Town of Essex
Selectboard
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Regular Meeting Agenda

Monday, May 16, 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:** Zoom Meeting ID: 987 8569 1140; Passcode: 032060
or https://zoom.us/j/98785691140?pwd=WENqeFhITGVDS0Q5blROdkhuS3RkZz09
- **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. *Interview and possible appointment of volunteer(s) to serve on the Essex Free Library Board of Trustees - Iris Banks and Bonnie Doble
   b. *Interview and possible appointment of a volunteer to serve as the Chittenden Solid Waste District representative for Essex - Alan Nye
   c. *Interview and possible appointment of a volunteer to serve on the Conservation and Trails Committee - Rusty Brink
   d. *Interview and possible appointment of a volunteer to serve on the Planning Commission- Ned Daly
   e. *Interview and possible appointment of a volunteer to serve on the Energy Committee - William Dodge
   f. *Interview and possible appointment of volunteer for the Zoning Board of Adjustment - R. Michael Plageman
   g. Presentation and potential action of Chittenden Solid Waste District Proposed Fiscal Year 23 Budget by Sarah Reeves, Executive Director (8:00 PM)
   h. Discussion and possible action about Tree Farm lease
   i. **Discussion about staffing levels and open positions
   j. ***Discussion of pending or probable litigation
   k. ****Discussion and potential action about goals for and evaluation of Town Manager
6. **CONSENT ITEMS**
   a. Approve minutes: May 2, 2022
   b. Approve check warrants: # 17975 4/29/22 : #17980 5/6/22
   c. Consider appointment of Aaron Martin, P.E., serve on the Technical Advisory Committee (TAC) of the Chittenden County Regional Planning Commission
   d. Consider approval of liquor license renewal
   e. Approval of Paving Bid for Fiscal Year 23

f. Bike Ped grant Application recommendation
g. Bid Award for Cul-de-sac Stormwater Retrofit, Essex TAP TA18(2)
h. Consider authorizing Town Manager to execute shared service agreements with Village/City of Essex Junction

7. READING FILE

a. Board member comments
b. Upcoming meeting schedule
c. Email from Justin St. James regarding Resignation from Zoning Board of Adjustment
d. Update on Supplemental Grant for LDS Church Stormwater Project
e. State DEC Response to submitted Joint Town and Village Phosphorus Control Plan
f. Green Up Day 2022
g. Step In and Come Together - May 15 Schedule

8. EXECUTIVE SESSION

a. *An executive session may be requested to discuss the appointment of a public official
b. **An executive session may be requested to discuss the employment of public employees
c. ***An executive session is anticipated to discuss pending or probable litigation
d. ****An executive session may be requested to discuss evaluation of a public employee

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Certification: ____________________ 05/13/2022

TOWN OF ESSEX SELECTBOARD
REGULAR MEETING
May 16, 2022

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

ADMINISTRATION: Greg Duggan, Town Manager; Courtney Bushey, Finance Director; Annie Costandi, Director of Stormwater Operations/Staff Engineer; Sharon Kelley, Zoning Administrator; Marguerite Ladd, Deputy Manager; Aaron Martin, Director of Public Works Operations; Ally Vile, Parks & Recreation Director; Tom Yandow, Facilities Manager.

OTHERS PRESENT: Iris Banks, Rusty Brink, Alise Certa, Kevin Collins, Annie Cooper, Will Dodge, Elizabeth Dunn, Gina Halpin Barrett, Alan Nye, Michael Plageman, Sarah Reeves, Ken Signorello, Harlan Smith, Gabrielle Smith, Lorraine Zaloom, Tony.

1. CALL TO ORDER
Andy Watts called the meeting of the Town of Essex Selectboard to order at 6:30 PM.

2. AGENDA ADDITIONS/CHANGES
Mr. Duggan noted that Bonnie Doble is not available tonight and will need to be interviewed at a later date. Remove from 5a.

3. AGENDA APPROVAL
ANDY WATTS made a motion, and TRACEY DELPHIA seconded, to remove Bonnie Doble from Agenda Item #5a and approve the agenda as amended. The motion passed 5-0.

4. PUBLIC TO BE HEARD
a. **Comments from Public on Items Not on Agenda**

Betsy Dunn said she would like to see the Town's ARPA funding put toward connecting the trails in town and to update the Town's GIS mapping. She also noted that she applied for a spot on the Conservation Committee, but does not see her name on the list. Mr. Duggan replied that he will check with administrative staff and ensure that Ms. Dunn is interviewed at a subsequent meeting if her application was received.

5. BUSINESS ITEMS
a. ***Interview and possible appointment of volunteer(s) to serve on the Essex Free Library Board of Trustees – Iris Banks and Bonnie Doble**

Ms. Banks noted that she just completed a term on the Library Board of Trustees and said that she is interested in serving on it again. She noted other civic volunteer experience she has had. Selectboard members asked her various questions around what she brings to the board in terms of skills and experience, her ideas about increasing community awareness of the library and its services, and about streamlining and efficiencies at the library. Ms. Banks noted that the library has been making efforts to conduct more community outreach and increase accessibility. Mr.

Watts noted that the Selectboard is still interviewing other candidates and that staff will be reaching out to candidates when a decision is made.

b. ***Interview and possible appointment of a volunteer to serve as the Chittenden Solid Waste District (CSWD) representative for Essex – Alan Nye**

Mr. Nye spoke about his experiences on the Planning Commission (8 years), Selectboard (18 years), and CSWD Board (16 years). He noted that he is the Vice Chair of the CSWD Board and is on the executive committee, and that he has a degree in engineering. Selectboard members asked him how much input he has had on the current CSWD budget (not much, as he is not on the budget committee), and what he is most excited about regarding CSWD in the near future. He replied that he is excited about the potential new, more modern material recovery facility and the construction of a new administrative building (both of which will be discussed during tonight's budget discussion).

c. ***Interview and possible appointment of a volunteer to serve on the Conservation and Trails Committee – Rusty Brink**

Mr. Brink said he only started on the Committee in the last few months. He said it is one of the first committees he has been on where all members are extremely outspoken and participatory. Mr. Lawrence asked what Mr. Brink's goals are for preserving the land in Essex. Mr. Brink replied that he is learning about what the best way forward is. He said the Committee needs to understand landowners' needs and wants and also what the Town wants. Ms. Delphia asked about his ideas for the next term. Mr. Brinks replied that he would like to use his background in philanthropy to get more of the public interested in conservation and the committee. Mr. Brink asked about how the Town will collaborate with the Village on conservation and trails related topics, given separation. Mr. Watts replied that if there are areas to collaborate, then they should be acted upon.

d. ***Interview and possible appointment of a volunteer to serve on the Planning Commission – Ned Daly**

Mr. Daly spoke about how he got into volunteering in the Town and on the Planning Commission. Ms. Hill-Fleury asked what he does when his voice is in the minority. He replied that he speaks his mind, listens to people, and make sure that applicants' expectations need be managed within the confines of regulations. Mr. Lawrence asked whether Mr. Daly has relationships with any developers in the community. Mr. Lawrence asked about current issues from the Planning Commission's perspective. Mr. Daly replied that some of the more limiting factors re: Essex Town Center are infrastructure. Ms. Delphia asked about his perspective on affordable housing and he replied that he has been working with the Housing Commission on inclusionary zoning proposals.

e. ***Interview and possible appointment of a volunteer to serve on the Energy Committee – William Dodge**

Mr. Dodge spoke about his background and education. He said he has been serving on the Energy Committee and as its Chair since 2017. He said that their focus is transportation, weatherization, and renewable energy. He spoke at length about some of the Commission's progress on related initiatives over the years as well as some of the areas where there is still room for improvement. Mr. Lawrence asked about Essex's carbon footprint. Mr. Dodge replied that there isn't a clear picture of Essex's carbon footprint currently, though they are trying to put together analysis from numerous resources that would give a better sense of that, and of Essex's efforts to reduce emissions and increase renewable energy.

f. ***Interview and possible appointment of a volunteer to serve on the Zoning Board of Adjustment – R. Michael Plageman**

Mr. Plageman said that he has filled various positions in the Town over the years and has lived here since 1985. He noted 6 years on the Planning Commission, a stint on the Selectboard, and time on the Zoning Board of Adjustment. Selectboard members asked whether he will have difficulty serving on a Town committee, given that he is a Village resident. He replied that he was disappointed that the Town and Village didn't merge, but that it was the will of the voters. He said he has always acted with the Town's best interest in mind.

g. **Presentation and potential action of Chittenden Solid Waste District Proposed Fiscal Year 23 Budget by Sarah Reeves, Executive Director (8:00 PM)**

Ms. Reeves began by providing an overview of the Chittenden Solid Waste District funding, which include user fees, a per-ton solid waste management fee from haulers, and material product sales (e.g., compost, paint, and recycling). She said CSWD does not receive revenue from member towns. She noted anticipated revenue of $14,031,725 and expenses of $13,808,706. She noted that this is a relatively tight budget year. She noted that CSWD is not raising the solid waste management fee rates and that projected tons for FY23 are flat. She spoke briefly about the materials recovery facility and a significant increase in expenses due to increases in processing fees paid to Casella. She then noted the organics facility and an increase in fees from $60/ton to $65/ton. She said CSWD is anticipating a large subsidy in the drop-off centers. She spoke briefly about the community clean-up fund, noting that every community will receive its full allotment every year ($80,500).

She then spoke about significant investments in capital, saying there will be significant infrastructure repair and replacements. She said CSWD anticipates needing to draw down its reserves between FY23-25, and has budgeted $3.9 million in FY23. She said this will include a new materials recovery facility, which will require a bond, and noted that this will not include assessments to member municipalities for debt service.

Ms. Hill-Fleury asked if CSWD is in competition with Casella in terms of drop off and compost. Ms. Reeves replied that CSWD is a different option than a hauler, but that people will pay a hauler for the convenience of picking up trash and hauling it.

Mr. Lawrence asked if compost is stored on site in Essex or if there is a more centralized facility. He also asked if the system is up to size for the intake and future demand of the system. Ms. Reeves replied that food scraps are transferred to Green Mountain Compost in Williston to be processed. She said they have additional capacity to grow as well.

Mr. Watts asked if the bond vote is a town-by-town or aggregate vote. Ms. Reeves replied that it is an aggregate vote, similar to the Champlain Water District's approach. Mr. Watts asked if the market for recycled paper has rebounded. Ms. Reeves replied that it has and that there is more demand for paper in the U.S. and Canada than there had been previously.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE that the Selectboard approve CWSD's budget for 2023-2024. The motion passed 4-0 (Kendall Chamberlin absent for vote).

h. **Discussion and possible action about Tree Farm lease**

Ms. Vile said this item is to discuss the next steps in finalizing the extension for the Tree Farm lease agreement with the Village of Essex Junction Board of Trustees and the Tree Farm Management Group. She said the last discussion with the Trustees had discussed the Town and Village recreation departments jointly managing the property after the lease extension, but that the intent from the Memorandum of Understanding for the management of the Tree Farm Recreation Facility Between the Town of Essex and the Village of Essex Junction was shared ownership but management of the property by a third party rather than the two recreation departments managing the property.

Mr. Lawrence asked if the long-term plan is to share or separate. Mr. Watts replied that there had been some discussion about municipal management of the property rather than having a third party manage it. He said this arose during discussions around separation agreements and that a decision was made to extend the current lease by 4 years to allow time to work out what would come next, given that the current agreement expires at the end of this calendar year. Ms. Vile added that with shared ownership managed by a third party there are more protocols and guidelines around when and how to meet and expectations around the third-party management to increase transparency.

Ms. Delphia noted that the current agreement expires at the end of this year and asked whether they want to be changing direction from municipal management to third party management, or whether efforts are better spent in creating that four-year extension for negotiation. She expressed concern about the tight timeline. Mr. Duggan said that deciding on an end goal (municipal takeover versus third-party management) will help structure the next lease agreement.

Mr. Lawrence asked if there is a requirement on the term of the lease and whether they could sign a one-year lease in order to work through what they want longer-term. Ms. Vile replied that they had already asked for a four-year transition period from the management group, and also noted that they get more favorable rates with a longer lease on the landscaping management pricing side.

Ms. Hill-Fleury suggested that they add another representative to the Tree Farm Management Group on behalf of the Town. Ms. Vile replied that the Management Group has discussed filling vacancies to have 13 members from the community, but that they are waiting to fill those vacancies until there is a clearer picture of future direction.

Ms. Hill-Fleury said she would feel better having a third-party manager, given that it would be between two municipalities. Mr. Lawrence added that it would be worth it to have a discussion that involves the newly-elected Selectboard members. He expressed support for third party management, as long as the goal is shared ownership of the property. Ms. Delphia said she is supportive of having the discussion, but the question of whether the agreement should have third party management or should bring management internally to the two municipalities depends on what the subsequent lease looks like.

Harlan Smith spoke about the potential length of the next agreement, which could be between three and five years.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard direct staff to schedule a meeting between the Selectboard and Trustees to further discuss the Memorandum of Understanding for the management of the Tree Farm Recreational Facility Between the Town of Essex and the Village of Essex Junction, and the lease extension with the Tree Farm Management Group. The motion passed 4-0 (Kendall Chamberlin absent for vote).

i. **** Discussion about staffing levels and open positions**

Mr. Duggan said that staff have provided the Selectboard with a list of current vacancies, some of which are open now and some of which are new to the fiscal year 2023 budget.

Ms. Hill-Fleury asked if any restructuring or delegating duties will affect these open positions. Mr. Duggan replied that they typically take a holistic approach to vacancies by looking at the needs of the department and determining whether a position is able to be supported by the budget. He said that though the population of the Town will be cut in half, the need for services will not change, as Town departments were primarily serving the Town outside the Village, and that much of the work to serve the Village in recent years was taken on without additional staffing or compensation.

j. *****Discussion of pending or probable litigation**

See executive session notes below.

k. ******Discussion and potential action about goals for and evaluation of Town Manager**

Mr. Watts noted that the Selectboard is required by contract to provide Mr. Duggan with goals that they are required to take action on in the next year. Mr. Duggan said he would like to put this on the Selectboard's radar prior to his next evaluation in this position.

6. <u>CONSENT ITEMS</u>

a. Approve minutes: May 2, 2022
b. Approve check warrants: #17975 – 4/29/22; #17980 – 5/6/22
c. Consider appointment of Aaron Martin, P.E., to serve on the Technical Advisory Committee (TAC) of the Chittenden County Regional Planning Commission
d. Consider approval of liquor license renewal
e. Approval of Paving Bid for Fiscal Year 23
f. Bike Ped grant Application recommendation
g. Bid Award for Cul-de-sac Stormwater Retrofit, Essex TAP TA18(2)
h. Consider authorizing Town Manager to execute shared services agreements with Village/City of Essex Junction

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to approve the consent agenda. The motion passed 4-0 (Kendall Chamberlin absent for vote).

7. READING FILE

a. Board member comments: Ms. Hill-Fleury thanked everyone for the Step In and Come Together event. She also thanked the K-9 officer and K-9 member of the police force for the demonstration for the community. Ms. Delphia thanked Justin St. James for his service on the Zoning Board of Adjustment. Mr. Watts noted a resignation on the Essex Westford School District Board and that there are three candidates up for consideration.
b. Upcoming meeting schedule
c. Email from Justin St. James regarding Resignation from Zoning Board of Adjustment
d. Update on Supplemental Grant for LDS Church Stormwater Project
e. State DEC Response to submitted Joint Town and Village Phosphorus Control Plan
f. Green Up Day 2022
g. Step In and Come Together – May 15 Schedule

8. EXECUTIVE SESSION

a. ***An executive session may be requested to discuss the appointment of a public official**
b. **** An executive session may be requested to discuss the employment of public employees**
c. ***** An executive session is anticipated to discuss pending or probable litigation**

TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard make the specific finding that general public knowledge of pending or probable civil litigation, to which the public body is or may be a party, would place the Town at a substantial disadvantage. The motion passed 4-0 (Kendall Chamberlin absent for vote).

TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard enter into executive session to discuss pending or probable civil litigation, to which the public body is or may be a party, pursuant to 1 V.S.A. § 313(a)(1)(E), to include the Town Manager and Deputy Manager. The motion passed 4-0 and the Selectboard entered into executive session at 9:16 PM (Kendall Chamberlin absent for vote).

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to exit executive session. The motion passed 4-0 at 9:32 PM.

d. ****** An executive session may be requested to discuss evaluation of a public employee**

9. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to adjourn the meeting. The motion passed 4-0 at 9:32 PM.

Respectfully Submitted,

Amy Coonradt, Recording Secretary

Approved this_6th_day of_June, 2022
(See minutes of this day for corrections, if any)

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Ethan Lawrence, Selectboard Clerk