



**Town of Essex
Selectboard**

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Regular Meeting Agenda

**Monday, July 11, 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=WENqeFhITGVDS0Q5bIROdkhuS3RkZz09>
- **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. *Interviews and possible appointment of volunteer(s) to serve on the Essex Housing Commission - Rupesh Asher, Bruce Wilson
 - b. * Interview and possible appointment of volunteer(s) to serve on the Economic Development Commission - Rey Garofano (interview); Brian Shelden, Ken Signorello
 - c. Discussion and potential action about forming a Communications Union District
 - d. Discussion about Public Nuisance Ordinance
 - e. Discussion and potential action regarding the creation of a Charter Review Committee
 - f. **Discussion about legal matter
6. **CONSENT ITEMS**
 - a. Approve minutes - June 21, 2022
 - b. Approve check warrants: # 17999 6/17/22 : #18001 6/24/22 : #18003 6/30/22
 - c. Wastewater Allocation Request for 1.25 E.U. for 51 Center Road
 - d. Susie Wilson Road Culvert Rehabilitation Bid Award
7. **READING FILE**
 - a. Board member comments
 - b. Upcoming meeting schedule
 - c. Letter from Steven Eustis re: resignation as Moderator
 - d. Letter from U.S. Sen. Bernard Sanders re: Juneteenth and racial justice
 - e. Save the Date: Vermont League of Cities and Towns Town Fair 2022
 - f. Memo from Chief Hoague re: dispatch services for Williston
 - g. Letter from U.S. Sen. Bernard Sanders re: Fort Ethan Allen Water Tower
 - h. Email from Phil March re: Energy Committee (resignation)
 - i. Save the dates: Budget and ARPA info sessions and Q&A

8. EXECUTIVE SESSION

- a. *An executive session is anticipated to discuss the appointment of public officers
- b. ** An executive session is anticipated to discuss confidential attorney-client communications

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: _____  _____ 07/08/2022

**TOWN OF ESSEX SELECTBOARD
REGULAR MEETING
MINUTES OF MEETING
July 11, 2022**

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

ADMINISTRATION: Greg Duggan, Town Manager; Ron Hoague, Chief of Police; Robert Kissinger, Police Lieutenant; Marguerite Ladd, Deputy Manager; Regina Mahoney, Chittenden County Regional Planning Commission; Rob Fish, Vermont Community Broadband Board.

OTHERS PRESENT: Rupesh Asher, Gina Halpin Barrett, Heidi Clark, Erin Dickinson, Betsy Dunn, Robert Fish, Greg Hendrix, Mel Hendrix, Brad Kennison, Matt Miller, Noemi, Mary Post, Brian Shelden, Ken Signorello, Gillian Smith, Margaret Smith, Bruce Wilson, Lorraine Zaloom.

1. CALL TO ORDER

Andy Watts called the meeting of the Town of Essex Selectboard to order at 6:30 P.M.

2. AGENDA ADDITIONS/CHANGES

Mr. Duggan requested the addition of a Business Item regarding pending and probable litigation, with discussion in executive session and potential action afterwards.

3. AGENDA APPROVAL

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to 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 expressed concern about off-leash dogs in public parks and the risks to people and other dogs. She asked whether the Town should explore having a dedicated dog park.

Mary Post also raised concerns about off-leash dogs in public parks. She asked that the Town reconsider requirements around leashes for dogs in public parks.

Margaret Smith additionally raised concerns about off-leash dogs in public parks. She also noted that she donated money to the Essex Junction dog park and asked whether that could be returned, if Town residents are not able to access that amenity any longer.

5. BUSINESS ITEMS

a. *Interviews and possible appointment of volunteer(s) to serve on the Essex Housing Commission – Rupesh Asher, Bruce Wilson

Mr. Asher said that he is interested in volunteering and giving back to the community with regards to housing. Mr. Lawrence asked what Mr. Asher would focus on primarily were he to be appointed. Mr. Asher replied that he would like to bring new people to the community by making

housing affordable by exploring different regulatory levers to increase access. Ms. Hill-Fleury asked how the Applicant would approach being in the minority on an issue on the Board. Mr. Asher replied that he would rely on data to support his argument and try to analyze why others have a different view of the issue.

Mr. Wilson spoke about his background as a youth services provider and a community activist, as well as his volunteer experience on local and regional boards. He noted that he has opened a number of youth centers throughout the state as well as community arts programs. Ms. Hill-Fleury asked how the Applicant would prioritize this board work with other volunteer work, and Mr. Wilson replied that this work is important and that he will prioritize it. Mr. Lawrence asked what the Applicant would prioritize in terms of issues if appointed to the Board. Mr. Wilson replied that he would focus on improving the development process to make it more efficient.

b. *Interview and possible appointment of volunteer(s) to serve on the Economic Development Commission – Rey Garofano (interview); Brian Shelden, Ken Signorello

Ms. Garofano spoke about her experience in the State House as a Representative, as well as her professional background experience in economic development. She expressed interest in this position as a way to serve the Essex community. She spoke about the importance of affordable childcare in the community as a key factor for economic development.

c. Discussion and potential action about forming a Communications Union District

Ms. Ladd began the discussion, which is around how to get fiber optic/broadband access to underserved areas, particularly in Chittenden County. She said that the Town would like to leverage Act 71 funding (for accelerating community broadband development), and that members of the Chittenden County Regional Planning Commission have come to speak on the topic.

Ms. Mahony (of CCRPC) said that they have explored a number of options but that the most feasible seems to be creating a Communications Union District (CUD). She spoke about what other municipalities have done and which have joined or formed a CUD.

Mr. Fish (of the Vermont Community Broadband Board) provided a brief presentation and overview of the CUD concept. He said that CUDs provide for two or more towns and cities to come together and form a communications union district for the delivery of communications services. He said that there are currently 9 CUDs in Vermont, comprising 208 member towns. He spoke about the benefits of CUDs, such as efficiency, risk mitigation, additional funding opportunities, aggregate demand, and public accountability. He said that there are two CUD models: public-private partnerships, and public ownership. He noted challenges for non-CUD towns in areas such as coordination, existing infrastructure, and challenges around Act 71 and eligibility.

Mr. Lawrence asked if the district would be set up to be profitable and sustainable without grant funding. Mr. Fish replied that if they pursue a public-private partnership they could do it with grant funding or a surcharge on bills, or that they could go to the revenue bond market if there will be public ownership. He said that the municipality can't raise taxes to fund a CUD.

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Mr. Chamberlin asked if there are towns that could join with Essex if they decided to pursue the formation of a CUD. Mr. Fish replied that Shelburne and Williston could be potential other towns. Ms. Mahony noted that there are legitimate concerns around CUDs and the amount of funding that would come from the State, but that it would make sense for Chittenden County at this juncture, since ARPA funds could be leveraged (until 2026). She added that Chittenden County has enough infrastructure in place that the funding could be sufficient to cover the costs of a CUD.

Ms. Mahony noted that there need to be two towns that hold a town-wide vote on a CUD in order to start the CUD. She said that Williston, Shelburne, Jericho, and South Burlington are all making decisions within the next week about whether to include this on their general election ballots for a vote. She noted that Westford is also interested but that the City of Essex Junction has not participated in conversations with other municipalities on joining a CUD.

Ms. Hill-Fleury asked how much of an investment the Town would need to make in this program. Mr. Fish replied that the cost can't be derived from local tax dollars, and that they would have access to pre-construction funds to engage in planning and engagement with companies for potential partnerships.

Ms. Delphia asked what the obligations are for a Town to join a CUD. Mr. Fish replied that there are 9 communication districts that have already formed, and that most of them meet monthly or have an executive committee that meets on their behalf. He also noted that there are reporting responsibilities associated with the grants.

Mr. Lawrence asked whether there are issues with Burlington Telecom participating in Essex if a CUD is formed, and Mr. Fish replied that that wouldn't be an issue.

Greg Hendrix noted that the electric company will run the fiber to support CUDs and asked why they would need to wait for Burlington Telecom if they're already planning to run the fibers. Mr. Fish replied that the electrical utilities are connecting parts of the grid and that the CUDs are working with them on tariff reductions, but not last-mile solutions. Mr. Watts pointed out that those utility entities could come to the table and partner with any CUD that is formed. Mr. Hendrix asked if other municipalities have been engaged by Essex on this. Ms. Ladd replied that Essex is actively coordinating with other municipalities about the potential formation of a CUD.

Mr. Duggan asked if underserved areas would be targeted first, if a CUD were formed. Mr. Fish replied that the benefit of a CUD is that they'd need to present a plan to reach those addresses in order to secure funding.

Mr. Lawrence asked what it would look like to leave the CUD if Essex joined it and then decided to cease participating in it. Mr. Fish replied that they could leave it the same way that they join it, but that any infrastructure built would still be owned by the CUD.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to recommend that staff research and bring back language for the November general election ballot to be reviewed by the Selectboard at its next meeting. The motion passed 5-0.

139
140 **d. Discussion about Public Nuisance Ordinance**

141 Mr. Duggan began by noting that this draft ordinance was presented to the Town and Village
142 last fall but that there were still a number of outstanding questions, particularly around the noise
143 ordinance and how it would affect firearm ranges, and noise of vehicles, including exhaust and
144 mufflers. He said that this language was pulled out of the ordinance for discussion of the issues.

145
146 Mr. Lawrence asked if there will be a decibel level and range for reference and measurement
147 within the ordinance. Lieutenant Kissinger replied that they have decibel readers and would use
148 15-minute sample readings to determine levels. Mr. Lawrence asked about the public nudity
149 provisions.

150
151 Ms. Hill-Fleury asked how these changes address complaints about loud cars on Sand Hill Road
152 and Route 15. Lieutenant Kissinger said that the noise ordinance addresses the backfire of
153 mufflers.

154
155 Ms. Delphia asked for more detail about the rules around public urination. Chief Hoague replied
156 that it depends on the definition of public. He said that they could research this as well as whether
157 there is existing language in state statute.

158
159 Mr. Chamberlin said that the Town should not adopt an ordinance that is tailored more for the
160 City of Essex Junction at its first meeting and would like to both hear from the public and have
161 time to review and discuss the ordinance as a board. Chief Hoague said that the Town could
162 choose to adopt certain sections or provisions of the ordinance.

163
164 The Selectboard discussed how to handle the proposed hour requirements for trash haulers,
165 noting that some trash haulers appear in more rural areas of Town earlier than the 7 A.M. start
166 time. Lieutenant Kissinger suggested that they create two schedules for trash haulers based on
167 whether the activity is occurring in the commercial or residential part of Town (as defined by
168 zoning). Mr. Chamberlin suggested taking this approach with other components of the ordinance
169 where appropriate, recognizing that there is a mix of rural/suburban settings in the Town. Ms.
170 Hill-Fleury disagreed, saying that the public should be afforded an opportunity to weigh in, and
171 that staff have put a lot of effort into the draft ordinance as it stands.

172
173 Lorraine Zaloom asked whether the Police Department's new database could have the
174 ordinance in it for ease of access and reference. Lieutenant Kissinger said that it wouldn't be
175 feasible to upload the ordinance information into the database. Ms. Zaloom also asked about
176 instances where public urination is occurring on a school bus route.

177
178 Brad Kennison said that the noise ordinance seems to place further restrictions on backyard
179 shooting ranges. Mr. Duggan replied that the police have been examining ways to exclude
180 backyard shooting ranges from some of the ordinance and that they are not trying to revisit the
181 debate from several years ago about backyard shooting ranges.

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Police Department staff will take feedback received tonight and return to the Selectboard with a refined draft of the ordinance for their approval and subsequent warning of an initial public hearing.

e. Discussion and potential action regarding the creation of a Charter Review Committee
Ms. Delphia asked if this is intended to be a standing committee or an ad-hoc committee. Mr. Duggan replied that the committee would have more of a defined timeline and purpose (proposing changes for Town Meeting Day), and could be revisited every several years.

TRACEY DELPHIA made a motion, seconded by ETHAN LAWRENCE, that the Selectboard create a Charter Review Committee and authorize staff to advertise openings to the committee. The motion passed 5-0.

f. **Discussion about a legal matter

6. CONSENT ITEMS

- a. Approve minutes – June 21, 2022
- b. Approve check warrants: #17999 6/17/22; #18001 6/24/22; #18003 6/30/22
- c. Wastewater Allocation Request for 1.25 E.U. for 51 Center Road
- d. Susie Wilson Road Culvert Rehabilitation Bid Award

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard approve the consent agenda as presented. The motion passed 5-0.

7. READING FILE

- a. Board member comments: Mr. Lawrence noted that the Town of Essex received approximately \$72,000 in grants from the Agency of Transportation. Mr. Watts reminded the public that there are State assistance programs to help any delinquent taxpayers bring their accounts up to date.
- b. Upcoming meeting schedule
- c. Letter from Steven Eustis re: resignation as Moderator
- d. Letter from U.S. Sen. Bernard Sanders re: Juneteenth and racial justice
- e. Save the Date: Vermont League of Cities and Towns Town Fair 2022
- f. Memo from Chief Hoague re: dispatch services for Williston
- g. Letter from U.S. Sen. Bernard Sanders re: Fort Ethan Allen Water Tower
- h. Email from Phil March re: Energy Committee (resignation)
- i. Save the dates: Budget and ARPA info sessions and Q&A

8. EXECUTIVE SESSION

- a. *** An executive session is anticipated to discuss the appointment of public officers**

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard make the specific finding that general public knowledge of confidential attorney-client communications made for the purpose of providing professional legal services to the body would place the Town at a substantial disadvantage. The motion passed 5-0.

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DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard enter into executive session to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the body, pursuant to 1 V.S.A. § 313(a)(1)(F) to include the Town Manager, Deputy Manager, and Brian Shelden. The motion passed 5-0.

b. ** An executive session is anticipated to discuss confidential attorney-client communications

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, 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 5-0.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, 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 to, pursuant to 1 V.S.A. § 313(a)(1)(E) to include the Town Manager, Deputy Manage. The motion passed 5-0.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to exit executive session. The motion passed 5-0 at 10:16 p.m.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to appoint Rupesh Asher to the Housing Commission. The motion passed 5-0.

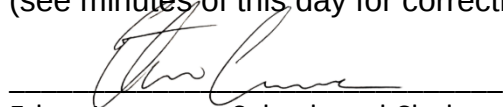
DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to approve the settlement in the matter of Colin Dees v. Town of Essex, et. al., Docket No. 322-4-19 Cncv currently pending before the Vermont Superior Court, Chittenden, Civil Unit, including payment by the Town of \$1,000.00 deductible. The motion passed 5-0.

9. ADJOURN

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY, to adjourn the meeting. The motion passed 5-0 at 10:21 P.M.

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

Approved this 1st day of August, 2022
(see minutes of this day for corrections, if any)


Ethan Lawrence, Selectboard Clerk