Town of Essex

Selectboard
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Regular Meeting Agenda

Monday, April 3, 2023 – 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:
• **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. **REORGANIZATION**
   a. Election of Chair, Vice Chair, Clerk
3. **AGENDA ADDITIONS/CHANGES**
4. **APPROVE AGENDA**
5. **PUBLIC TO BE HEARD**
   a. Comments from Public on Items Not on Agenda
6. **BUSINESS ITEMS**
   a. *Interviews and possible appointments of volunteers to serve on the Planning Commission- Georgia Lavigne, Daniel Parkins, and Michael Petersen
   b. Consider approval of new Rules of Procedure for Vicious (or Potentially Vicious) Dog Hearings
   c. Consider approval of Fire Department request to use of capital funds to purchase Electro Cardiograph (ECG) Unit
   d. Presentation and discussion about proposed revisions to fiscal year 2024 capital budget and five-year plan, and potential action to warn public hearing
   e. Presentation of and possible action to approve Chittenden Solid Waste District fiscal year 2024 budget
   f. Consider approval of Rules and Regulations for Orderly Conduct of Business
   g. Consider approval of Conflict of Interest Policy
   h. Consider approval of Communications Policy
   i. Consider approval of letter to State of Vermont re: improper collection of local option tax
   j. Consider acceptance of Facilities Use Policy for approval at a future meeting
   k. *Discussion about the appointment or employment or evaluation of a public officer or employee
   l. **Discussion about the negotiating or securing of real estate purchase or lease options
7. **CONSENT ITEMS**
   a. Approve minutes: March 20, 2023
   b. Approve check warrants: # 18118 - 03/24/23
   c. Consider approving support for 2024 Town Highway Class 2 Paving Grant – Kellogg Road
   d. Consider approval of Selectboard meeting schedule for 2023 - 2024
   e. Consider approval of Center Road Sewer Forcemain Design RFQ Award
   f. Consider approval of Liquor License renewals
8. **READING FILE**
   a. Board member comments
   b. Upcoming meeting schedule
   c. Email from Tom Furland re: Resignation from the planning commission
   d. Status of Winter Operations March 1, 2023, through March 28, 2023
9. **EXECUTIVE SESSION**
   a. *An executive session is anticipated to discuss the appointment or employment or evaluation of a public officer or employee
   b. **An executive session is anticipated to discuss the negotiating or securing of real estate purchase or lease options

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Certification: ______ ______ ____03/31/2023_____

TOWN OF ESSEX SELECTBOARD
REGULAR MEETING
MINUTES OF MEETING
April 3, 2023

SELECTBOARD: Andrew Watts, Chair; Tracey Delphia, Vice Chair; Kendall Chamberlin, Clerk; Dawn Hill-Fleury, Ethan Lawrence.
ADMINISTRATION: Greg Duggan, Town Manager; Charles Cole, Fire Chief; Rick Gerry, Director of Police Support Services; John Ouellette, Fire Captain; Dan Rosen, Firefighter; Rachel Yandow, Emergency Medical Technician.
OTHERS PRESENT: Gina Halpin Barrett, Ken Signorello, Georgia Lavigne, Michele Morris, Daniel Parkins, Michael Petersen, Mary Post, Betty Poulin, Sarah Reeves, Gillian Smith, Margaret Smith, Lorraine Zaloom.

1. CALL TO ORDER

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

2. REORGANIZATION

a. Election of Chair, Vice Chair, Clerk

Town Manager Duggan asked for nominations for Selectboard Chair.

ETHAN LAWRENCE made a motion, seconded by KENDALL CHAMBERLIN, to nominate Andy Watts as Selectboard Chair. There were no other nominations. The motion passed 5-0.

Chair Watts called for nominations for Selectboard Vice Chair.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to nominate Tracey Delphia as Selectboard Vice Chair. There were no other nominations. The motion passed 5-0.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to nominate Ethan Lawrence as Selectboard Clerk.

Chair Watts called for nominations for Selectboard Clerk.

ETHAN LAWRENCE made a motion, seconded by TRACEY DELPHIA, to nominate Kendall Chamberlin as Selectboard Clerk.

DAWN HILL-FLEURY withdrew her nomination for Ethan Lawrence as Selectboard Clerk.

The motion to elect Kendall Chamberlin as Selectboard Clerk passed 5-0.

3. AGENDA ADDITIONS/CHANGES

Chair Watts proposed modifying the agenda to move #6e to the point in time that appropriate representatives are present to speak to the item.

4. AGENDA APPROVAL

ANDY WATTS made a motion, seconded by TRACEY DELPHIA, to move Business Item #6e to float to the time where appropriate representatives are present to speak to the item, and to defer the item if representatives are not available by the end of the meeting. The motion passed 5-0.

5. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Margaret Smith thanked the Selectboard for being accessible to the public and allowing the public to speak during its meetings.

6. BUSINESS ITEMS

a. *Interviews and possible appointments of volunteers to serve on the Planning Commission – Georgia Lavigne, Daniel Parkins, and Michael Petersen

The Selectboard interviewed each Georgia Lavigne, Daniel Parkins, and Michael Petersen for the currently-vacant seat on the Planning Commission. Each candidate introduced themselves and spoke about their interest in serving on the Planning Commission. The Selectboard asked each candidate further questions related to their vision for the future of Essex and changes to the Town Plan, how they would collaborate with other Commissioners, and how they would handle potential conflicts of interest.

b. Consider approval of new Rules of Procedure for Vicious (or Potentially Vicious) Dog Hearings

Rick Garey, Director of Support Services for the Police, provided a summary of new Rules of Procedure for Vicious Dog Hearings, noting that they were updated as a result of changes to the Town Dog Ordinance to help hearings operate in a more organized, timely, and efficient manner. Selectboard members asked clarifying questions and provided clarifying edits, and generally agreed with the revised procedure. Chair Watts asked for public comment and there was none.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard adopt the new Rules of Procedure for Vicious (or Potentially Vicious) Dog Hearings with the corrections and amendments discussed by the Selectboard. The motion passed 5-0.

c. Consider approval of Fire Department request to use of capital funds to purchase Electro Cardiograph (ECG) Unit

Fire Chief Cole said that the current set of EMS protocols recommend an ECG to perform diagnostic testing for certain conditions, and that the Town's Fire Department does not currently have an ECG for its EMS team. He noted that the Fire Department has applied for grant funding to receive an ECG machine but has been unsuccessful and are now asking the Selectboard for permission to fund this purchase through the capital fund. He said that the life expectancy of an ECG is about ten years. Chair Watts asked for public comment and there was none.

DAWN HILL-FLEURY made a motion, seconded by KENDALL CHAMBERLIN, that the Selectboard waive the Purchasing Policy's bid requirement for Major Purchases, due to the lack of qualified bidders, and authorize the purchase of one new Zoll X Series ECG unit with required attachments as detailed in Attachment C, for the total price of $45,900 to be paid from existing Capital Equipment Funds. Page 18 of 131. The motion passed 5-0.

d. Presentation and discussion about proposed revisions to Fiscal Year 2024 Capital Budget and Five-Year Plan, and potential action to warn public hearing

Town Manager Duggan said that voters approved the capital tax increase from 2 cents to 3 cents, which is anticipated to generate an additional $161,000 in revenue for the Capital Fund. As a result of that, staff have proposed updates to the Capital Fund and Five-Year Plan that require review and potential warning of a public hearing for approval. He noted increases to a number of line items in the capital budget as well as new funding for line items for a salt shed and natural resources management. Mr. Chamberlin again requested that staff put together information on what capital needs remain unfunded or underfunded and what the gap in funding is.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard warn a public hearing for the fiscal year 2024 capital budget and five-year plan for April 17, 2023. The motion passed 5-0.

e. Presentation of and possible action to approve Chittenden Solid Waste District Fiscal Year 2024 budget

Sarah Reeves, Executive Director of Chittenden Solid Waste, presented CSWD's Fiscal Year 2024 budget. This budget was approved by the CSWD Board of Directors and is being presented to Essex for its consideration and adoption. She noted an 9.8% increase in revenue and a 8.7% increase in expenses over FY23. She noted increases in costs in areas such as health benefits, fuel costs, hauling services, and waste disposal and processing fees. She noted increased tip fees in the Organic Diversion Facility and increased bag prices at Drop Off Centers. Chair Watts asked if CSWD has thought about future planning about alternatives for landfills once the Coventry landfill is at capacity, and Ms. Reeves replied that conversations should start occurring within the next two years about future landfill use. Chair Watts asked for public comment and there was none.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard approve the CSWD proposed Fiscal Year 2024 budget. The motion passed 5-0.

f. Consider approval of Rules and Regulations for Orderly Conduct of Business

The Selectboard reviewed and discussed the Rules and Regulations for Orderly Conduct of Business, Conflict of Interest Policy, and Communications Policy. Selectboard members had questions about incompatible positions and conflicts of interest and post-Selectboard service employment, which will require further research and discussion. They postponed approval of the Conflict of Interest Policy for these reasons. Chair Watts asked for public comment and there was none.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard approve the Rules and Regulations for Orderly Conduct of Business and to approve the Communications Policy as presented this evening. The motion passed 5-0.

g. Consider approval of Conflict of Interest Policy

See discussion above.

h. Consider approval of Communications Policy

See discussion above.

i. Consider approval of letter to State of Vermont re: improper collection of local option tax

The Selectboard discussed the latest version of the letter to the State regarding the improper collection of local option tax in Essex. Town Manager Duggan noted that the last paragraph regarding a request to Ways and Means for legislative counsel input can be removed from the final version of the letter, based on feedback he received from the Economic Development Coordinator. Chair Watts suggested adding in a sentence about the level of effort the Town has put into addressing and attempting to correct this problem. Chair Watts asked for public comment. Betty Poulin asked if the Town would consider changing its mailing labels to residents from Essex Junction to Essex and asked if there has been communication from the Town to businesses about this local option tax collection error. Town Manager Duggan said that Town staff have conducted direct outreach to businesses, as well as work with the Regional Planning Commission to help educate residents and business owners.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard approve the letter to the State of Vermont regarding the improper collection of local option taxes with amendments. The motion passed 5-0.

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

Chair Watts said that the newly proposed Facilities Use Policy would allow organizational type meetings at Town facilities for political and religious organizations, though campaign events and religious ceremonies would still be prohibited in these spaces. Mr. Lawrence asked about the fee structure for different facilities. He also asked for language to be added for more specific definitions for organizations and organizational events. Chair Watts noted that this policy would formalize what has already been put into practice and has been occurring for a number of years. Chair Watts asked for public comment, and Ken Signorello spoke, reminding the board that for-profit businesses are taxpayers in the Town as well, and should also be allowed access to Town facilities (for a fee). Ms. Hill-Fleury proposed putting this on a future agenda to allow the Selectboard to have more extensive discussion. Ms. Delphia suggested approving this as written so that there is an approved policy on file, but to review and revise it in short order. Gina Halpin Barrett said that there is limited space for elected representatives to communicate with residents, and suggested an allowance be made for that.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to accept the Facilities Use Policy with amendments from tonight's discussion, for adoption at a subsequent meeting. The motion passed 5-0.

k. *Discussion about the appointment or employment or evaluation of a public officer or employee

See executive session items below.

l. **Discussion about the negotiating or securing of real estate purchase or lease option

See executive session items below.

7. <u>CONSENT ITEMS</u>

a. Approve minutes – March 20, 2023
b. Approve check warrants: # 18118-03/24/23
c. Consider approving support for 2024 Town Highway Class 2 Paving Grant – Kellogg Road
d. Consider approval of Selectboard meeting schedule for 2023-2024
e. Consider approval of Center Road Sewer Forcemain Design RFQ Award

f. Consider approval of Liquor License renewals

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to approve the consent agenda as presented. The motion passed 5-0.

8. <u>READING FILE</u>

a. Board member comments: Ms. Hill-Fleury thanked Tom Furland for his service on the Planning Commission. Ms. Delphia thanked the Police Department for the self-defense class she and her daughter participated in in March.
b. Upcoming meeting schedule
c. Email from Tom Furland re: Resignation from the Planning Commission
d. Status of Winter Operations March 1, 2023 through March 28, 2023

9. <u>EXECUTIVE SESSION</u>

a. * An executive session is anticipated to discuss the appointment or employment or evaluation of a public officer or employee

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard enter into executive session to discuss 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. 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 9:59 P.M.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to appoint Georgia Lavigne to the Planning Commission. The motion passed 5-0.

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

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard enter into 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. The motion passed 5-0.

10. <u>ADJOURN</u>

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to adjourn the meeting. The motion passed 5-0 at 10:02 P.M.

Respectfully Submitted,
Amy Coonradt, Recording Secretary

Approved this______day of_______, 2023
(see minutes of this day for corrections, if any)

Approved this_17th__day of_April___, 2023
(see minutes of this day for corrections, if any)

Kendall Chamberlin

Kendall Chamberlin, Selectboard Clerk