Town of Essex
Selectboard
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Regular Meeting Agenda

Monday, September 12, 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. Presentation from Chittenden Solid Waste District about bond vote for Materials Recovery Facility
    b. Consider first of two approvals to adopt Public Nuisance Ordinance, including authorizing staff to warn a public hearing for final approval
    c. Consider acceptance of a Facilities Use Policy for approval at a future meeting
    d. Discussion and possible action to appoint Selectboard member to Charter Review Committee
    e. *Discussion and possible action to execute contract with Essex Police Employees Association Lodge #004, Fraternal Order of Police
    f. **Discussion about negotiating or securing real estate purchase or lease options
    g. ***Discussion and potential action about goals for Town Manager in fiscal year 2023
    h. ****Discussion and potential action about contracts
6. **CONSENT ITEMS**
    a. Approve minutes: August 15, 2022
    b. Approve check warrants: # 18017 08/12/22 : # 18019 8/19/22 : #18022 8/26/22 :#18024 9/02/22
    c. Consider approval of resolution in appreciation of the founders of Aunt Dot's Place
    d. Consider approval of corrections of errors and omissions on the 2022 Grand List as provided for in 31 V.S.A. 4261
    e. Consider approval of revisions to Mountain View Cemetery Rules and Regulations and Affadavit of Heirs
    f. Consider action to fill opening for Moderator
    g. Consider approval to mail ballots to all active voters for special Town Meeting on November 8th, 2022
7. **READING FILE**

a. Board member comments
b. Upcoming meeting schedule
c. Letter re: Essex zip code update
d. Thank you letters from Essex Human Services Funding recipients
e. Chittenden Solid Waste Department Materials Recovery Facility (MRF) vote
f. Reappraisal information and questions&answers

8. EXECUTIVE SESSION

a. *An executive session is anticipated to discuss contracts and labor relations with employees
b. **An executive session is anticipated to discuss the negotiating or securing of real estate purchase or lease options
c. ***An executive session is anticipated to discuss the appointment or employment or evaluation of a public officer or employee
d. **** An executive session is anticipated to discuss contracts

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: ______ ______ 09/09/2022

TOWN OF ESSEX SELECTBOARD
REGULAR MEETING MINUTES
MONDAY SEPTEMBER 12, 2022

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

ADMINISTRATION and STAFF: Greg Duggan, Town Manager; Ron Hoague, Chief of Police; Rob Kissinger, Police Lieutenant; Marguerite Ladd, Deputy Manager; Travis Sabataso, HR Director

OTHERS PRESENT: Brad Kennison, Rachael Lizotte, Sarah Reeves (CSWD), Ken Signorello, Margaret Smith, Irene Wrenner, Lorraine Zaloom, Archie

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

2. AGENDA ADDITIONS/CHANGES
None.

3. APPROVE AGENDA
No changes, thus no approval required.

4. PUBLIC TO BE HEARD
a. Comments from Public on Items Not on Agenda
Ms. Lizotte expressed a concern about dumping on the corner of Allen Martin Drive and Sand Hill Road. She presented a petition requesting that the Town post a "no dumping" sign, with a fine for violations. She also requested additional landscaping in the area and offered the assistance of neighborhood volunteers. Mr. Duggan said that he would discuss the issue with Public Works and the Police Department.

5. BUSINESS ITEMS
a. Presentation from Chittenden Solid Waste District about bond vote for Materials Recovery Facility
Ms. Reeves introduced herself as the Executive Director as the Chittenden Solid Waste District (CSWD). CSWD is requesting approval from Chittenden County voters to borrow 22 million to build a new materials recovery facility. The current facility is over maximum capacity, and there is no possibility for expansion. It has insufficient storage and requires hand sorting of materials. A new facility will allow CSWD to keep up with the growing population in Chittenden County, improve employee conditions, and allow for more waste to be properly disposed of. The bond will be paid for out of operational revenue and fees received for the sale of recycling. CSWD is hoping to get additional funds through grants and low-interest loans.

Ms. Reeves said that the CSWD ballot will not be mailed, as it is a special election. Voters will need to request the ballot or receive it when they vote in person. In response to Ms. Hill-Fleury's question, Ms. Reeves said that CSWD will be reimbursing towns for the election fees and will be working hard to increase voter turnout for this special election. The vote will pass if a majority of the ballots passed are in favor. In response to Mr. Chamberlin's question, Ms. Reeves said that CSWD has not yet developed a plan for the current facility, should the bond be approved, however they have several ideas. In public comment, Ms. Smith asked for clarification about the date voters needed to request a ballot, and suggested that voter information be better disseminated. The Champlain Water District (CWD) is also holding an election, and CSWD is working to differentiate themselves from this election. Ms. Smith also asked if this new facility would have enough space for future needs, Ms. Reeves answered affirmatively.

b. Consider first of two approvals to adopt Public Nuisance Ordinance, including authorizing staff to warn a public hearing for final approval

Mr. Hoague and Mr. Kissinger explained the changes made since the last presentation in front of the Board, including better clarification of public spaces and changes to allowable trash pickup times. Mr. Lawrence asked if there should be more clarification for emergency situations in construction and agriculture. Mr. Hoague said that this ordinance only applies to standard operations. Ms. Delphia asked for clarification on distance from property lines v. residential homes, and Mr. Hoague said that this could be investigated. The Board discussed the difference between state regulations in hunting and shooting. Mr. Hoague said that this policy would not regulate shooting range, as existing case law would prevail over the new Town ordinance.

Mr. Chamberlin expressed concern that the sound restrictions will effectively prohibit guns, shooting ranges, and roosters. He also said that the term "a reasonable person of normal sensibilities" is broad. He feels that paths and parks should be removed from the public urination/defecation regulations should these facilities not have public bathrooms. He pointed out contradictions between this ordinance and existing open burning ordinances. Mr. Chamberlin will present these points in writing in the future.

Mr. Lawrence asked for clarification regarding if shooting ranges are grandfathered if a home is sold. Mr. Hoague said that these questions would be better left for an ordinance that specifically regulating firearms. Mr. Lawrence asked if there was a way to include an exemption for reasonable firearm activity (outside of the no firearms zone). Mr. Kissinger said that it would be implicit, as firearms are regulated by state statue. Mr. Duggan asked if new ranges would fall under this ordinance, Mr. Kissinger said that this would be true to a certain extent, however there is currently no way to prove how long a range has been in use for. Mr. Kissinger suggested that firearms either be completely exempted, or that state law provide the regulations.

In public comment, Mr. Kennison said that the majority of the discussion was spent on firearms and said that this conversation has already occurred and such an ordinance has been rejected. He said that he is in favor of excessive noise being handled and said that state law covers most of what has been discussed this evening. Ms. Hill-Fleury recommended that the Board proceed with this policy and stated that this is not a firearm ordinance. Ms. Delphia concurred and said that this would be further discussed at a public hearing.

TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY that the Selectboard pass the Public Nuisance ordinance, with the change to 6.11.040B Subsection A, Subsection 6, changing residential property to residential dwelling and authorize staff to warn a public hearing to consider final passage of the ordinance on October 3, 2022. Motion passed 3-2, with KENDALL CHAMBERLIN and ETHAN LAWRENCE voting no.

c. Consider acceptance of a Facilities Use Policy for approval at a future meeting

Mr. Duggan said that this is intended to capture current practice and is based off a model from the Vermont League of Cities and Towns. For-profit, religious, and political groups are prohibited from using public spaces. Ms. Hill-Fleury said that she feels that recognized political parties should be able to use public spaces, and this has been done in the past. Ms. Duggan expressed concern that campaign events could be held on municipal property. Mr. Lawrence expressed concern about family events and birthday parties being classified as religious events if religious celebrations or other religious rites are included. Ms. Delphia said that she does not see the harm in having political business meetings and suggested that there be a clause saying that the Town does not endorse any groups or causes. The possibility of charging for political groups to use the space was also discussed. Mr. Chamberlin suggested something in between the “all or nothing” that is shown in this policy. Mr. Lawrence asked how these decisions have been made in the past, and Mr. Duggan said that the Town Manager has been the one to approve or deny each request. He discussed a recent situation where the Police Department and Town Manager had made different decisions on political meetings without communicating such. Mr. Chamberin suggested that these requests be approved by the Selectboard, Mr. Duggan said that often there is not enough time for this to be possible. Mr. Watts suggested clarifying the difference between business meetings and other political uses. Mr. Duggan said that he will take this feedback and work with staff to develop a revised policy. Mr. Watts requested public input, none was given.

d. Discussion and possible action to appoint Selectboard member to Charter Review Committee

Ms. Hill-Fleury said that she would like to see a Selectboard member participate on this committee. Mr. Watts said that Selectboard members are typically not nominated as voting members and serve in an ex-officio status. In public comment, Ms. Smith said that she thought that this is a great idea.

TRACEY DELPHIA made a motion, seconded by ETHAN LAWRENCE to appoint Dawn Hill-Fleury as an ex-officio member to the Charter Review Committee. Motion passed 5-0.

e. Discussion and possible action to execute contract with Essex Police Employees Association Lodge #004, Fraternal Order of Police

This was discussed during Executive Session.

f. Discussion about negotiating or securing real estate purchase or lease options

This was discussed during Executive Session.

g. Discussion and potential action about goals for Town Manager in fiscal year 2023

Mr. Duggan said that some of this discussion could occur during regular session, and that the goals should be made public with a public discussion. All agreed. Mr. Chamberlin suggested adding working on current ordinances and reducing tax delinquencies. He also said that he does not believe that the Town should be doing any type of private work and suggested that this be looked into. Mr. Watts requested public input, none was given. The remainder of this discussion was held in Executive Session.

h. Discussion and potential action about contracts

This was discussed during Executive Session.

6. <u>CONSENT AGENDA</u>

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to approve the Consent Agenda. Motion passed 5-0.

a. Approve minutes: August 15, 2022

b. Approve check warrants: # 18017 08/12/22 : # 18019 8/19/22 : #18022 8/26/22 :#18024 9/02/22

Mr. Chamberlin said that, with a new Financial Director, it would be helpful to take a closer look at the check warrants. He said that he has noticed a lot of bills that have been paid from the previous fiscal year, and that he does not have enough information about what is being spent. Mr. Duggan will work with the Finance Department to get more specific information.

c. Consider approval of resolution in appreciation of the founders of Aunt Dot's Place

d. Consider approval of corrections of errors and omissions on the 2022 Grand List as provided for in 31 V.S.A. 4261
e. Consider approval of revisions to Mountain View Cemetery Rules and Regulations and Affadavit of Heirs
f. Consider action to fill opening for Moderator
g. Consider approval to mail ballots to all active voters for special Town Meeting on November 8th, 2022

7. <u>READING FILE</u>

a. Board member comments: Ms. Delphia said that she spoke with a resident virtually regarding the Local Option Tax and said that she feels that additional public education on the topic is needed. She also said that residents who are erroneously charged the Local Option Tax can recoup these taxes from the state. Mr. Watts pointed out that residents can now choose a mailing address of Essex, rather than Essex Junction, and suggested that this information be shared on Front Porch Forum. Mr. Chamberlin said that he has heard concerns about the re-appraisal, and Mr. Duggan said that he does not believe that homes in Essex will fall in price. Ms. Ladd also said that it may be a significant amount of time before a contractor can be found to perform the work.
b. Upcoming meeting schedule
c. Letter re: Essex zip code update
d. Thank you letters from Essex Human Services Funding recipients
e. Chittenden Solid Waste Department Materials Recovery Facility (MRF) vote
f. Reappraisal information and questions & answers

8. <u>EXECUTIVE SESSION</u>

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA that the Selectboard make the specific finding that premature general public knowledge of the Town's position concerning ongoing contract negotiations and labor relations agreements with employees would place the Town at a substantial disadvantage. Motion passed 5-0.

DAWN HILL-FLEURY made a motion, seconded TRACEY DELPHIA by the Selectboard enter into executive session to discuss contracts and labor relations agreements with employees pursuant to 1 V.S.A. § 313(a)(1)(A) and 1 V.S.A. § 313(a)(1)(B), to include the Town Manager, Deputy Manager, Police Chief, and HR Director. Motion passed 5-0.

ETHAN LAWRENCE made a motion, seconded by TRACEY DELPHIA that the Selectboard enter executive session to discuss the negotiating or securing of real estate purchase or lease options in accordance with 1 V.S.A. Section 313(a)(2) and to include the Town Manager and Deputy Manager. Motion passed 5-0.

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY that the Selectboard make the specific finding that general public knowledge of contracts would place the Town at a substantial disadvantage. Motion passed 5-0.

ETHAN LAWRENCE made a motion, seconded by TRACEY DELPHIA that the Selectboard enter into executive session to discuss contracts and the appointment or employment or evaluation of a public officer or employee in accordance with 1 V.S.A. Section 313(a)(3), to include the Town Manager and Deputy Manager. Motion passed 5-0.

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY that the Selectboard make the specific finding that general public knowledge of contracts would place the Town at a substantial disadvantage. Motion passed 5-0.

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY that the Selectboard enter into executive session to discuss contracts, pursuant to 1 V.S.A. § 313(a)(1)(A) to include the Town Manager. Motion passed 5-0.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to exit executive session. Motion passed 5-0 at 9:55 p.m.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to authorize the Town Manager to execute a contract with the Essex Police Employees Association Lodge #004, Fraternal Order of Police for 2022 - 2025. Motion passed 5-0.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to approve the Manager's goals as presented in the packet, moving the Charter Review to a secondary priority. Motion passed 5-0.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, in accordance with Section IV.B of the Manager's contract, that the Selectboard offer $1,000 to Manager Greg Duggan as a performance bonus. Motion passed 5-0.

9. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by KENDALL CHAMBERLIN, for the Selectboard to adjourn. The motion passed 5-0 at 10:01 PM.

Respectfully Submitted,
Darby Mayville
Recording Secretary

Approved this 3rd day of October, 2022
(see minutes of this day for corrections, if any)

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Ethan Lawrence, Selectboard Clerk