Town of Essex
Selectboard
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Regular Meeting AGENDA

Monday, August 19, 2024 – 6:30 PM
81 Main St., Essex Junction, VT 05452

This meeting will be in person and online. The agenda is available in alternative formats upon request.
- **JOIN ONLINE:** Zoom Meeting ID: 987 8569 1140 | Passcode: 032060
- **JOIN CALLING:** (*toll free audio only*): (888) 788-0099 | Meeting ID: 987 8569 1140; Passcode: 032060
- **WATCH:** Recorded meetings may be viewed on Town Meeting TV and Town of Essex Channels.

1. CALL TO ORDER 6:30 PM

2. AGENDA ADDITIONS/CHANGES

3. APPROVE AGENDA

4. PUBLIC TO BE HEARD
   a. Comments from the public on Consent items and items not on Agenda

5. CONSENT ITEMS
   a. Approve minutes: August 5, 2024
   b. Approve check warrants: # 18227 - 08/02/24; # 18229 - 08/09/24

6. BUSINESS ITEMS
   a. *Interview and possible appointment of a volunteer to serve on the Tree Farm Management Group Board - Ally Vile
   b. Presentation and discussion about Charter Review Committee recommendations
   c. Discussion about Conservation and Trails Committee's recommendation to purchase land on River Road/VT Route 117 for small boat access point
   d. Update on 80 & 90 Upper Main Street Planning Project for future municipal site
   e. Consider approval of warning for bond vote in November 2024 for Center Road forcemain project
   f. Consider approval to mail ballots to all Active - Not Challenged voters for November 2024 election
   g. Consider adoption of Investment Policy
   h. Discussion about Selectboard budget goals for fiscal year 2026
   i. Consider designating delegate for Vermont League of Cities and Towns' Town Fair meeting

7. READING FILE
   a. Board member comments
   b. Upcoming meeting schedule
   c. Letter to Vermont Agency of Transportation re: intersection of Susie Wilson Road and VT Route 15
   d. Resignation of John Bourbon from Economic Development Commission
   e. Update about the State's request to the Planning Commission to consider zoning changes to allow for a State correctional and reentry center

8. EXECUTIVE SESSION
   a. *An executive session may be requested to discuss the appointment or employment of a public officer or employee

9. ADJOURN

Certification: ________________ 8/15/2024

TOWN OF ESSEX SELECTBOARD
REGULAR MEETING
MINUTES OF MEETING
August 19, 2024

SELECTBOARD: Tracey Delphia, Chair; Kendall Chamberlin, Clerk; Dawn Hill-Fleury, Ethan Lawrence.
ADMINISTRATION: Greg Duggan, Town Manager; Annie Costandi, Water Quality Director; Dan Roy, Finance Director; Katherine Sonnick, Community Development Director;
OTHERS PRESENT: Liam Beckett, Maria Beckett, Dorothy Bergendahl, Maggie Connor, Bino Cummings, Charlie Dimitroff, Mike Dimitroff, Steve Dowd, Ken Signorello, David Skopin, Margaret Smith, Charles Tabone, Ally Vile, Irene Wrenner, Lorraine Zaloom, Sharon Zukowski.

1. CALL TO ORDER
Chair Delphia called the meeting of the Town of Essex Selectboard to order at 6:30 P.M.

2. AGENDA ADDITIONS/CHANGES
None.

3. AGENDA APPROVAL
None needed.

4. PUBLIC TO BE HEARD
a. Comments from Public on Items not on Deliberative Agenda

David Skopin spoke on behalf of the Energy Committee and said that they would like to rename themselves the Essex Energy and Climate Commission, and said they would like the Selectboard to add this proposal to a future agenda for consideration.

Lorraine Zaloom spoke about the last Planning Commission meeting, expressing concern that Open Meeting Law was violated because the topic of a new correctional facility was on the agenda but the public to be heard portion did not occur for this item during the meeting. Town Manager Duggan said he would look into this with staff.

5. CONSENT ITEMS
a. Approve minutes – August 5, 2024
b. Approve check warrants: #18227—8/02/2024; #18229—8/9/2024

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

6. BUSINESS ITEMS
a. *Interview and possible appointment of a volunteer to serve on the Tree Farm Management Group Board – Ally Vile

The Selectboard interviewed Ally Vile for a seat on the Tree Farm Management Group Board. The candidate introduced herself and spoke about her interest in serving on the Board, as well as past relevant experience as a Town staff member who served as a liaison between the Board and the Town.

The Selectboard asked her how she sees herself playing a role in the future of the Tree Farm, whether she would like a leadership role on the Board, and whether she anticipates any conflicts between her previous role as Town staff and the role of volunteer on the Board. When given the opportunity to ask questions of the Selectboard, Ms. Vile suggested more communication from the Selectboard to the Tree Farm Management Group, particularly regarding the future of its lease after 2025.

b. Presentation and discussion about Charter Review Committee recommendations

Charles Tabone presented recommendations on behalf of the Charter Review Committee. He said that they are proposing the creation of an Energy Coordinator, updating the Library section of the charter to reflect who appoints the trustees, and modifications to the process the Town Manager uses to appoint positions.

Mr. Lawrence asked if the language related to the library was new. Mr. Tabone replied that they discovered that the bylaws of the library charter and the Town charter contained inconsistencies and that they revised them both to align with new state statute. Ms. Delphia noted that the state statute language does not say who appoints a library director, and Town Manager Duggan agreed that this language is ambiguous and they would seek further clarification from counsel. Mr. Lawrence suggested having this language fall into its own section related to the library.

Mr. Chamberlin said that the changes to the Town Manager section of the charter read like the charter is inserting the Selectboard into the Manager's hiring and firing process, which isn't the intent of a Town Manager form of government. Mr. Tabone replied that the proposed language adds a step including consultation between the Town Manager and Selectboard on filling vacancies, in addition to Selectboard approval of appointments. Ms. Zaloom said it also gives the Town Manager the ability to appoint to a vacancy if it is not filled within 45 days. Town Manager Duggan suggested the language be further clarified to reflect that the Selectboard must be consulted about specific appointments and approve each specific appointment by the Town Manager. Ms. Delphia noted the replacement of "incapacity" with "inability", and asked about the definition of "inability". Mr. Tabone replied that the definition is included in state statute, and welcomed Selectboard feedback on whether to include the definition in the Town charter.

Mr. Lawrence asked about the addition of new section 403(b) under Prohibitions. Ms. Delphia also asked about the new section 502 and whether this requires the Town to both mail the annual report to all residents as well as mail a postcard saying where an electronic copy can be found, and Mr, Tabone replied that the intent was decrease the cost to the Town of providing the annual report to all residents by alerting residents of its availability and mailing it upon request (or sending a link to an electronic copy). Mr. Lawrence suggested a ballot item asking voters to weigh in on whether the Town shall mail the annual report to all residents.

The following public comments were received:

- David Skopin spoke about the proposed Energy Coordinator position, saying that the Energy Committee would like to see a position that also includes climate and resiliency, and would like to assist in the recruitment process.
- Margaret Smith thanked staff and the Charter Change Committee for their work.

c. Discussion about Conservation and Trails Committee's recommendation to purchase land on River Road/VT Route 117 for small boat access point

Ken Signorello, Bino Cummings, and Steve Dowd (Chair and members of the Conservation & Trails Committee, respectively) presented on this topic. Mr. Cummings noted that there is a property on the Winooski River that is not being used and could be used as a boat launch and said they are recommending that the Town purchase or seek grants to purchase that property. He noted concerns about flooding, but said the bank in that area is steep and strong and is above the recent flooding events. He noted concerns around Act 250, but said that as long as the property does not change uses, it should still be in compliance with Act 250. He said that they do not have cost estimates for how much the parcel would cost, nor how much it would cost to create the parking lot and add portalets. Mr. Lawrence asked about process and the Selectboard's role in making this decision. Town Manager Duggan noted that this is a good discussion item and that more work would need to be done to obtain cost estimates for a parking lot, boat ramp, and what permitting is required by the State. Ms. Delphia noted that the Winooski Valley Park District has also expressed interest in another boat access point, and working with them or the Chittenden County Regional Planning Commission may be an option. Mr. Chamberlin suggested placing an item on the ballot asking the Town whether it should utilize Conservation Reserve Fund dollars to purchase the land.

The following public comments were received:

- Charlie Dimitroff spoke about how a boat launch would increase opportunities for canoeing in this part of the Winooski River.
- Mike Dimitroff said he does not think a full boat ramp would be appropriate in that space, but a canoe ramp or launch would be adequate.
- Sharon Zukowski said she does not think a vote is needed on this and that the Selectboard could just approve funding. Ms. Delphia said that they will include this as a future agenda item for more discussion.

d. Update on 80 & 90 Upper Main Street Planning Project for future municipal site

Community Development Director Sonnick and Maggie Connors (from Stantec) presented on this item. Ms. Connors began by presenting the timeline for the planning process for a municipal site, which includes a discovery phase, a testing phase, and a refinement and report phase (which will occur in November/December of this year). She spoke about the discovery phase, which includes public engagement such as stakeholder interviews with various department heads and commissions/committees, as well as fielding a survey on the Town's website to obtain feedback. She provided a summary of themes and feedback received to date, which included needs for a civic outdoor gathering space and indoor space, the need for more housing, trails and natural connections, community gardens, a focus on sustainability, the opportunity for more integrated recreational uses, and potential shared use with Essex Rescue. She provided a summary of issues and concerns, including traffic and congestion on site access points, parking issues, the need to retain the character of Essex, funding concerns, concerns about sensitivity to adjacent neighbors, and concerns regarding mature trees on the site and their retainment. She noted that they will continue site plan analysis, work on architectural programming, and hold an in-person engagement opportunity the week of September 30th.

e. Consider approval of warning for bond vote in November 2024 for Center Road forcemain project

Water Quality Director Costandi and Finance Director Roy presented on this item. Director Costandi spoke about the numerous breaks on the forcemain on the last several years and solicited proposals from engineering firms to replace the forcemain and upgrade the pump station. She said that they applied for the State's Clean Water Revolving Loan Fund (CWSRF) for Steps 1 and 2 for project design, which resulted in a subsidy of $17,150 to defray the costs of design work. She said that they are now into Step 3 (construction), and are recommending that the Town either continue to pursue CWSRF funding or go through the Vermont Bond Bank to fund construction, the cost of which is $1,750,000.

Director Roy spoke about the advantages and disadvantages of pursuing a bond versus paying for construction through capital funds. He noted that there is between $4 to $5 million of unrestricted funds in the capital plan for sewer, but that there is around $9 million in identified funding needs for those funds over the next five years. He said that a potential bond would cover a 20-year repayment period at a 3-4% interest rate. He said that the bond would allow the burden to be shifted over time on the beneficiaries.

Mr. Lawrence asked whether the Town could bond for a portion of the amount rather than the full amount. Director Roy replied that there is a longer-term need for funding within the water/sewer capital fund for other projects and reserves for emergencies. He noted that the CWSRF could fund the project at 2% interest, but that it would also entail adhering to more stringent federal requirements that could drive up the overall cost of the project.

Mr. Chamberlin said that this is the opportunity for Essex to adequately fund its capital program. He said that the Town should consider investing in itself by putting more funding into its short-term and long-term capital program, rather than bonding.

The Selectboard discussed warning a potential bond vote. Mr. Lawrence said he would not support a maximum interest rate of 5%. Mr. Chamberlin asked if Bond Bank debt can be refinanced, and asked if any of the Town's existing debt can be refinanced and Director Roy replied that he has not seen bond bank debt refinanced in the past, but he can look into whether the Town can refinance any of its existing debt. Ms. Delphia said she would like to see the analysis of pursuing the Bond Bank loan versus the CWSRF loan in terms of cost, as well as the risk of not meeting the deadline for warning this vote on the November ballot. Director Costandi said that if the language is not sent to the State by August 22nd, the Town would need to hold a separate vote on this item and pay for that cost.

DAWN HILL-FLEURY made a motion, seconded by KENDALL CHAMBERLIN, that the Selectboard approve the inclusion of a warned Article for the November 5, 2024 general election for long-term financing for upgrading the Heritage Estates Pump Station and replacing the existing sewer forcemain on Center Road.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to amend the warned Article to replace "with an interest rate not to exceed five percent (5%)" with "with an interest rate not to exceed two percent (2%)." The motion carried 4-0.

The Selectboard voted on the original motion as amended. The motion carried 4-0.

f. Consider approval to mail ballots to all Active – Not Challenged voters for November 2024 election
Town Manager Duggan said that staff's recommendation is to approve the mailing of ballots to all Active – Not Challenged voters and have the state handle the cost of that.

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard approves putting forth a bond article in November for the Center Road forcemain project, that the article be included on the General Election ballot and that the Selectboard vote to mail ballots to all active, not challenged registered voters. The motion passed 4-0.

g. Consider adoption of Investment Policy

Director Roy spoke briefly about additions and changes to the proposed Investment Policy based on the discussion at the Selectboard's previous meeting.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard approve the Town of Essex Investment Policy. The motion passed 4-0.

h. Discussion about Selectboard budget goals for Fiscal Year 2026

The Selectboard discussed its budget goals and priorities for Fiscal Year 2026 so that staff can begin to incorporate them into the proposed budget for the next fiscal year. Ms. Hill-Fleury said one large goal is to limit any tax increases as much as possible. Ms. Delphia said that another goal is to have departments come to the Selectboard with the total costs they truly need, rather than trying to fit into a tax rate ceiling increase. Mr. Chamberlin echoed this goal. The Selectboard discussed how to collaborate with the Town Manager to give more overarching guidance on categories than to approve every single line item and have more cost-effective operations. Town Manager Duggan said that if there are specific asks that are known now, they should be flagged, to give staff enough lead time to work on them.

The following public comments were received:

- Ken Signorello said the current budget contains a position for a Trail Coordinator, and the Town hasn't recruited for the position yet. He advocated for hiring this position. Town Manager Duggan said that this vacancy is open, and also noted another opening in the Parks & Recreation Department, but that they are currently looking into restructuring the department prior to hiring for those positions.

i. Consider designating delegate for Vermont League of Cities and Towns' Town Fair meeting

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard designate Andy Watts as the voting delegate for the VLCT, VLCT Property and Casualty Intermunicipal Fund, Inc. (PACIF), and VLCT Employment Resource and Benefits Trust, Inc., (VERB) annual business meetings. The motion passed 4-0.

7. <u>READING FILE</u>

a. Board member comments: Ms. Hill-Fleury thanked John Bourbon for his tenure on the Economic Development Commission. Ms. Delphia noted that item #7e is currently in the Planning Commission's process pipeline. She also said she would like to set up a standing coffee chat with individual committee chairs and vice-chairs to increase engagement between the Selectboard and committees.
b. Upcoming meeting schedule
c. Letter to Vermont Agency of Transportation re: intersection of Susie Wilson Road and VT Route 15
d. Resignation of John Bourbon from Economic Development Commission
e. Update about the State's request to the Planning Commission to consider zoning changes to allow for a State correctional and reentry center

8. EXECUTIVE SESSION

a. * An executive session may be requested to discuss the appointment or employment of a public officer or employee

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard enter into executive session to discuss the proposed public official appointment in accordance with 1 V.S.A. Section 313 (a) (3) and to include the Town Manager, and the candidate. The motion passed 4-0 at 9:36 P.M.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to exit executive session. The motion passed 4-0 at 9:37 P.M.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to appoint Ally Vile to the Tree Farm Management Group Board. The motion passed 4-0.

9. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to adjourn the meeting. The motion passed 4-0 at 9:38 P.M.

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

Approved this __16th____ day of _September___, 2024
(see minutes of this day for corrections, if any)

Kendall Chamberlin
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Kendall Chamberlin, Selectboard Clerk