



TOWN OF ESSEX SELECTBOARD REGULAR MEETING AGENDA

Online
Essex Junction, VT 05452
Monday, April 19, 2021
6:30 PM

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Phone: (802) 878-1341

Due to the Covid-19 pandemic, **this meeting will be held remotely**. Available options to watch or join the meeting:

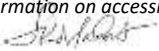
- **WATCH:** the meeting will be live-streamed on [Town Meeting TV](#).
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- **JOIN CALLING:** Join via conference call (*audio only*): (802) 377-3784 | Conference ID: 284 112 614#
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- **MUTE YOUR MIC:** When not speaking, please mute your microphone on your computer/phone.

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 potential appointment: Michael Fink, Energy Committee
 - b. **Consider approval of first- and third-class liquor license renewal
 - c. Presentation and discussion about Fiscal Year 2022 Essex Parks and Recreation Program Fund Budget
 - d. Presentation and discussion about Fiscal Year 2022 Water and Sewer Budget and Rates
 - e. Consider warning public hearing for Fiscal Year 2022 Water and Sewer Budget and Rates
 - f. Discuss results of merger vote, Village of Essex Junction's exploration of Plan of Separation, and potential next steps for Town

****Selectboard will be acting as Board of Liquor Control Commissioners during this agenda item**
6. **CONSENT ITEMS**
 - a. Consider approval of Wastewater Allocation Request for 4.0 E.U (800 GPD of wastewater flow) 1 Kana Lane
 - b. Consider appointment: Joseph Teegarden, Cemetery Commission
 - c. **Consider approval of outdoor consumption permits for M&M Management LLC/DBA The Food Bar and Mark BBQ, LLC/DBA Heart n Soul
 - d. ***Consider adoption of 2021 Local Emergency Management Plan Update
 - e. Approve minutes: April 5, 2021
 - f. Check Warrant: #17845 – 4/9/21;

****Selectboard will be acting as Board of Liquor Control Commissioners during this agenda item**
7. **READING FILE**
 - a. Board member comments
 - b. Colchester-Essex VT-15 Multi-Use Path Project
 - c. Memo from Dennis Lutz re: Status of Winter Operations through 5 April 2021
 - d. Letter from Andrew Ferguson re: Sanitary Survey Letter, Essex Town Water System
 - e. Email from Annie Cooper re: Economic Development Commission
 - f. Email from RaMona Sheppard re: TMTV resignation
 - g. Upcoming meeting schedule
8. **EXECUTIVE SESSION**
 - a. *An executive session may be necessary to discuss the appointment of public officers
 - b. ***An executive session may be necessary to discuss security or emergency response measures
9. **ADJOURN**

Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the Chair, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the Chair. 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:  4/16/2021

SELECTBOARD

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TOWN OF ESSEX SELECTBOARD REGULAR MEETING April 19, 2021

SELECTBOARD: Andy Watts, Chair; Patrick Murray, Vice Chair; Tracey Delphia, Clerk; Vince Franco, Dawn Hill-Fleury.

ADMINISTRATION: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Brad Luck, EJRP Director; Dennis Lutz, Public Works Director; Sarah Macy, Finance Director; Allyson Vile, Director of Parks & Recreation.

OTHERS PRESENT: Al Bombardier, Bob Burrows, Matt Carmolli, Alise Certa, Marcus Certa, Raj Chawla, Heidi Clark, Kevin Collins, Annie Cooper, J. Cote, Patty Davis, Jon Demeritt, Erin Dickinson, Will Dodge, Erin Ennis, Michael Fink, Maureen Gillard, Megan Humphries, Tamara Jaques, River Jo, Ethan Lawrence, Rachael Lizotte, Timothy Miller, Lulu Mills, Toni Morgan, Jessica Neiles, Adam Newhard, Mary Post, Betty Poulin, Roseanne Prestipino, Angel Segarra, Brian Shelden, Ken Signorello, Bill Silverstrim, Gabrielle Smith, Harlan Smith, Margaret Smith, Saramichelle Stultz, Mike Sullivan, Mike Thorne, George Tyler, Doug Wilson, Irene Wrenner, Lorraine Zaloom, Sharon Zukowski, Bill ____, Deb ____, Dennis ____, Janet ____, Jeanne ____, Johnson ____, M ____, RM, Rob ____.

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

Tracey Delphia asked to move the minutes of the April 5, 2021 Selectboard meeting from the Consent Agenda to Business Item 5g and asked to move the Adoption of 2021 Local Emergency Management Plan Update from the Consent Agenda to Business Item 5h.

3. AGENDA APPROVAL

DAWN HILL-FLEURY made a motion, and TRACEY DELPHIA seconded, to adopt the agenda with the following changes: Add Minutes of April 5, 2021 as Business Item 5g; Add Adoption of 2021 Local Emergency Management Plan Update as Business Item 5h. The motion passed 5-0.

4. PUBLIC TO BE HEARD

Patrick Murray and Vince Franco apologized to the Selectboard and the public for texting each other and a former Selectboard member during a recent Selectboard meeting.

Mr. Lawrence requested a speed study of Osgood Hill Road to potentially reduce the speed limit from 35 to 25 MPH, adding that the neighborhood is supportive of such a move as speed is a problem on the road.

Ms. Certa spoke about Mr. Franco and Mr. Murray's actions during a recent meeting and their apology at the beginning of this meeting. She said that this type of tension between the public and the

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Selectboard causes concern for the public about voicing their concerns, but also causes concern and hesitancy about running for public office in Essex.

Mr. Silverstrim concurred with Mr. Lawrence about the speed limit reduction on Osgood Hill Road. He also read a prepared statement regarding the actions taken by Mr. Murray and Mr. Franco at the aforementioned meeting. He called for the resignation of Mr. Murray and Mr. Franco. He said that cell phones should not be used by town officials or the Selectboard during meetings.

Ms. Post said she was disappointed in the public apologies of Mr. Murray and Mr. Franco, saying they deflected blame. She said she is uncomfortable with Mr. Murray being part of any negotiations with the Village on behalf of the Selectboard, citing concerns about bias.

Mr. Signorello clarified that when he was presenting separation numbers during the March 25, 2021 meeting he did not intend to make light of the calculations or denigrate staff.

Ms. Zaloom spoke about the perceived lack of consensus among the Selectboard members as illustrated by the texting incident at the March 25, 2021 meeting. She called for censure of Mr. Murray and asked him to step down as Vice Chair because she does not feel represented by him.

Ms. Davis requested an ethics committee for the Town of Essex, similar to what the Town of Shelburne has. She spoke about the lack of trust she has in public officials now.

Ms. Humphries spoke about being an observer and an active voter. She said it is clear that there is so much pain in the community. She said the community is doing long-term damage to itself if it continues in this current direction.

Mr. Newhard said that Mr. Franco and Mr. Murray have taken accountability for their actions, noting that they are on the receiving end of public abuse. He said it is important to call out bullying like this, and that the community needs to move forward.

Ms. Margaret Smith said she agrees with equal representation. She noted her experience speaking to the Selectboard about the dog issue at Indian Brook Park and was disappointed with the response.

Ms. Wrenner echoed the comments of Mr. Silverstrim, Ms. Post, and others who have expressed disappointment. She noted her own experiences of public abuse as a former Selectboard member but said she had never texted anyone to cope with the stress and that there are better outlets for stress.

Ms. Gabrielle Smith asked about the public records request about texting. Mr. Murray clarified that it was specific to Elaine Haney. Ms. Smith said she is concerned that the person making the request singled out a specific person.

Mr. Certa asked about the plans for potentially reopening Memorial Hall for rental. Mr. Teich replied that staff are looking at the structural integrity of the building because they received reports that one wall was sagging and are also conducted roof repairs. He said that the Town and Village will reassess in late spring whether to open buildings up to the public.

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Ms. Cooper said there is a precedent for setting time limits for speakers at the public comment portion of meetings. She also suggested that the Selectboard add language into its Communication Policy around utilization of phones during meetings. Mr. Watts said the Communications Policy was modified at the prior meeting to prohibit texting and phone calls during meetings. Ms. Delphia said she also added a prohibition on social media during meetings.

Ms. Davis said she will be donating flowers to the Essex Experience.

Ms. Zaloom spoke about Black Lives Matter vigils and verbal harassment from some people driving by. She asked that the Unified Manager and Police Chief be alerted to that. Mr. Teich replied that the Town does not normally schedule police attendance at protests and events unless they are expecting something negative to occur.

Ms. Delphia said that her silence on the issue of texting during the March 25, 2021 meeting does not mean she condones the actions. She said it was important for leaders to give feedback and criticism in private and open a dialogue.

Mr. Watts said there is no provision in Vermont statute for recall of an elected official and that the Selectboard cannot force an elected official to take on an “agreeable” position on any topic. He further noted that a vote of censure isn’t possible for the Selectboard as an attempt to modify the behavior of one of its members.

5. BUSINESS ITEMS

a. *Interview and potential appointment: Michael Fink, Energy Committee

Mr. Watts noted that Energy Committee seats have been advertised as open since July of last year.

Mr. Fink introduced himself and said he works in the field of energy efficiency and renewable energy. Mr. Murray asked for further detail of his work history and background. Mr. Fink replied that his education is in chemistry and that he currently writes computer code with the aim of finding efficiencies and evaluating whether improvements are financial justifiable for evaluating carbon emissions for proposals.

Mr. Watts asked if Mr. Fink has had the opportunity to attend any Energy Committee meetings and asked what he could bring to the table. Mr. Fink said he has not attended any Energy Committee meetings yet and that his experience as an analyst could bring skills to help find efficiencies for the community in terms of energy.

Mr. Dodge said that the Energy Committee is delighted that Mr. Fink has volunteered to serve and is very qualified to participate on the Committee, specifically around energy efficiency data. He emphasized the importance of focusing on the Energy Plan that was adopted in 2019.

PATRICK MURRAY made a motion, and DAWN HILL-FLEURY seconded, to appoint Michael Fink to the Energy Committee for a term ending June 30, 2023. The motion passed 5-0.

b. **Consider approval of first-and-third-class liquor license renewal

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Mr. Duggan noted that the application for these licenses is complete but that police review has not yet occurred.

VINCE FRANCO made a motion, and PATRICK MURRAY seconded, that the Selectboard approve the First & Third Class Liquor License renewal for Lang Family LLC/DBA: Barns at Lang Farm pending approval from the Police Department. The motion passed 5-0.

c. Presentation and discussion about Fiscal Year 2022 Essex Parks and Recreation Program Fund Budget

Ms. Vile began by saying that the Parks and Recreation Department is an Enterprise Fund and is sustained independently of resident taxes. She noted that the pandemic impacted the department heavily and that programming has been delayed and restricted in other ways, but that they continue to bring programs back online. She said that in the spring of 2020, large programs weren't able to be run and space for programs in the fall of 2020 was limited. She said that this summer, the Explorers Day Camp and school vacation camps will be operated through the licensed child care department in the Essex Junction Recreation Department (EJRP) and that the Essex Parks and Recreation department will focus on specialty camp programming. She said they are conducting a cost recovery project to implement practices and pricing platforms to be more fiscally responsible when it comes to programming for communities.

Ms. Vile then explained the Extended School Program budget, which is for additional activities after the school day that are held on site at schools. She said this year they have been more creative in how they utilize space and get kids to programming.

Ms. Hill-Fleury asked about staffing during the COVID-19 pandemic. Ms. Vile replied that there have been some difficult times but also there have been times where the hybrid school schedule has worked in the program's favor. She said the Essex Westford School District has been helpful with being creative with space and conducting activities in school spaces.

Mr. Watts said noted discussions at Vermont League of Cities and Towns meetings about the American Rescue Plan Act funding and how there will be funds available for municipalities to access based on lost revenues due to covid. He asked if this funding is being pursued. Ms. Vile replied in the affirmative, saying some of the prior funding was applied last summer. Mr. Teich said the Finance Department is still waiting for guidance from the federal and state governments about this next round of fund usage.

Mr. Watts opened the discussion up for public comment.

Mr. Signorello asked about budget calculations and whether net revenue is down or up. Ms. Macy replied that they are budgeting for a small surplus.

d. Presentation and discussion about Fiscal Year 2022 Water and Sewer Budget and Rates

Mr. Lutz began by noted that the water and sewer budgets are also part of an enterprise fund. He said the Town's water comes from the Champlain Water District (CWD) and that wastewater is treated by the Essex Junction water treatment plant. He said pump stations are owned and operated by CWD, which owns the transmission lines, but that the Town owns all other lines outside the Village of Essex Junction. He said the Town has 16 pump stations for sewage outside the Village.

He noted that in fiscal year 2021, there was a 3.7% increase in charges from CWD, 1.9% from wastewater in the treatment plant, and a 3% increase in labor rates. He said that because Covid made it difficult for some to pay their utilities, the overall rate increase was 1% and the Department absorbed the excess cost. He said that they did not budget to meet expenses but budgeted for Covid, which is not sustainable long-term.

He discussed water rates, requesting a 2.8% increase in rates and a 3.5% increase in overall budgeted line items. He said that the Town is trying to keep its annual rates at or around 3% or lower. He noted a small increase proposed for the initiation fee. He said the minimum water rate charge hasn't changed. He said sewer was budgeted for a 3.7% increase in line item costs but a 3% increase in rates.

Mr. Lutz outlined items that continue to impact the budget. He spoke about efforts to maintain the system stabilization fund, which is close to what the estimated costs are per year to make system improvements over a 50-year period. He spoke about the need to finish the meter replacement program. He spoke about the need to continue to reduce unaccounted for water/wastewater.

Mr. Watts said the tables show history of water and sewer flow and that they are both trending downward. He asked what is driving the downward trend. Mr. Lutz replied that when businesses leave, the water demand decreases. He also said it is due to efficiencies, like low-flow showerheads. Mr. Lutz outlined water and sewer rates as compared to neighboring communities, noting that Essex is close to the average rate.

e. Consider warning public hearing for Fiscal Year 2022 Water and Sewer Budget and Rates

TRACEY DELPHIA made a motion, and DAWN HILL-FLEURY seconded, that the Selectboard warn a public hearing for the Fiscal Year 2022 water and sewer budget and rates, for 6:35 p.m. on May 3, 2021. The motion passed 5-0.

f. Discuss results of merger vote, Village of Essex Junction's exploration of Plan of Separation, and potential next steps for Town

Mr. Duggan said this is an opportunity to discuss the merger vote and the Village's advisory vote on separation. Mr. Teich added that this is an opportunity to discuss next steps. He said that though merger is challenging, separation is also challenging. He noted that any charter change needs to be approved by the State legislature.

Mr. Franco asked whether the Selectboard should begin estimating separation numbers as a Town and whether some preparatory work should be conducted. Mr. Teich said that staff could flesh out impacts once more specifics are known, but that any analyses depend on many assumptions. Mr. Duggan said it would be helpful for the Selectboard and Village Trustees to work together on which assumptions staff should incorporate into analyses. Ms. Hill-Fleury said the Town should be providing assistance and support to the Trustees if they need it.

Mr. Murray said the Town needs to determine the fiscal impacts of Village separation on the Town. He said a November 2021 separation vote could have impacts for Fiscal Year 2023, should the separation take place in the beginning of calendar year 2022. He said the Town needs to determine what the budget

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looks like for the Town without the Village and that the Town needs to determine who controls the Police Department. Ms. Delphia agreed that anticipated separation scenarios need to be planned for.

Mr. Watts said that the Selectboard should focus on the business of the Town, which has been deferred due to merger discussions. He disagreed that the Selectboard should focus on the Village's separation. He said a workable separation agreement would be difficult to draft in the next six months. He suggested that the Town and Village work on compromise positions.

Mr. Watts opened the discussion up to the public.

Ms. Dickinson spoke in support of planning for anticipated separation scenarios. She also asked whether Selectboard members who are Village residents would have to recuse themselves. Mr. Watts replied that no one can force a position of a conflict of interest upon any Board member and that recusal is up to a member's discretion.

Ms. Davis suggested that the Town hire an attorney for defensive purposes.

Ms. Post said that Village residents who are Selectboard members should recuse themselves from discussion about separation. She also asked whether costs around pursuing separation are being paid for by the Town or if they are being incurred by the Village.

Ms. Lizotte expressed disappointment about the outcome of the merger vote, the propaganda and misinformation surrounding the vote, and the discord that has been sown by this conversation between the Town and Village.

Mr. Bombardier agreed with an earlier comment about a defense attorney. He also stressed the importance of public updates and public input.

Mr. Chawla expressed appreciation for moving quickly on this issue.

Ms. Humphries said separation would sow more division in the community and would be more damaging than beneficial.

Ms. Certa asked how annexation could work. Mr. Watts replied that it is a process where a Village can add additional territory. He said the Selectboard is not involved unless it participates in hearings about annexation. He said that if a group petitions to join a Village, a judge and independent committee are appointed to assess whether it's in the best interest of all parties to be annexed and then both the Village and annexed area vote on whether to join.

Mr. Shelden said the Village's vote to hold a separation vote in November behooves the Town to plan for and anticipate the impacts of that vote.

Mr. Tyler said it isn't the intention of the Trustees to take anything away from the Town or harm the Town in any way. He also hoped for good relations and an open dialogue between the Village and the Town.

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Ms. Gabrielle Smith said that merger feels futile at this point and that the community should focus on separation and then move forward.

Ms. Wrenner said that the highway tax was paid for by the Town outside the Village for decades and proposed a Town outside the Village tax district to pay for legal services related to separation.

Mr. Smith said the Town Selectboard needs to consider that it represents both the Village and the Town outside the Village.

The Selectboard will attend the Village Trustees meeting on April 27, 2021 to discuss the separation issue. The Selectboard directed staff to research hiring an attorney for the Town.

g. Minutes of meeting – April 5, 2021

DAWN HILL-FLEURY made a motion, and PATRICK MURRAY seconded, to approve the minutes as amended. The motion passed 5-0. The following amendments were made:

- **Line 165-167: Strike the two sentences beginning “Cell phones or other electronic handheld devices....(such as ‘silent’ or ‘vibrate’).”**
- **Line 168: Strike “Additionally”**

h. Consider adoption of 2021 Local Emergency Management Plan

TRACEY DELPHIA made a motion, and DAWN HILL-FLEURY seconded, to approve the 2021 local emergency management plan update and authorize staff to make changes to staffing, program, and providers as needed. The motion passed 5-0.

6. CONSENT ITEMS:

- a. Consider approval of Wastewater Allocation Request for 4.0 E.U (800 GDP of wastewater flow) 1 Kana Lane**
- b. Consider appointment: Joseph Teegarden, Cemetery Commission**
- c. **Consider approval of outdoor consumption permits for M&M Management LLC/DBA The Food Bar and Mark BBQ, LLC/DBA Heart n Soul**
- d. ***Consider adoption of 2021 Local Emergency Management Plan Update (now agenda item 5h)**
- e. Approve minutes: April 5, 2021 (now agenda item 5g)**
- f. Check Warrant: #17845-4/9/21;**

DAWN HILL FLEURY made a motion, and VINCE FRANCO seconded, to approve the consent agenda. The motion passed 5-0.

****Selectboard will be acting as Board of Liquor Control Commissioners during this agenda item**

7. READING FILE:

- a. Board member comments:** Ms. Hill-Fleury and Mr. Franco thanked Ms. Cooper for her service on the Economic Development Committee. Mr. Murray thanked Ms. Sheppard for her service on the Town Meeting TV board.

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- b. Colchester-Essex VT-15 Multi-Use Path Project
- c. Memo from Dennis Lutz re: Status of Winter Operations through April 5, 2021
- d. Letter from Andrew Ferguson re: Sanitary Survey Letter, Essex Town Water System
- e. Email from Annie Cooper re: Economic Development Commission
- f. Email from RaMona Sheppard re: TMTV resignation
- g. Upcoming meeting schedule

8. EXECUTIVE SESSION:

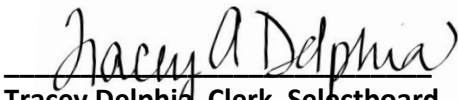
- a. *An executive session may be necessary to discuss the appointment of public officers
- b. ***An executive session may be necessary to discuss security or emergency response measures

9. ADJOURN:

TRACEY DELPHIA made a motion, and PATRICK MURRAY seconded, to adjourn the meeting. The motion passed 5-0 at 10:51 PM.

Respectfully Submitted,
Amy Coonradt
Recording Secretary

Approved this 3rd day of May, 2021
(See minutes of this day for corrections, if any)


Tracey Delphia, Clerk, Selectboard
(see minutes of this day for corrections, if any)