meetings of the Selectboard, like all programs and activities of the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Town Manager's office at 878-1341.

Certification:  10/15/2021

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**TOWN OF ESSEX  
SELECTBOARD MEETING MINUTES  
Monday October 18, 2021**

**SELECTBOARD:** Andy Watts, Chair; Susan Cook; Tracey Delphia; Dawn Hill-Fleury; Patrick Murray

**ADMINISTRATION and STAFF:** Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Ron Hoague, Chief of Police; Robert Kissinger, Police Lieutenant; Aaron Martin, Director of Public Works Operations.

**OTHERS PRESENT:** Charles Baker; Al Bombardier; Jeff Carr; Kevin Collins; Erin Dickinson; Betsy Dunn; Lester Elton; Sally Fleury; Patricia Gelineau; Maureen Gillard; Nick Leddy; Bruce Post; Mary Post; Roseanne Prestipino; Angel Segarra; Margaret Smith; Mike Sullivan; Dennis Thibeault; Mike Thorne; Fernando Wade-Kuck; Irene Wrenner

**1. CALL TO ORDER**

Mr. Watts called the Essex Selectboard to order at 6:32 PM.

A gentleman in the meeting room was unmasked but requested to stay to participate in the meeting's Public Hearing. Staff and the Selectboard said that, without a mask, he could not stay, due to covid restrictions. They invited him to join the meeting elsewhere by phone or through Microsoft Teams. He left the meeting.

**2. AGENDA ADDITIONS/ CHANGES**

Mr. Duggan requested that reading file item 8b, become new business item 6b, for discussion.

Mr. Duggan presented a newly updated draft of a working document for item 6f. The Selectboard did not accept the document for this meeting, due to lack of time in advance to review it.

**3. AGENDA APPROVAL**

**ANDY WATTS made a motion, seconded by DAWN HILL-FLEURY, to move reading file item 8b to business item 6b to allow discussion of the Route 128 speed limit. The motion passed 5-0.**

**4. PUBLIC TO BE HEARD**

**a. Comments from Public on Items Not on Agenda**

Mr. Watts requested that speakers uphold specific behaviors of civility during this agenda item.

Mr. Wade-Cook suggested that the municipality consider decreasing the speed limit near Meadow's Edge on Tower Road hour because of speeding traffic.

**5. PUBLIC HEARING**

**b. Public hearing to discuss the survey of existing Class 3 Town Highway No. 708, Fleury Road**

The Selectboard members discussed how to proceed with the public hearing, with consideration to the gentleman who wanted to comment on the issue but left due to masking protocols. They decided to move forward with the hearing but allow more time for more public comments by tabling the issue afterward, to be reopened it at the next Selectboard meeting

Mr. Watts opened the Public Hearing at 6:54 PM

Mr. Martin presented the issue of conducting a survey of Fleury Road, and whether staff should acquire the necessary deeds to document the Fleury Road Right of Way. He said that the road is class 3, so must be surveyed as per state statute, but land records with drawings that include the

road width and location are unavailable to be able to conduct the required survey. He talked about why the boundaries of the road are historically difficult to establish and explained changes in its use when there was no longer a train station and depot located there. He showed maps to explain where the proposed boundaries, based on historical documents, and said this may affect property owners being able to access a right of way. The Selectboard discussed the maps with Mr. Martin including the southern border of the claimed right of way; how this survey would minimize impact; it's effect on development; and reasons to claim a two pronged right of way versus three. Mr. Martin said that if the survey is approved it would be filed in land records. Then, a notice of appeal would be provided to the residents and 120 days would be granted for the appeal period. If there were no appeals, the survey would be accepted and landowner deeds would be secured.

There were no comments from the public at this time. Mr. Teich said staff would contact the gentleman who left earlier in the meeting to ensure that his comments are included on this issue.

**SUSAN COOK made a motion, seconded by TRACEY DELPHIA, to table the discussion on the public hearing to discuss the survey of existing Class 3 Town Highway No. 708, Fleury Road until the next Selectboard meeting on November first at 6:45. The motion passed 5-0.**

## **6. BUSINESS ITEMS**

### **a. Consider approval of Fleury Road survey and documentation of Fleury Road right of way**

Because the public hearing on this issue will be reopened on November 1, 2021, approval of this survey was not yet considered.

### **b. Discuss a petition to lower speed on VT Route 128 between Weed Road and Irene Avenue**

Mr. Duggan introduce the petition from residents on VT Route 128 to lower the speed limit between Weed Road and Irene Avenue. He said staff are planning to perform a speed study and present the results to the VTRANS State Committee that considers speed changes to state roads four times per year. The Selectboard discussed the issue and location with Mr. Martin.

Ms. Gellineau, a petitioner on this issue, said she was speaking on behalf of Route 128 residents living on this segment of road who believe the 50 MPH speed limit is too fast for their residential neighborhood. She said people drive fast and hazardously on the road. She described minor and major motor vehicle accidents; pets, including her own, that have been run over; children scared to play outside; and residents scared to get their mail or to drive out of their driveways. Mr. Martin talked with Ms. Gellineau about the process for submitting the speed study to the state. He suggested that residents submit letters in support of this change to send with the speed study.

Ms. Smith said that drivers go very fast at the elementary school nearby, but she has not seen police surveillance there for sound or speed. She said she hopes the state will make this change.

Ms. Post described a recent driving experience she had at a nearby intersection and underscored the safety issues related to speeders on Fleury Road.

Ms. Davis urged the Town to confront engineers, at the state level, about this speeding issue using town priorities to support the speed change.

Mr. Martin agreed to find out when the next VTRANS meeting at the state will take place to try to time the speed study in preparation for this meeting.

### **c. Consider passage of Public Nuisance and Dog Licensing and Control ordinances and warning of public hearing to consider final passage**

Lieutenant Kissinger introduced the issue of whether the Selectboard will pass Chapter 6.11, Public Nuisance, and Chapter 4.04, Dog Licensing and Control, of the Town of Essex Municipal Ordinance with any desired amendments and authorize staff to warn a public hearing to consider final passage of the ordinance revisions on November 1, 2021. The selectboard had no questions about the Dog licensing and control ordinance. Regarding the public nuisance ordinance, Lieutenant Kissinger said that the noise section needs to be amended because, when drafting it, they did not take into consideration gun shooting noise on private properties. He gave an example of legal repercussions of a neighboring municipality when a noise ordinance negatively affected a shooting range. Ms. Cook said she would submit a typo revision for the ordinance.

Ms. Post wondered if the dog ordinance would apply to a dog who runs loose on Old Stage Road. She said that if the Selectboard is considering how the nuisance ordinance would affect shooting ranges that they should open a shooting range discussion.

Mr. Bombardier hoped that the ordinance would address loud vehicular noises in his neighborhood. He said noise and speeding are concerns for high density parts of the Town. He suggested including increasing penalties for reoffenders. He said he approved of 6.11.040 A, General Prohibition, and the exemptions. He said that Table A seemed to only apply to machinery versus vehicles. He wondered why he rarely sees police patrolling for speeding.

Lieutenant Kissinger explained how measuring decibels can get reasonable reads on neighbor disturbances. He suggested removing section 6.11.040 C to work on separately to address the issues of loud vehicles and shooting ranges. Mr. Murray suggested not removing Table A and Mr. Watts suggested not pulling out any sections to address separately but, instead, to address the whole ordinance. Chief Hoague said they would need to revise language to handle the shooting range issue, based on what has been learned from Williston's shooting range lawsuit.

**TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard pass the Dog License and Control Ordinance and authorize staff to warn a public hearing to consider final passage of the ordinance revisions on November 1, 2021, at 6:45 PM. The motion passed 5-0.**

**d. Presentation of Chittenden County Regional Planning Commission annual update**

Chittenden County Regional Planning Commission (CCRPC) Executive Director, Mr. Baker, presented the commission's annual update, with support from Essex CCRPC representative Mr. Carr. Mr. Duggan and Mr. Teich said the CCRPC has been meeting regularly with managers about how to address regional topics. Mr. Carr talked about the importance of transportation planning and funding with the CCRPC, to define a transportation future for the county. Mr. Baker reviewed the report provided to the Selectboard and highlighted individual items to discuss starting with the operating structure of the CCRPC as detailed on page 1. He noted the Essex activities that the CCRPC assisted with, as outlined on pages 1-4. He said there is a legislative forum that the CCRPC attends regularly so if the municipality wants them to highlight something specific to let him know. Mr. Baker noted CCRPC's regional activities, as detailed in the report on pages 4-8. He talked CCRPC's public engagement and racial equity work, including a plan to hold an Equity Summit in November. He said the Building Homes Together campaign has built over 3500 homes and, because more is needed on this effort municipalities have been convening regional housing commissions to share best practices. He said more funding from the Federal Government may be available for this initiative. Mr. Carr talked about the importance of building housing that is affordable and talked housing markets. Mr. Murray wondered if other municipalities are addressing the impact of Air B&Bs and short term stay arrangements on communities. Mr. Baker said this is being discussed at the legislature. Mr. Watts wondered if access to childcare

and mental health treatment is being discussed as a regional issue. Mr. Baker said some convened discussions focused on access to mental health services, but childcares services are being addressed as a state-wide issue. Mr. Watts wondered why the CCRCP had a recent discussion with Essex staff about the Essex Senior Van. Mr. Baker said he is considering whether the model is replicable for other parts of the region and said they are exploring alternative funding options for this type of service through VTRANS. Mr. Watts wondered how CCRPC representation from the Town and the Village is going. Mr. Baker and Mr. Carr cited no issues. Mr. Carr announced he will be moving from Essex so he will no longer be able to serve as Essex's CCRPC representative. He talked about his long tenure in this position and his gratitude for the opportunity. He received applause by the Selectboard and those present for his service.

e. **Discussion and potential action on open meeting law training from Vermont League of Cities and Towns**

Mr. Teich presented the issue of whether the Selectboard wanted to schedule an open meeting law training with the Vermont League of Cities and Towns (VLCT). He said this would be in response to resident requests for the Secretary of State to provide training about open meeting law and the public records act. Mr. Teich said the Secretary of State provides regional transparency tours that cover the topic with community discussions, but does not provide trainings. He said any resident can also call the Secretary of State to ask questions about these topics. He said VLCT training is the same one they do with new board members after Town Meetings, but this would be at a cost and only municipal members would be able to interface with VLCT, not the public. The Selectboard discussed the VLCT option and determined it does not address the need originally discussed. The Selectboard members would prefer, and encourage community members, to attend the public meeting provided by during the Secretary of State's transparency tour.

Mr. Post agreed that the VLCT training does not meet the spirit of the original request. He said he felt it was important to address what seemed to be suspect meetings and wanted residents to understand that they can hold public officials accountable. He said the VLCT training is not good use of money and talked about his opinions on VLCT's position on transparency.

The Selectboard members were in consensus to not pursue the VLCT training but to watch out for the Secretary of State offerings in the future.

f. **\*Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction**

The Selectboard members said they receive too many drafts of the shared services working documents and that they do not always know the reasons behind edits made on them. Mr. Watts said that having nine documents in the packet is too many and he would like to tell the Trustees that the Selectboard is finished with some of them. Ms. Delphia requested that the most recent working copy be provided before their next joint meeting on October 19<sup>th</sup>. Mr. Teich suggested that the boards use the comment box tool in the working documents to explain reasoning behind suggested revisions. The Selectboard members discussed, the roles of Mr. Luck and legal counsel. They decided that no executive session for this agenda item was required.

Ms. Wrenner suggested that the Selectboard engage a consultant in a similar fashion as the Village engages Mr. Luck.

Ms. Dunn wondered if the Selectboard is taking enough time prior to Joint meetings to discuss Trustee suggestions. Mr. Watts said they are and explained the drafting dynamics.

g. **\*\*Discussion of personnel**

This Item took place in Executive Session as 9b.

**7. CONSENT ITEMS**

**DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to approve the consent agenda as presented:**

a. Consider acknowledgement of new street name at 25 Essex Way private drive

**To acknowledge that the E911 Coordinator & State approved the name 'Stinson Drive'.**

b. Consider approval of Extra Mile Day proclamation

**To approve a Proclamation declaring November 1, 2021, to be Extra Mile Day.**

c. Approve minutes: October 4, 2021, October 5, 2021

d. Check Warrants: #17913 -- 10/1/21; #17915 -- 10/8/21

**The motion passed 5-0**

**8. READING FILE**

a. Board member comments

- Mr. Teich said that two new Senior Van drivers were hired and will start soon.

- Mr. Watts noted the list of committee and commission vacancies. He said they will be interviewing four candidates for one seat on the Housing Commission but, because he knows one of the candidates, he will recuse himself from these interviews and the appointment.

b. ~~Memo from Greg Duggan re: Petition to lower speed on VT Route 128 between Weed Road and Irene Avenue~~ This item was pulled to become new item 6b.

c. List of Boards/Committees/Commissions vacancies

d. Upcoming meeting schedule

**9. EXECUTIVE SESSION**

a. **\*An executive session is anticipated to discuss negotiation of contracts and agreements between the Town of Essex and Village/City of Essex Junction**

An executive session did not take place for this agenda item.

b. **\*\*An executive session may be needed to discuss personnel matters**

**DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard enter into executive session to discuss the employment of a public employee in accordance with 1 V.S.A. Section 313(a)(3), to include the Town Attorney, Unified Manager, and Deputy Manager. The motion passed 5-0 at 9:21 PM.**

**TRACEY DELPHIA made a motion, seconded by SUSAN COOK, to exit executive session. The motion passed 5-0 at 10:51 PM.**

**10. ADJOURN**

**DAWN HILL-FLEURY made a motion, seconded by SUSAN COOK, to adjourn. The motion passed 5-0 at 10:51 PM.**

Respectfully Submitted,  
Cathy Ainsworth  
Recording Secretary

Approved this \_\_\_\_1st\_\_\_\_ day of \_October\_, 2021

## SELECTBOARD

October 18, 2021

258 (See minutes of this day for corrections, if any)

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Tracey Delphia  
Tracey Delphia, Clerk, Selectboard