



Town of Essex Selectboard

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Regular Meeting Agenda

Monday, April 18, 2022 – 6:30 PM
81 Main St., Essex Junction, VT 05452

This meeting will be in person and online. Available options to watch or join the meeting:

- **VISIT www.essex.org/zoomselectboard** for direct meeting links and options to participate.
- **JOIN ONLINE:** <https://zoom.us/join> | Meeting ID: 987 8569 1140; Passcode: 032060
- **JOIN CALLING:** (*toll free audio only*): (888) 788-0099 | Meeting ID: 987 8569 1140; Passcode: 032060

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. **BUSINESS ITEMS**
 - a. Consider approval of first and third class liquor license
 - b. Discussion of Proposed Water Sewer Budget, Rates and Capital Plan
 - c. Consider warning public hearing for proposed water sewer budget and capital plan
 - d. Consider approval of American Rescue Plan Act (ARPA) Election of Standard Allowance
 - e. Consider Adoption of Essex Tree Care Policy
6. **CONSENT ITEMS**
 - a. Approve minutes: March 28, 2022 -Joint; April 4, 2022
 - b. Approve check warrants: #17967 4/1/22; #17969 4/8/22
 - c. Consider approval of Settlement Agreement for National Pollution Discharge Elimination System (NPDES) Permit No. 3-1254
 - d. *Consider approval of Manager's appointments of Cemetery Commissioners
 - e. Consider approval of liquor license renewals
 - f. Consider appointment of Champlain Water District alternate
 - g. **Consider adoption of Local Emergency Management Plan
 - h. 2022 Greening Schools Grant and Arbor Day Celebration / Proclamation
7. **READING FILE**
 - a. Board member comments
 - b. Upcoming meeting schedule
 - c. Chittenden County Regional Planning Commission March Newsletter
 - d. Current opportunities - Boards & Committees
8. **EXECUTIVE SESSION**
 - a. *An executive session may be requested to discuss the appointment of public officials
 - b. **An executive session may be requested to discuss security or emergency response measures

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Certification:  04/15/2022

**TOWN OF ESSEX SELECTBOARD
REGULAR MEETING
April 18, 2022**

SELECTBOARD: Andy Watts, Chair; Kendall Chamberlin; Dawn Hill-Fleury; Ethan Lawrence.

ADMINISTRATION: Greg Duggan, Town Manager; Courtney Bushey, Finance Director; Marguerite Ladd, Deputy Manager; Dennis Lutz, Public Works Director; Darren Schibler, Town Planner.

OTHERS PRESENT: Kevin Collins, Patty Davis, Peter Edelman, Colleen Hunt, Shawn Hyer, Mary Post, Roseanne Prestipino, Ken Signorello, Margaret Smith, Irene Wrenner, TJ Yandow.

1. CALL TO ORDER

Andy Watts called the meeting of the Town of Essex Selectboard to order at 6:31 PM.

2. AGENDA ADDITIONS/CHANGES

None at this time.

3. AGENDA APPROVAL

No approval needed, as no agenda changes were made.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Mary Post raised an issue about Saxon Hill, saying that she does not believe that there should be hunting in that area. She said she has that heard that many hunters come from Jericho because they cannot hunt in Mills River Park. She does not believe that there should be hunting in neighborhoods. She asked that the Selectboard consider banning hunting in neighborhoods and also that dogs are leashed in Saxon Hill Park.

5. BUSINESS ITEMS

a. Consider approval of first and third class liquor licenses

Mr. Watts noted that the approval would pertain to licenses for Bramble, an establishment that is new to the Essex community.

Shawn Hyer and Colleen Hunt, the owners of the business, provided an overview of it, saying that it would be a farm-to-table restaurant that would be very seasonal and would work with and showcase hyper-local produce and farmers. Mr. Hyer said they are very focused on developing a positive restaurant culture.

Mr. Watts said the Selectboard takes the issuance of liquor licenses seriously, expects the Applicant to operate under the laws of the State of Vermont, and asks that they not serve underage individuals or people who are visibly intoxicated. He thanked them for bringing their business to Essex and wished them luck.

46 **ETHAN LAWRENCE made a motion, and DAWN HILL-FLEURY seconded, that the**
47 **Selectboard approve the Liquor License application for Bramble, as listed in the April 14,**
48 **2022 memorandum re: "Liquor License Applications" from Police Chief Hoague. The**
49 **motion passed 4-0.**

50
51 **b. Discussion of Proposed Water Sewer Budget, Rates, and Capital Plan**

52 Mr. Lutz spoke about the water rate, saying that they are looking at a 2.1% increase, even though
53 the budget increased by 5.6%. He said they were able to hold rates down because they reviewed
54 actual revenue figures, noticed that were under-accounting and said that they are trying to more
55 accurately predict it. He said they have changed the methodology and will test the new
56 methodology this year and review and adjust for next year if needed.

57
58 Mr. Lutz then spoke about the sewer rate, noting a 7.6% increase in budget line items and a
59 3.4% increase in rates. Largest portion was 10.38% in sewage treatment costs from the Village.
60 He said that is caused by setting aside more funds for reserves each year, an increase in
61 chemical costs this year, and noted that separation of the Village of Essex Junction from the
62 Town of Essex had a large impact.

63
64 He said the Town is on a solid financial foundation in terms of water and sewer and that they
65 haven't borrowed money since 2015. He noted that they are solvent, meeting their debt
66 obligations, and are still able to put aside money to save for capital improvements. He said they
67 are continuing to put in water meters. He noted that they conducted a significant effort to detect
68 leaks, which included using satellites to try and identify leaks and additionally hired another
69 company to go through line-by-line checks in the system. He noted that they found a fair number
70 of leaks in links between the main lines and house meters. He noted that the unaccounted-for
71 water is around 10% of total and the unaccounted-for sewer amount is around 8.2% of total,
72 which are good compared to national averages.

73
74 Mr. Lutz noted that many of the costs in the water budget are fixed costs. He said the budget
75 came out to \$1,449,000, half of which is for the Champlain Water District, and the other half of
76 which is the system's fixed costs. He said that using these figures, they calculated a base fee of
77 around \$224. He said that with a rate for usage on top of that, the minimum user could be
78 anticipated to pay around \$300 (compared to the current \$190 minimum). He said that it may be
79 time to look at the current rate structure, since the larger water users could currently be
80 subsidizing the cost for the more minimal users.

81
82 Ms. Hill-Fleury asked about the electricity bill for the sewer budget and asked whether solar
83 could be used to cut down on those costs at pump stations. Mr. Lutz replied that solar would not
84 do much to impact the budget, given that solar is expensive and the payback would be about 20
85 years. He said that other pump stations are in-ground and on relatively small parcels. He said
86 that in the Capital Plan, they suggest an approach where gravity is used to let sewer flow into
87 the Village wastewater treatment facility rather than pump it through an extensive set of pump
88 stations.

89
90 Mr. Lawrence asked about cost-sharing with the Village on certain infrastructure and whether
91 that only pertains to infrastructure that the Town's sewage is flowing through. Mr. Lutz replied

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that that pertains to the Susie Wilson Road and its pump station. He said they pay for a portion of the lines being used and a proportion of the flow.

Mr. Chamberlin said that there aren't incentive to conserve when it comes to users' water and wastewater bills. He also said that it would be good to see a shift in cost for conservation efforts.

Mr. Lutz said there could be some possibilities to explore around electricity at the pump stations. He said that each pump station has storage tanks, and that potentially they could use batteries to pump wastewater during off-peak hours.

Mr. Lutz noted that the Capital Plan does not need to go through the entire budget process. He said there is a significant amount of capital funding set aside but not designated, and that they are counting on those funds to do some capital projects around the Town Center waterline, the Sand Hill waterline, a preliminary study on the Tanglewood Drive line, and the Fort Ethan Allen asset replacement. He said the federal government has also passed a requirement that municipalities identify lead in their systems' pipes and determine the cost of fixing them by 2023. He also noted a communications systems upgrade for sewers, as well as a gravity sewer project in one neighborhood.

Ms. Bushey noted that there are around \$1.2 million designated for future capital, and around \$3.4 million in unrestricted funding. She said they would like to designate any excess of 15% of the current operating budget to capital, and that they will have a more formal proposal at a future meeting to do this.

Ms. Hill-Fleury asked if funding will need to be used for matching grants. Mr. Lutz said yes, and that they also want to pursue State Revolving Fund dollars to build projects. He said that having matching funds available for now and in future will be extremely important in order to build and improve infrastructure.

Mr. Chamberlin said there are significant funds available and that they should try and move on some of these projects as soon as possible.

Patty Davis encouraged the Town to act on pursuing State Revolving Fund dollars sooner rather than later.

c. Consider warning public hearing for Proposed Water Sewer Budget, Rates, and Capital Plan

DAWN HILL-FLEURY made a motion, and ETHAN LAWRENCE seconded, that the Selectboard warn a public hearing for Fiscal Year 2023 water and sewer budget and rates and capital plan, for 6:35 PM on May 2, 2022. The motion passed 4-0.

d. Consider approval of American Rescue Plan Act (ARPA) Election of Standard Allowance

Ms. Ladd began by noting that the focus of this discussion will be about how Essex will receive ARPA funding, not about how it will spend it. She noted that the Town of Essex received a first

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ARPA funding payment of \$1,649,976 in August of 2021 and will receive its second payment in August 2022 for the total sum of \$3,299,952. She noted that ARPA funding and administration will be implemented at the federal level through the Final Rule issued by the Treasury Department. on January 6, 2022, which details the timeline of reporting and expenditure through 2026.

Ms. Ladd provided an overview of the categories for which ARPA funding can be used, which include public health, negative economic impacts, services to disproportionately impacted communities, premium pay, infrastructure, revenue replacement, and administrative costs. She said that Essex will focus on the revenue replacement category, and specifically for revenue replacement for government services. She noted that through the final rule, recipients can determine the amount of revenue loss by either using a formula or claiming a standard allowance of up to \$10 million. She said this provision would allow for more flexibility in the time that is needed to allocate funding to particular areas, as well as be less burdensome on municipalities in terms of administrative requirements. She noted that if Essex would like to pursue the standard allowance, they would need to elect to do so by April 30, 2022. She noted that discussions surrounding how to spend the funding are still to come.

ETHAN LAWRENCE made a motion, and DAWN HILL-FLEURY seconded, that the Selectboard make the one-time irrevocable decision to elect the “Standard Allowance” approach for our ARPA award in the amount of \$3,299,951.46, to spend on the provision of government services throughout the period of performance of the grant. The motion passed 4-0.

e. Consider Adoption of Essex Tree Care Policy

Ken Signorello said the Tree Care Policy is the final requirement in order for the Town of Essex to qualify for and achieve Tree City USA designation. He said that the policy establishes and defines an authority for responsibility for public trees (a Tree Warden) and defines a process for managing trees.

Ms. Hill-Fleury asked if the Town of Essex has a Tree Warden. Mr. Schibler replied that the Tree Warden is Chuck Vile. Ms. Hill-Fleury asked how this impacts the work on invasive species. Mr. Schibler replied that it codifies practice and state laws. He said that this empowers the Town’s Tree Warden to control infestations.

Mr. Chamberlin requested that the language be modified to reflect that the Tree Care Policy only pertain to the Town of Essex (not the Village), that his name be spelled correctly, and that the clerk be correctly referenced.

Patty Davis noted that the State has created a new tree designation, so that there are now street trees and shade trees.

DAWN HILL-FLEURY made a motion, and ETHAN LAWRENCE seconded, that the Selectboard adopt the Essex Tree Care Policy with changes as suggested during

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discussion, to correct clerk title and spelling of Kendall's name and removing references to the Village where appropriate. The motion passed 4-0.

6. CONSENT ITEMS

- a. Approve minutes: March 28, 2022-Joint; April 4, 2022
- b. Approve check warrants: #17967—4/1/2022; #17969—4/8/2022
- c. Consider approval of Settlement Agreement for National Pollution Discharge Elimination System (NPDES) Permit No. 3-1254
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- h. 2022 Greening Schools Grant and Arbor Day Celebration/Proclamation

Mr. Duggan noted that Consent Item #6C's motion should read that the Town Attorney should sign the settlement agreement.

ANDY WATTS made a motion, seconded by DAWN HILL-FLEURY to approve the consent agenda with the modification for Consent Agenda Item #6C, that the motion state "to authorize the Town Attorney to sign the settlement agreement". The motion passed 4-0.

7. READING FILE

- a. Board member comments: Mr. Duggan said that he and Ms. Ladd met with the Interim Village Managers and noted that there are no items for upcoming Joint Meetings. He said that no Joint Meetings have been scheduled going forward, but that they will schedule them should items arise.
- b. Upcoming meeting schedule
- c. Chittenden County Regional Planning Commission March Newsletter
- d. Current opportunities – Boards & Commissions

8. EXECUTIVE SESSION

- a. *An executive session may be requested to discuss the appointment of public officials
- b. ** An executive session may be requested to discuss security or emergency response measures

An executive session was not requested.

9. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to adjourn the meeting. The motion passed 4-0 at 8:01 PM.

Respectfully Submitted,
Amy Coonradt, Recording Secretary

Approved this 2nd day of May, 2022

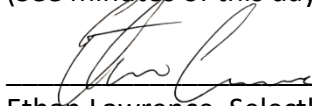
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229 (See minutes of this day for corrections, if any)

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232 
Ethan Lawrence, Selectboard Clerk

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