



TOWN OF ESSEX SELECTBOARD REGULAR MEETING AGENDA

Online & 81 Main St.
Essex Junction, VT 05452
Monday, November 1, 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: 818 593 947#
- **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 [6:35 PM]
 - b. Public hearing for Dog Licensing and Control ordinances [6:45 PM]
6. **BUSINESS ITEMS**
 - a. Consider approval of Fleury Road survey and documentation of Fleury Road right of way
 - b. Consider final passage of Dog Licensing and Control ordinances
 - c. Presentation and discussion about retail cannabis
 - d. Presentation of West Central Vermont Comprehensive Economic Development Strategy
 - e. Consider appointing Selectboard members to subcommittee to work on shared service agreements with an independent City of Essex Junction
 - f. Consider revisions to Personnel Guidelines to add Juneteenth as recognized holiday
 - g. *Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction
 - h. **Discussion and potential action regarding personnel
7. **CONSENT ITEMS**
 - a. Consider approval of Bylaw Modernization Grant Application
 - b. Approve minutes: October 18, 2021; October 25, 2021 - Joint
 - c. Check Warrants: #17917 – 10/15/21; #17919 – 10/22/21; # 17922 – 10/29/21
8. **READING FILE**
 - a. Board member comments
 - b. Memo from Community Development Department re: Botur Kosimi Resignation from Economic Development Commission
 - c. Memo from Dennis Lutz re: Essex Landfill Certification (INFORMATION)
 - d. Memo from Dennis Lutz re: Winter Salt (INFORMATION)
 - e. 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 is anticipated 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:  10/29/2021

SELECTBOARD

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TOWN OF ESSEX SELECTBOARD REGULAR MEETING November 1, 2021

SELECTBOARD: Andy Watts, Chair; Patrick Murray, Vice-Chair; Tracey Delphia, Clerk; Sue Cook; Dawn Hill-Fleury.

ADMINISTRATION: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Ron Hoague, Chief of Police; Robert Kissinger, Police Lieutenant; Marguerite Ladd, Assistant Manager; Owiso Makuku, Town Community Development Director; Aaron Martin, Director of Public Works Operations; Robin Pierce, Village of Essex Junction Community Development Director; Travis Sabatasso, HR Director.

OTHERS PRESENT: Kevin Collins; Erin Dickinson; Betsy Dunn; John Egan; Bill Ellis, Town Attorney; Essex ReTorter; Mariah Flynn; Maureen Gillard; Melissa Ham-Ellis; Mick Leddy, Town Attorney; Regina Mahony, Chittenden County Regional Planning Commission; Deb McAdoo; Meredith Mann; Timothy Miller; Madeleine Moino; Melanie Needle, Chittenden County Regional Planning Commission; Joe P.; Mary Post; Roseanne Prestipino; Margaret Smith; Irene Wrenner; Lorraine Zaloom; Sharon Zukowski; Angel; R M; WCAX;

1. CALL TO ORDER

Andy Watts called the meeting of the Town of Essex Selectboard to order at 6:32 PM.

2. AGENDA ADDITIONS/CHANGES

None.

3. AGENDA APPROVAL

Approval was not needed as there were no agenda changes.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Betsy Dunn spoke about the high levels of participation for some citizens of the Town and suggested that Essex adopt an approach similar to Burlington to further engage those citizens. She said that Burlington has Neighborhood Planning Assemblies (NPAs) that convene on a regular basis for each of their wards. She said they are advocacy groups and organized forums for neighbors to learn and be informed on public issues, and can be used to inform their City Council representatives.

Margaret Smith spoke about a persistent hum that she has been hearing nightly. She said it is disturbing her sleep and would like to pursue this issue further. Mr. Teich replied that he would need more information on this to help solve it, and asked Ms. Smith to call or email him to discuss further.

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Irene Wrenner said that there are still many questions regarding the budget, such as who is paying for the senior center. She noted that the senior center would like to revise its offering of activities and it would be helpful to understand what funding the Village and Town are putting in.

Melissa Ham-Ellis asked what the talking points are around tomorrow's election. Mr. Watts directed her to minutes and the Village of Essex Junction website.

5. PUBLIC HEARING

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

Aaron Martin gave a brief description of the request, which is to ask the Selectboard to approve the Fleury Road survey and direct staff to seek the necessary deeds and documentation. He spoke about the characteristics of Fleury Road, noting that its boundaries have historically been difficult to establish and that it is not included on tax maps, though it has been a Class 3 road in Vermont since 1943. He said staff is recommending claiming a two-rod right of way centered on the existing road. He spoke about the process going forward, saying that if the Selectboard approves it, a notice of completion will be sent to abutting property owners along with appeal options, and there will be a 120-day waiting period for appeals.

Mr. Murray said that there had been one individual who wasn't able to be at the prior meeting on this topic, and asked whether Town staff have heard back from this individual or his legal counsel. Mr. Martin said that he has spoken to the individual and that the Town has provided him with a letter that he and his legal counsel reviewed and accepted, which will be filed into the land record.

DAWN HILL-FLEURY made motion, seconded by PATRICK MURRAY, to close the public hearing on Fleury Road. The motion passed 5-0.

b. Public hearing for Dog Licensing and Control ordinances

Robert Kissinger noted that these ordinances have not been updated since 1996 and that these updates address previous shortcomings. He noted that the revisions allow fines for unregistered dogs and require dogs to wear a collar. He noted a definition included for potentially vicious dogs, and new language around confinement of animals in vehicles (consistent with Vermont law). He also noted a revision that would require dogs to be leashed when not on their private property, and that the leash cannot be longer than six feet. He noted that these changes align with restrictions at Indian Brook Park.

Mary Post asked if dogs at the reservoir needed to be on a leash. Mr. Kissinger replied that those regulations are under the purview of the Parks & Recreation department. Mr. Watts said that park policy is that dogs are allowed off-leash outside of the parking and swimming area. Ms. Post suggested having a larger discussion about dog regulations and safety.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to close the public hearing on the dog ordinance modifications. The motion passed 5-0.

6. BUSINESS ITEMS

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

93 Dawn Hill-Fleury recused herself from voting on this issue.

94
95 **SUE COOK made a motion, seconded by PATRICK MURRAY, that the Selectboard**
96 **approve the survey of Fleury Road per Title 19 of State Statute and direct staff to acquire**
97 **the necessary deeds from all abutters to document the Fleury Road Right of Way. The**
98 **motion passed 4-0-1 (Dawn Hill-Fleury abstained).**

99
100 b. **Consider final passage of Dog Licensing and Control ordinances**

101
102 **TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the**
103 **Selectboard approve the final passage of Chapter 4.04 Dog Licensing and Control, of the**
104 **Town of Essex Municipal Ordinance, effective immediately. The motion passed 5-0.**

105
106 c. **Presentation and discussion about retail cannabis**

107 Ms. Needle began the presentation by summarizing Act 164, which legalized the sale, purchase,
108 and taxation of adult use cannabis, and establishes a retail market. She noted that municipalities
109 must opt in to allowing the retail sale of cannabis, but cannot opt in to other components such
110 as cultivation, testing, warehousing, or distribution, which are permitted by the state. She walked
111 through the Act 164 timeline, noting that rulemaking is occurring and expected final adoption of
112 rules is March 1, 2022. She said licenses can be issued to retailers beginning on or before
113 October 1, 2022, should the Town vote to opt in.

114
115 Ms. Flynn spoke about community-level prevention efforts targeted toward youth, such as
116 creating buffer zones, density maximums, local options tax, and prohibiting use in certain places.
117 She showed examples of local buffer zones around Essex's libraries and schools.

118
119 Ms. Cook asked about integrated licensing, since the opt-in vote at the municipal level is only
120 about the retail component. Ms. Needle confirmed that integrated licenses are not subject to a
121 municipal opt in.

122
123 Ms. Delphia asked if the cultivation and retail have to happen to separately in dispensaries. She
124 asked if Act 164 allows them to be combined. Ms. Needle said the integrated license is
125 comprehensive. She said that the retail component of an integrated license can only happen in
126 an opted-in community.

127
128 Mr. Murray asked for clarification around the efficacy of a local cannabis control board, noting
129 that licenses are issued and regulated at the state level. Ms. Flynn said that there are benefits
130 to creating another level of licensing in municipalities and that it would be a second layer of
131 approval for a license in the Town. Mr. Pierce said that a municipality can opt in but that the best
132 control is through zoning. Mr. Duggan said that Town staff have discussed how a local cannabis
133 control board could act like a liquor licensing board in situations where there is a problematic
134 shop.

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Mr. Duggan asked whether buffers would apply to school-owned properties or just to schools. Ms. Needle replied that it is up to Town's discretion through regulation and zoning.

Mr. Watts asked about the March 1, 2022 rulemaking deadline, saying that it is difficult to explain to voters how the rules and regulations would work if the rules aren't final by the time they vote. He also said that it would be challenging if the Town receives a petition to have an opt in vote before the State rules are finalized.

Meredith Mann spoke as the owner of a cannabis confection retailer, noting that they have fielded a survey on the Essex Facebook page and that 87% of respondents were in favor of retailing. She also noted that they are collecting signatures to petition for an opt in vote. She spoke in favor of strengthening child safety measures.

Mr. Watts asked what the implications are for the Village if the Town votes to opt in to retail cannabis. Mr. Pierce replied that each individual municipality can have a vote to opt in, so the Town and Village can vote individually.

Sharon Zukowski expressed concern about the local options tax, which would put a burden on small businesses, and that the Town voted resoundingly against the local options tax in a previous vote.

Mr. Watts discussed next steps, which were having the cannabis committee pursue fielding a survey to learn more about residents' and businesses' thoughts, as well as look into the local options tax and whether it could be separated out.

d. Presentation of West Central Vermont Comprehensive Economic Development Strategy

Ms. Mahony said that the Chittenden County Regional Planning Commission (CCRPC) is working on a fourth iteration of a Comprehensive Economic Development Strategy (CEDS). She said this plan is necessary to have in place to get federal economic development funds into the region, and that it is a strategic, action-oriented plan. She said that it differs from prior iterations because it entails collaborating with Addison, Rutland, and some central Vermont counties (90 municipalities in all). She said that plan is currently in the outreach and engagement stage. She outlined the timeline, which is to have a draft plan in the spring and a final, adopted CEDS by the end of 2022.

Mr. Murray asked for an example of a priority project. Ms. Mahony replied that they are thinking about infrastructure (municipal level, like wastewater or water) through the lens of creating or retaining jobs in the region, but also programmatic type projects, such as a workforce training program aimed at retaining youth.

Ms. Mahony said a plan will be drafted and circulated for review to the Selectboard in the spring.

Lorraine Zaloom asked about out of state diversification targets. Ms. Mahony replied that the CCRPC is trying to have a specific BIPOC focus group, and that it is a huge opportunity moving forward.

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182
183 **e. Consider appointing Selectboard members to subcommittee to work on shared**
184 **service agreements with an Independent City of Essex Junction**

185 Mr. Watts said that the Village of Essex Junction Board of Trustees proposed holding separate
186 additional subcommittee meetings to move forward with shared service agreements with Essex
187 Junction. Ms. Cook said that diversity of voice and thought is valuable in this work, and that this
188 is not something that should be rushed. Ms. Delphia said she would appreciate being able to
189 address normal course of business items during Selectboard meetings. She expressed concern
190 about public input if the subcommittee meetings take place during the day. Mr. Murray agreed,
191 saying that the discussions have prevented other Selectboard work, but said that having 10
192 people negotiating is no longer advantageous. Ms. Hill-Fleury expressed concern about the
193 subcommittee making decisions without input from other members of the Selectboard. She
194 suggested potentially creating a subcommittee to discuss the Tier 2 items.

195
196 Several Selectboard members said that they are not available during the day to convene a
197 subcommittee. Mr. Teich suggested proposing a separate structure or set of pre-meetings for
198 dealing with Tier 2 items, even if the formation of a subcommittee is not feasible.

199
200 **f. Consider revisions to Personnel Guidelines to add Juneteenth as a recognized holiday**

201 Mr. Teich said the federal government made Juneteenth a federal holiday and noted the Town's
202 own work on diversity, equity, and inclusion, and its celebration of Juneteenth earlier in the year.
203 He said that this proposal would make Juneteenth a recognized Town holiday. Ms. Cook said
204 this a great idea.

205
206 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the**
207 **Selectboard adopt Juneteenth as a Town recognized holiday and authorize the Unified**
208 **Manager to update the Town Personnel Guidelines to add Juneteenth as a recognized**
209 **holiday and to execute a Memorandum of Understanding with AFSCME and with the**
210 **Essex Police Employee Association to add Juneteenth as a paid holiday to their**
211 **respective bargaining agreements. The motion passed 5-0.**

212
213 **g. * Discussion and potential action on tentative agreements about shared services**
214 **between Town of Essex and Independent City of Essex Junction**

215 The Selectboard reviewed current redlines for the shared services agreements between the
216 Town of Essex and City of Essex Junction. These include a Memorandum of Understanding
217 (MOU) regarding agreements for shared services, a Delinquent Tax Agreement, an Information
218 technology Agreement, and a Police Services Agreement. No substantive edits were made.

219
220 Mr. Watts noted a discussion on the question of the City collecting taxes during its transition year
221 (while they are a City but also still have a Village/Town budget). He asked whether the Town
222 has the authority to go after taxes in a non-existent municipality. Town Attorney Ellis replied that
223 the legislature will consider that when they consider the City's charter. He said that the City may
224 end up purchasing the delinquencies from the Town and pursuing them on their own.

225
226 **h. ** Discussion and potential action regarding personnel**

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Mr. Watts noted that the Village has stated it will hire a manager whether separation occurs or not. He said announcements have gone out saying that the Town and Village will end the joint management of the Town and Village.

7. CONSENT ITEMS

a. Consider approval of Bylaw Modernization Grant Application

To adopt the attached resolution and authorize the Chair to sign the form to be included in the grant application

b. Approve minutes: October 18, 2021; October 25, 2021 – Joint

c. Check Warrants: #17917—10/15/21; #17919—10/22/21; #17922—10/29/21

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to approve the consent agenda. The motion passed 5-0.

8. READING FILE

a. Board member comments

b. Memo from Community Development Department re: Botur Kosimi Resignation from Economic Development Commission

c. Memo from Dennis Lutz re: Essex Landfill Certification (INFORMATION)

d. Memo from Dennis Lutz re: Winter Salt (INFORMATION)

e. 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**

No executive session was held regarding this topic.

b. **** An executive session is anticipated to discuss personnel matters**

SUE COOK made a motion, seconded by DAWN HILL-FLEURY, 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, Deputy Manager, Human Resources Director, and Assistant Manager. The motion passed 5-0 at 9:54 PM.

DAWN HILL-FLEURY made a motion, seconded by SUE COOK, to exit executive session. The motion passed 5-0 at 10:42 PM.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to extend Evan Teich's contract beyond its expiration date of February 26, 2022. The motion failed 0-5.

10. ADJOURN

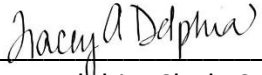
DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to adjourn the meeting. The motion passed 5-0 at 10:47 PM.

SELECTBOARD

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273 Respectfully Submitted,
274 Amy Coonradt, Recording Secretary

275
276 Approved this 9th day of November, 2021
277 (see minutes of this day for corrections, if any)

278
279 
280 _____
281 Tracey Delphia, Clerk, Selectboard

281
282