



**Town of Essex
Selectboard**

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Regular Meeting Agenda

**Monday, October 17, 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. **PUBLIC HEARING**
 - a. Public hearing on Public Nuisance Ordinance
6. **BUSINESS ITEMS**
 - a. Consider final adoption of, or warning of third public hearing for, Public Nuisance Ordinance
 - b. *Discussion about the negotiating or securing of real estate purchase or lease options
 - c. *Discussion and potential action on the Memorandum Of Understanding, Lease Agreement and Management Agreement between the Town of Essex and City of Essex Junction related to the Tree Farm Management Group
7. **CONSENT ITEMS**
 - a. Approve minutes: September 28, 2022 - Joint; October 3, 2022
 - b. Approve check warrants: #18038 - 9/30/22; #18040 - 10/07/22
 - c. Consider approval of Wastewater Allocation for 34 and 36 River Road
8. **READING FILE**
 - a. Board member comments
 - b. Upcoming meeting schedule
 - c. Information concerning the 1 percent local option tax from the City of Essex Junction and Town of Essex
 - d. Board and Committee Vacancies - Volunteers Needed
 - e. Sign up for Essex News - the new Town of Essex Newsletter
9. **EXECUTIVE SESSION**
 - a. *An executive session is anticipated to discuss the negotiating or securing of real estate purchase or lease options

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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: _____

**TOWN OF ESSEX SELECTBOARD
REGULAR MEETING
MINUTES OF MEETING
October 17, 2022**

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

ADMINISTRATION: Greg Duggan, Town Manager; Ron Hoague, Chief of Police; Robert Kissinger, Lieutenant, Aaron Martin, Public Works Director.

OTHERS PRESENT: Patty Davis, Erin Dickinson, Jeffrey Kershner, Josh Mandell, Ken Signorello, Margaret Smith, Lorraine Zaloom, Brad, Tony.

1. CALL TO ORDER

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

2. AGENDA ADDITIONS/CHANGES

None at this time.

3. AGENDA APPROVAL

No approval needed as no changes were made.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

None at this time.

5. PUBLIC HEARING

a. Public hearing on Public Nuisance Ordinance

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to open the public hearing on the Public Nuisance Ordinance. The motion passed 4-0.

Mr. Duggan said that this version of the public nuisance ordinance represents a change from the version presented at the last meeting, as this one removes the aggressive panhandling section. He said that at the next public hearing, staff will put together a list of sections that this ordinance will supersede that will need to be struck prior to passage.

Lorraine Zaloom asked how the public nudity section of the ordinance would apply to breastfeeding or bathing suits with minimal coverage. Ms. Delphia noted that state law would supersede the language in this ordinance, so breastfeeding would not be an issue. Chief Hoague added that bathing suits are not covered under the ordinance.

Patty Davis asked how recent and up-to-date the dog ordinance is. Ms. Delphia replied that the ordinance was updated about a year ago.

Margaret Smith spoke about concerns with noise, as noise in her neighborhood is getting worse. She asked about the policy for mufflers and whether the police are issuing tickets to drivers who don't have them. Lieutenant Kissinger said that the ordinance covers backfiring mufflers and mufflers that are not Dept. of Transportation approved.

Mr. Chamberlin said that while one of the sections speaks to prohibiting public urination and defecation, people will continue to do so unless the Town provides some sort of facility at their parks. He also noted that several towns have fire ordinances allow open fires without a permit when the ground is snow-covered, and asked if that could be considered in this ordinance.

Mr. Lawrence asked that language in the section on Open Fires (6.11.130) be modified, as there is a typo and it's confusingly worded. He also asked about including language around winter burning. He also asked if a change at this juncture would slow the final passage. Mr. Duggan replied that if they include language on winter burning, it could be considered a substantive change. He said that he would like to obtain input from the Fire Department prior to inclusion of additional or modified language in the Open Fires section.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to close the public hearing on the Public Nuisance Ordinance. The motion passed 4-0.

6. BUSINESS ITEMS

a. Consider final adoption of, or warning of third public hearing for, Public Nuisance Ordinance

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard pass the Public Nuisance Ordinance, including the deletion of superseded sections elsewhere in the Municipal Ordinances, and authorize staff to warn a public hearing to consider final passage of the ordinances on November 7, 2022 with the aforementioned corrections. The motion passed 4-0.

b. *Discussion about the negotiating or securing of real estate purchase or lease options
Discussion occurred during executive session.

c. *Discussion and potential action on the Memorandum of Understanding, Lease Agreement, and Management Agreement between the Town of Essex and City of Essex Junction related to the Tree Farm Management Group

Ms. Delphia noted that the Town sent proposed edits on the Memorandum of Understanding and Agreements to the City Council after the October 3rd meeting and that the City Council reviewed the edits on October 12th. Mr. Duggan added that he received proposed changes from the City Council last night and that they pertain to lease agreements, he recommends discussing them in further detail during executive session.

7. CONSENT ITEMS

a. Approve minutes – September 28, 2022 – Joint; October 3, 2022

b. Approve check warrants: #18038 - 9/30/22; #18040 – 10/07/22

c. Consider approval of Wastewater Allocation for 33 and 36 River Road

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard accept the consent agenda as presented. The motion passed 4-0.

8. READING FILE

a. Board member comments: Ms. Hill-Fleury and Mr. Lawrence thanked Darren Schibler for his years of service to the Town. Mr. Lawrence said it would be good to have a better understanding of what

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board members should abstain from due to conflicts. Mr. Duggan noted the second edition of the Town of Essex newsletter and said that residents can sign up for distribution online. Ms. Delphia noted the information on the 1% local option tax and recommended that people review it, since it contains helpful information.

b. Upcoming meeting schedule

c. Information concerning the 1 percent local option tax from the City of Essex Junction and Town of Essex

d. Board and Committee Vacancies – Volunteers Needed

e. Sign up for Essex News – the new Town of Essex Newsletter

9. EXECUTIVE SESSION

a. * An executive session is anticipated to discuss the negotiating of real estate purchase or lease options

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE that the Selectboard enter an 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 Director of Parks and Recreation. The motion passed 4-0 at 6:58 P.M.

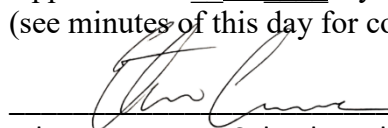
DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard exit executive session. The motion passed 4-0 at 7:58 P.M.

10. ADJOURN

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

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

Approved this 7th day of November, 2022
(see minutes of this day for corrections, if any)


Ethan Lawrence, Selectboard Clerk