Town of Essex
Selectboard
Phone: (802) 878-1341
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# Regular Meeting AGENDA

**Monday, October 7, 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: September 16, 2024
b. Approve check warrants: #18234 - 09/13/24; #18235 - 09/20/24; #18236 - 9/27/24
c. Consider award of bid for Fort Ethan Allen water line replacement design project
d. Consider approval of Drinking Water State Revolving Fund application for Fort Ethan Allen Waterline Replacement Design Project

**6. BUSINESS ITEMS**

a. *Interviews and possible appointment of volunteers to serve on the Development Review Board - Ian Carroll and Trefor Williams
b. Discussion with the Housing Commission
c. Consider request for crosswalk on Jericho Road / VT Route 15 near Perry Drive
d. Consider approval of Lead Service Line Replacement Plan
e. ** Discussion about future management of Tree Farm Recreational Facility
f. Discussion about recommended Town of Essex Charter amendments from the Charter Review Committee
g. Consider approval of grant application to Catalyst Program for Upper Main Street utility design
h. Consider final adoption of policies for Vermont Community Development Program (VCDP) grant eligibility

**7. READING FILE**

a. Board member comments
b. Upcoming meeting schedule
c. Update on Fiscal Year 2024 General Fund Budget/Actual for Audit
d. Highway Garage Salt Shed Design Contract Award
e. Update on Three-Acre Permit for Oak Ridge Development (Permit #3790-9050)
f. Community forums about the proposed women's correctional facility and re-entry center
g. Green Mountain Transit public input sessions about draft urban service reduction plan
h. Request for Selectboard to watch TED Talk about "The Tipping Points of Climate Change - and Where We Stand"

**8. EXECUTIVE SESSION**

a. *An executive session may be requested to discuss the appointment or employment 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

**9. ADJOURN**

Certification: KML 10/04/2024

# TOWN OF ESSEX SELECTBOARD
# REGULAR MEETING
# MINUTES OF MEETING
# October 7, 2024

**SELECTBOARD:** Tracey Delphia, Chair; Andy Watts, Vice Chair; Dawn Hill-Fleury, Ethan Lawrence.
**ADMINISTRATION:** Greg Duggan, Town Manager; Dennis Lutz, Temporary Employee; Aaron Martin, Public Works Director; Katherine Sonnick, Community Development Director;
**OTHERS PRESENT**: Dennis Bergeron, Anna Brouillette, Ian Carroll, Annie Costandi, Amy Demetrowitz, Erin Dickinson, Betsy Dunn, Vera Dusek, Sven Eklof, Maria Godleski, Liz Hadaway, Charles Lancaster, Rachael Lizotte, Michael Millette, April Peterson, Bruce Post, Mary Post, Ken Signorello, David Skopin, Jessica Tatro, Noah Tatro, Ally Vile, Trefor Williams, Irene Wrenner, Lorraine Zaloom, Sharon Zukowski, Luke, M.J.S.S.

## 1. CALL TO ORDER

Chair Delphia called the meeting of the Town of Essex Selectboard to order at 6:30 P.M. and passed the gavel to Mr. Watts to chair the remainder of the meeting.

## 2. AGENDA ADDITIONS/CHANGES

Town Manager Duggan requested that Consent Item #5d be moved to the Business Items. He also noted that the Selectboard must pass a resolution for item #6g to apply for the grant. He noted additional meeting materials related to the proposed charter amendments.

## 3. AGENDA APPROVAL

**DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to accept staff's proposed changes to the agenda. The motion passed 4-0.**

## 4. PUBLIC TO BE HEARD

a. Comments from Public on Items not on Deliberative Agenda

David Skopin spoke about the TED Talk listed in the Reading File, saying that it should be watched as it pertains to the climate emergency. He emphasized that the window to take bold action to mitigate climate change is closing and that the community must act now.

Dennis Bergeron spoke about liability concerns for the Town of Essex related to the inoperable crosswalk lights at Sand Hill Road and Margaret Street, saying that it needs to be fixed as soon as possible. Town Manager Duggan said he will follow up with Public Works on this issue.

Ken Signorello noted difficulties accessing the Town's events calendar on the Town website and asked the Town to look into this. He also noted that conservation, climate change, and resiliency are topics in the Town Plan and asked that the Town focus on these, as they were highlighted by residents as priority areas.

Betsy Dunn spoke in support of siting a corrections facility in the Town. She also noted a number of vacant seats on the Economic Development Committee, noting that its meeting time during business hours could be a barrier to participation. She also asked whether the Town has engaged the Wetland Coordinator about the wetlands on the parcel for Upper Main Street. Town Manager Duggan said they are aware of the wetland and do not plan to develop on that part of the site.

Mary Post spoke against having a member serve on both the Planning Commission and Development Review Board, saying that there need to be checks and balances. She said that committees and commissions should be run professionally and further that they should have term limits, noting that the Town needs fresh ideas and new perspectives.

**5. <u>CONSENT ITEMS</u>**

a. Approve minutes – September 16, 2024
b. Approve check warrants: #18234—9/13/2024; #18235—9/20/2024; #18236 – 9/27/2024
c. Consider award of bid for Fort Ethan Allen water line replacement design project
d. Consider approval of Drinking Water State Revolving Loan Fund application for Fort Ethan Allen Waterline Replacement Design Project **now Business Item #6h**

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

**6. <u>BUSINESS ITEMS</u>**

a. *Interview and possible appointment of volunteers to serve on the Development Review Board – Ian Carroll and Trefor Williams

The Selectboard interviewed Ian Carroll and Trefor Williams for seats on the Development Review Board (DRB). The candidates introduced themselves and spoke about their relevant past experience and their interest in serving on the Board. The Selectboard asked them about their preferences in serving on the DRB or the Planning Commission (PC), how they handle opposition to their points of view, how they would handle differences in interpretation of regulations, and what role the public could play in development review. The candidate had the opportunity to ask questions of the Selectboard.

b. Discussion with the Housing Commission

Anna Brouillette, Chair of the Housing Commission, spoke about a number of activities the Housing Commission is currently engaged in. These include reviewing data around housing needs, prioritizing the development of a website for information on housing resources, establishing relationships with regional boards such as the CCRPC as well as other housing commissions, submitting public comments on proposals, and pursuing a CVOEO grant for housing commissions. She noted that they may have a small budget request to put forth to the Selectboard related to paying for attendance at a statewide housing conference. She spoke about challenges related to the amount of work and limited bandwidth, but said the Commission is generally progressing well. Ms. Delphia asked if the Commission is still conducting work related to inclusionary zoning and establishing a housing trust fund, and Ms. Brouillette replied that these are medium-to-long-term workstreams for the Commissions.

The following public comments were received:

- Lorraine Zaloom expressed concern about limited housing stock being purchased and converted into short-term rental units and asked whether this is a topic the Housing Commission is discussing. Ms. Brouillette said that this is part of the data inventory they are conducting, but the lack of data is a challenge.

c. Consider request for crosswalk on Jericho Road/VT Route 15 near Perry Drive

Michael Millette and Noah Tatro spoke about this request. They said that they need a safe way to get to and from school and that a crosswalk could help with this. They noted that many other residents agree with them. Mr. Watts noted that Route 15 is a state highway and that the Town cannot put a crosswalk there without the State's permission. He said that the Selectboard could ask staff to reach out to the State of Vermont with this request.

The following public comments were received:

- Vera Dusek spoke about her experiences crossing the street with her children at this location, saying that it is dangerous and risky to pedestrians, and spoke about the need for a crosswalk.
- Lorraine Zaloom expressed support for this crosswalk, saying that the Town needs to make the streets as safe as possible for multi-modal transportation.

**DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that Selectboard ask staff to ask the Vermont Agency of Transportation to conduct an engineering and pedestrian safety study on a section of VT Route 15 / Jericho Road to include Perry Drive to investigate the feasibility of installing a pedestrian crossing. The motion passed 4-0.**

d. Consider approval of Lead Service Line Replacement Plan

Annie Costandi, the Water Quality Director, and Dennis Lutz, Public Engineer, led the discussion of this item, which pertains to reviewing the Town's lead-copper service line inventory and approving the Lead Service Line Replacement Plan. Director Costandi noted that the plan is due to be submitted to the State by October 16, 2024, and that Town staff have been working on this inventory and plan since 2022. Mr. Lutz spoke about conducting the inventory to determine whether there are lead pipes in Essex. He noted that no lead service lines were found, but there are 149 municipal service lines (from the water main to the curb stop) that are unknown, and all are located in Fort Ethan Allen. He said that Essex has three years to determine whether the unknown service lines are lead or lead-free. He said that because the Champlain Water District treats drinking water with orthophosphate to trap any lead in the pipes, there are no urgent public health concerns if any of the service lines are lead; however, any lead lines will need to eventually be replaced at the Town's expense, per regulations.

**DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard accept the Service Line Inventory as prepared by staff and approve and sign the Lead Service Line Replacement Plan. The motion passed 4-0.**

e. ** Discussion about future management of Tree Farm Recreational Facility

Town Manager Duggan began by noting that the current lease agreement runs through December 31, 2025, and that the Town and City of Essex Junction must determine what a future agreement could look like. He said the two options are to continue management through the Tree Farm Management Group or to bring the facility under some form of municipal management.

Mr. Lawrence began by noting that the Tree Farm Group has done a high-quality job of meeting the expectations set forth by the Town in its agreement and said he is supportive of continuing to work with them to manage the facility. Ms. Hill-Fleury agreed with Mr. Lawrence. Ms. Delphia said she would like more public feedback and input on ownership and management of that parcel.

The following public comments were received:

- Rachael Lizotte asked if the facility could be used for additional activities than the recreation facilities currently on offer. She said additional services could bring in additional revenue. Sven Eklof, President of the Tree Farm Management Group, noted that they have responded to feedback from the Town and City by increasing their activity offerings from solely soccer to seven different sports.
- Ken Signorello said the Conservation and Trails Committee would like to see the tree stands on the parcel included in the Town's forestry plan. Mr. Eklof noted that CTE is managing the logging and the school is managing the trails. He noted that it is being used as public land and people are able to access the trails on foot.
- Irene Wrenner expressed support for the Tree Farm Management Group's management of the facility.
- Lorraine Zaloom asked if a needs assessment was conducted to assess gaps in needs for the facility, and Mr. Watts replied that he is not aware of such an assessment.
- Bruce Post apologized for agreeing to joint ownership of the parcel during his tenure on the Selectboard.
- Ally Vile noted that the last time this agreement was up for renewal it took a protracted amount of time to negotiate and recommended being as proactive as possible.
- Ken Signorello suggested the possibility of the City buying the Town out of its portion of the property, if the Town is in need of future revenue. Ms. Vile cautioned against this suggestion, saying that it could be short-sighted.

Mr. Lawrence said he would like to assess all benefits and risks of moving forward with either proposed option, in order to inform the public and obtain further public input on this decision. Mr. Eklof stressed the importance of knowing as soon as possible if the agreement will change once it's up for renewal. Mr. Watts said the current agreement requires notification of any changes one year ahead of time, and that the Selectboard will continue this discussion through the end of this year.

f. Discussion about recommended Town of Essex Charter amendments from the Charter Review Committee

Bruce Post, a member of the Charter Review Committee, began by parenthetically noting that the DRB and PC should be separate bodies with separate members. He then provided an overview of the Charter Change Committee's work since August 19th on responding to the Selectboard's review of the proposed amendments. Mr. Watts noted that many of the changes are technical changes and he would be reluctant to go through the charter change process for non-substantive changes. Mr. Post noted more substantive changes in language around an Energy Coordinator and the hiring process and involvement of the Selectboard. He said the Committee's intention was to make the charter more readable. Mr. Watts had a number of questions on content, and staff said they would circulate these and follow up on them. Mr. Lawrence said he would be reluctant to move forward with changes to the charter until he is clear on what changes are substantive and what changes are organizational. Ms. Delphia agreed with Mr. Lawrence's proposed approach. Town Manager Duggan said he can work with staff to categorize the changes for consideration at the Selectboard's next meeting.

The following public comment was received:

- Lorraine Zaloom expressed support for Mr. Lawrence's approach for parsing out reorganizational versus substantive changes. She also said that further direction on these amendments should come from the Selectboard.

g. Consider approval of grant application to Catalyst Program for Upper Main Street utility design

Public Works Director Martin said this item relates to considering an application for the Northern Border Regional Commission Catalyst Grant submission for scoping and design of the water and sewer infrastructure for the Upper Main Street project. He said the total estimated cost for design and permitting is estimated at approximately $1.6 million. He noted that the maximum grant award possible is $500,000, and the Town is asking for a grant in this amount. He said that the unfunded portion could be covered through capital funding and other funding sources through the State. Mr. Lawrence noted that this project is going to cost taxpayers money to develop a property that they have not held a single vote on.

**DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard approve the application for the NBRC Catalyst Grant submission for the scoping and design of the water and sewer infrastructure for the 80 & 90 Upper Main Street Project, and direct staff to apply for the grant. Ms. Delphia made a friendly amendment to include approval of the resolution in the motion, which Ms. Hill-Fleury read into the record. The motion passed 3-1 (Mr. Lawrence dissenting).**

h. Consider approval of Drinking Water State Revolving Loan Fund application for Fort Ethan Allen Waterline Replacement Design Project **was Consent Agenda item #5d**

Director Martin said this item relates whether the Selectboard will approve a state revolving loan fund application for the Fort Ethan Allen Waterline Replacement Project. He noted that many of the water lines are over 120 years old don't meet current industry standards. He said this application is for Step 1 engineering for conceptual design to replace the entire water system, and is for a five-year 0% interest loan in the amount of $189,100.

**DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard approve and sign the application and authorize Public Works staff to move forward with submitting the application to the Drinking Water State Revolving Loan Fund Program. The motion passed 3-1 (Mr. Lawrence dissenting).**

i. Consider final adoption of policies for Vermont Community Development Program (VCDP) grant eligibility

Mr. Watts noted that these policies were reviewed and approved by the Selectboard at its September 16, 2024 meeting but will need to be adopted formally. Town Manager Duggan also noted that the Town Attorney did not have concerns upon review, and that surrounding municipalities also have similar policies in place. Ms. Hill-Fleury asked about requirements for providing relocation assistance and whether this falls on the Town, and Town Manager Duggan replied that this requirement would be passed to contractual partners rather than the Town. Amy Demetrowitz of Champlain Housing Trust replied that there have been housing projects where relocation is required and CHT ensures that these costs are built into its budget for those projects. She noted that this specific project does not include any relocation due to displacement.

**DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard adopt the Municipal Policies and Codes and Residential Anti-displacement and Relocation Plan, required policies for the Vermont Community Development Program (VCDP) grant eligibility. The motion passed 4-0.**

## 7. READING FILE

a. Board member comments: Ms. Hill-Fleury thanked various staff and volunteers for the numerous meetings held last week to inform the public of important issues in the community. Mr. Lawrence thanked the Essex Parks & Recreation Department for putting on the Explore Essex event. Ms. Delphia noted additional forums on Wednesday night around the GMT and women’s correctional facility issues. Mr. Watts said the Vermont Cannabis Control Board is holding a municipal round table tomorrow morning and that he plans to attend.
b. Upcoming meeting schedule
c. Update on Fiscal Year 2024 General Fund Budget/Actuals for Audit
d. Highway Garage Salt Shed Design Contract Award
e. Update on Three-Acre Permit for Oak Ridge Development (Permit #3790-9050)
f. Community forums about the proposed women’s correctional facility and re-entry center
g. Green Mountain Transit public input sessions about draft urban service reduction plan
h. Request for Selectboard to watch TED Talk about “The Tipping Points of Climate Change – and Where We Stand”

## 8. EXECUTIVE SESSION

a. * An executive session may be requested to discuss the appointment or employment of a public officer or employee
None held.

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 ETHAN LAWRENCE, 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 Parks and Recreation Director. The motion passed 4-0 at 10:02 P.M.**

Ms. Delphia left the meeting at 10:44 P.M.

**DAWN HILL-FLEURY made a motion, seconded by ANDY WATTS, to exit executive session. The motion passed 3-0 at 10:45 P.M.**

## 9. ADJOURN

**DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to adjourn the meeting. The motion passed 3-0 at 10:45 P.M.**

Respectfully Submitted,
Amy Coonradt,

Recording Secretary

Approved this_21st_ day of _October__, 2024
**(see minutes of this day for corrections, if any)**

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Kendall Chamberlin, Selectboard Clerk

*Town of Essex, Vermont*

RESOLUTION

TOWN OF ESSEX

*A Resolution authorizing that* GREG DUGGAN, who is the TOWN MANAGER, is empowered to act on behalf of the TOWN OF ESSEX, VERMONT as the Authorized Official.

Resolved by the SELECTBOARD of the TOWN OF ESSEX as follows:

WHEREAS, the Town Charter, Section 703 requires the Selectboard to designate the source of any money appropriated after the budget is adopted; and

WHEREAS, the TOWN OF ESSEX is applying for $500,000 in NBRC funding for the ESSEX TOWN CENTER UTILITY PROJECT.

NOW THEREFORE, that GREG DUGGAN, TOWN MANAGER is hereby authorized, on behalf of the TOWN OF ESSEX to apply for, accept, and expend grant funds from the Northern Borders Regional Commission (NBRC). The named authorized official has permission to sign all NBRC investment documents that bind the applicant.

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Tracey Delphia, Selectboard Chair

Passed and approved this 7th day of October, 2024.