Town of Essex

Selectboard
Phone: (802) 878-1341
Email: manager@essex.org

Regular Meeting AGENDA

Monday, October 21, 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: October 7, 2024
b. Approve check warrants: #18237 - 10/4/24; #18238 - 10/11/24
c. Consider approval of contract award for River Road Forcemain Leak and Air Pocket Detection project

6. BUSINESS ITEMS

a. *Interview and possible appointment of a volunteer to serve on the Economic Development Commission - Igor Polenov
b. Discussion with the Planning Commission
c. Discussion with the Conservation and Trails Committee
d. Presentation of Town Meeting TV's Annual Report
e. Presentation and discussion about Chittenden County Communications Union District update and draft fiscal year 2025 budget
f. Consider approval of incorporating Pinewood Section H Permit under Town's State stormwater permit for Three-Acre Permit Compliance
g. Consider the recommended Town of Essex Charter amendments from the Charter Review Committee
h. Presentation of annual update from Tree Farm Management Group
i. ** Discussion and public input about future management of Tree Farm Recreational Facility
j. ** Consider appointment of volunteers to Development Review Board
k. *** Discussion about the future of shared assessing services with the City of Essex Junction

7. READING FILE

a. Board member comments
b. Upcoming meeting schedule
c. Preparation for Selectboard team-building event on November 2
d. Financial update for fiscal year 2025 first quarter
e. First quarter update to Selectboard's fiscal year 2025 annual work plan
f. Memo re: Parks Maintenance Superintendent and Reorganization and Hiring Plan for Parks and Recreation
g. Investment Update for first quarter of fiscal year 2025
h. Resignation of David Skopin from the Energy Committee
i. Resignation of Melissa Stewart from the Economic Development Commission
j. Update on the Latter-day Saints Church Stormwater Retrofit Project
k. Winter Operations Plan for 2024 - 2025

8. EXECUTIVE SESSION

a. * An executive session may be requested to discuss the appointment or employment or evalution 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
c. *** An executive session is anticipated to discuss contracts

9. ADJOURN

Certification: ___KML___ ___10/18/2024___

TOWN OF ESSEX SELECTBOARD
REGULAR MEETING MINUTES
MONDAY, OCTOBER 21, 2024

SELECTBOARD: Tracy Delphia, Chair; Andy Watts, Vice-Chair; Kendall Chamberlin, Clerk; Dawn Hill-Fleury; Ethan Lawrence
ADMINISTRATION and STAFF: Greg Duggan, Town Manager; Annie Costandi, Water Quality Director; Tammy Getchell, Public Information Officer/Assistant to the Manager; Adriane Martin, Recreation Director
OTHERS PRESENT: Duane Barlow, Gina Halpin Barrett, Dustin Bruso, Ian Carroll, Steve Dowd, Elizabeth Dunn, Sven Eklof, Maria Godleski, James Goudie, Shannon Jackson, Charlie Lancaster, Jordan Mitchell, Hubie Norton, Meghan O'Rourke, Igor Polenov, Ken Signorello, David Skopin, Margaret Smith, Giles Willey, Ally Vile, Lorraine Zaloom, Sharon Zukowski, Meghan

1. CALL TO ORDER
Ms. Delphia called the Town of Essex Selectboard meeting to order at 6:30 PM.

2. AGENDA ADDITIONS/CHANGES
None.

3. APPROVE AGENDA
No changes, thus approval not required.

4. PUBLIC TO BE HEARD
a. Comments from the public on Consent items and items not on Agenda
Mr. Signorello and Ms. Smith discussed a concern with the website calendar. Mr. Duggan said that he will work with the IT team to address this. Mr. Jackson suggested that sidewalks and trails be included with future construction projects, such as the project that was recently installed on Old Stage Road. Mr. Skopin said that he is committed to volunteering in the community in the future. Ms. Zaloom asked if the police department's interactive incident mapping would be updated in the future.

5. CONSENT ITEMS
ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY, to accept the consent agenda as presented. Motion passed 5-0.
a. Approve minutes: October 7, 2024
b. Approve check warrants: #18237 - 10/4/24; #18238 - 10/11/24
c. Consider approval of contract award for River Road Forcemain Leak and Air Pocket Detection project

6. BUSINESS ITEMS
a. Interview and possible appointment of a volunteer to serve on the Economic Development Commission - Igor Polenov
Mr. Polenov said that he is a realtor, a seven-year resident of Essex. Answering questions from the Board, Mr. Polenov said that he has not attended meetings in the past, that he would be interested in changing zoning regulations to better allow childcare facilities, discussed his professional work in conflict negotiation, and said that being a public servant means listening to the community's needs and being impartial. He would identify his business interests while on the Commission if necessary.

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY, that the Town of Essex Selectboard appoint Igor Polenov to one vacant seat on the Economic Development Commission for a full three-year term expiring June 30, 2027. Motion passed 5-0.

b. Discussion with the Planning Commission

Mr. Bruso, Chair of the Planning Commission (PC), and Mr. Carroll, PC member, presented. Mr. Bruso said that the biggest change is preparing for the change in scope which will come with the establishment of the Development Review Board in January. Mr. Carroll said that the stipend is helpful, but does not see it as a primary reason for volunteering. Mr. Bruso said that it would be helpful to have a more formal communication structure. He discussed options for submitting reports between the boards on issues of mutual interest. Ms. Delphia asked if the PC would be open to having Selectboard members attend meetings in a listening capacity, Mr. Bruso said that he did not feel that this would be productive. Ms. Hill-Fleury asked if the size of the PC should be reduced, Mr. Bruso said that the current number is important to hear more input. In public comment, Ms. Zaloom asked about the status of volunteers for the DRB and spoke of the importance of developing volunteers to take on chair roles and separating the two boards for accountability purposes.

c. Discussion with the Conservation and Trails Committee

Mr. Signorello (Chair), Mr. Jackson (Vice-Chair), and Mr. Dowd (Member) presented. Mr. Signorello said that stipends are appreciated but do not encourage residents to join. He said that communications could be improved, especially with the PC. Mr. Signorello highlighted the work that the Conservation and Trails Commission (CTC) has done in the past year. Mr. Jackson discussed the missed opportunity of the potential trail connection at Old Stage Road. In public comment, Ms. Zaloom suggested that the CTC collaborate more with Public Works.

d. Presentation of Town Meeting TV's Annual Report

Ms. Mitchell, Town Meeting TV's (CCTV) Co-Director of Operations, presented. She provided an overview of CCTV's content, stating that Essex had 34 Selectboard and Planning Commission filmed meetings last year. She encouraged the Selectboard to reach out to have additional general programming recorded. CCTV will be requesting a yearly municipal contribution of $14,586, which is a 5% increase from last year. Ms. O'Rourke, Co-Director, discussed CCTV's funding, noting that a $20,000 shortfall is predicted this year.

e. Presentation and discussion about Chittenden County Communications Union District update and draft fiscal year 2025 budget

Mr. Norton, Representative for Essex, presented on behalf of the Chittenden County Communications Union District (CCCUD). He said that the Selectboard is required to review the budget and provide comments. The CCCUD has received a state and federal grant for 2.1 million dollars. He detailed the locations in Essex which would be covered by increased broadband coverage. Mr. Watts said that there had been a proposal to disband the district in the spring, and Mr. Norton said mergers with other communication unions have been discussed.

f. Consider approval of incorporating Pinewood Section H Permit under Town's State stormwater permit for Three-Acre Permit Compliance

Ms. Costandi said that staff wishes to incorporate the Pinewood Section H permit under the Town's state stormwater permit. This site is subject to the state three-acre stormwater permit program, which ensures additional stormwater compliance. The Town would inspect and maintain the stormwater system; however the cost of all additional upgrades will be split between the town and the HOA. Ms. Costandi detailed previous town efforts to incorporate stormwater permits. Past practice has been not to charge an association to take over a permit. Mr. Duggan said that Essex is getting to the point where a conversation about a stormwater utility or impact fee should occur the future. New developments do not pay into stormwater. Mr. Chamberlin said that Essex needs to create a stormwater utility and said that he sees future stormwater legislation coming at the state level that will affect the town. In public comment, Mr. Norton encouraged the creation of a public stormwater utility and suggested that options be utilized to minimize impervious surfaces. Ms. Zaloom brought up a stormwater discharge concern. Mr. Chamberlin said that he hopes that the Selectboard establishes a utility prior to another similar issue coming before the Board, as they have now set a precedent.

ANDY WATTS made a motion, seconded by ETHAN LAWRENCE, that the Selectboard authorize staff to incorporate the Pinewood Permit #3426-9050 under the Town's State Stormwater Permit and sign a stormwater agreement with the Pinewood HOA outlining permit and cost-sharing responsibilities. Motion passed 5-0.

h. Presentation of annual update from Tree Farm Management Group

ANDY WATTS made a motion, seconded by, to amend the agenda to swap Business Items G and H in the agenda. Motion passed 5-0.

Mr. Eklof, President of the Tree Farm Management Group, and Mr. Willey, Treasurer, presented. Mr. Eklof said that the season is not complete, but he said that this year has been a very busy year. Revenue is in line with estimates and field rentals are up 10%. All users are paying the same rental rate. He detailed the different sports and associations that utilize the space. The Tree Farm now has a board of eleven and hopes to get a school district representative in the future. The Tree Farm is working to regain their nonprofit status. Mr. Eklof said that it is difficult to plan long term when the future is unknown, and that the Tree Farm group would like to be brought back to manage the facility. Mr. Willey provided a financial overview.

g. Consider the recommended Town of Essex Charter amendments from the Charter Review Committee

Each of the eight amendments were discussed individually, and sustentative comments are detailed below.

1. Shall the Town amend its charter to compensate Selectboard members with a minimum of $1,500.00 a year each?

2. Shall the Town amend its charter to require the Selectboard to appoint an Energy Coordinator?
Mr. Chamberlin and Mr. Lawrence expressed concern that no specific compensation is listed. Ms. Getchell said that the intent is to request a commitment towards implementing this position but allows the town to do so if they wish. In public comment, Ms. Zaloom said that this is envisioned as a volunteer position and could have climate change impact. Mr. Watts said that the Selectboard cannot direct employees, and thus this must be a volunteer position if included. Ms. Hill-Fleury said that she is seeing a lot of negativity towards these proposals that had not been discussed previously. She felt that these questions should have been brought up prior to tonight.

3. Shall the Town amend Subchapter 1: Powers of the Town, §106 and Subchapter 3: Ordinances of the Town Charter as recommended by the Charter Review Committee? The Board discussed concerns about this changing the typical ordinance change process.

4. Shall the Town amend Subchapter 2: Officers, §204 of its charter as recommended by the Charter Review Committee? Mr. Watts said that he believes that most of what is included here is unnecessary. Mr. Lawrence said that he supported the attendance changes but felt that the rest was unnecessary and overly complicated. He felt that more detail is needed to show why these changes are needed. The Board had significant discussion on whether the verbiage would require the Board to appoint a new member should a member resign or be removed. Mr. Chamberlin said that it would be helpful to have this reviewed again, especially the section regarding specifying residence.

5. Shall the Town amend Subchapter 4: Town Manager and Subchapter 5: Personnel of its charter as recommended by the Charter Review Committee? Mr. Watts expressed concern about removing specific positions without fully vetting, as some may be required under state statute. Ms. Getchell said that this will not take away the ability of the Selectboard to implement these positions. Mr. Watts expressed concern about potential consequences of including the section regarding persons serving the town making false statements. Ms. Delphia requested that this be reviewed by legal counsel.

6. Shall the Town amend its charter to provide notification of the availability of the Annual Town Report with proposed budget and the warning for the Annual Meeting by postcard to all Essex households? Mr. Lawrence said that it costs a small amount to mail annual reports, and that passing this would be a mistake. He says that receiving the annual report helped himself get interested in politics and helps to inform the public. Ms. Getchell said that the reports could be mailed upon request. Mr. Lawrence asked about the legal implications for the warning if mail is not delivered in a timely basis. Ms. Getchell said that this does not mandate that reports not be mailed, but gives it as an option.

7. Shall the Town amend Subchapter 10: Department of Real Estate Appraisal as recommended by the Charter Review Committee? Ms. Getchell said that this was requested by the Assessor's Office.

8. Shall the Town amend its charter as recommended by the Charter Review Committee?

i. Discussion and public input about future management of Tree Farm Recreational Facility
Ms. Delphia requested public input, of which there was none. Mr. Lawrence recommended that this be discussed at a future meeting.

j. Consider appointment of volunteers to Development Review Board
This was discussed during Executive Session.

k. Discussion about the future of shared assessing services with the City of Essex Junction
This was discussed during Executive Session.

7. <u>READING FILE</u>

a. Board member comments: Ms. Delphia said that facilitator Jenn Knauer is willing to have individual conversations with Selectboard members prior to the team building presentation. Ms. Hill-Fleury thanked all the town committee members who came to the coffee meet this weekend. Ms. Delphia thanked volunteers who recently resigned. Mr. Chamberlin thanked town staff for providing quarterly updates.

b. Upcoming meeting schedule

c. Preparation for Selectboard team-building event on November 2

d. Financial update for fiscal year 2025 first quarter

e. First quarter update to Selectboard's fiscal year 2025 annual work plan

f. Memo re: Parks Maintenance Superintendent and Reorganization and Hiring Plan for Parks and Recreation

g. Investment Update for first quarter of fiscal year 2025

h. Resignation of David Skopin from the Energy Committee

i. Resignation of Melissa Stewart from the Economic Development Commission

j. Update on the Latter-day Saints Church Stormwater Retrofit Project

k. Winter Operations Plan for 2024 - 2025

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 ANDY WATTS, to extend the meeting to end no later than midnight. Motion passed 5-0.

DAWN HILL-FLEURY made a motion, seconded by ANDY WATTS, 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. Motion passed 5-0.

c. An executive session is anticipated to discuss contracts

DAWN HILL-FLEURY made a motion, seconded by ANDY WATTS, that the Selectboard make the specific finding that general public knowledge of contracts would place the Town at a substantial disadvantage. Motion passed 5-0.

DAWN HILL-FLEURY made a motion, seconded by ANDY WATTS, that the Selectboard enter into executive session to discuss contracts, pursuant to 1 V.S.A. §313(a)(1)(A) to include the Town Manager. Motion passed 5-0.

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

ANDY WATTS made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard enter 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. Motion passed 5-0.

ANDY WATTS made a motion, seconded by ETHAN LAWRENCE, to exit executive session. Motion passed 5-0 at 11: 56 PM.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to appoint Stephanie Bixby to the Development Review Board for a term of 4.5 years, Sharon Zukoski and Hubie Norton for 3.5 years, and Nick Martin and Ian Carroll for 2.5 years. Motion passed 5-0.

ANDY WATTS made a motion, seconded by KENDALL CHAMBERLIN, to appoint Dustin Bruso and Trefor Williams to the Development Review Board for a term of 1.5 years. Motion passed 3-2, with DAWN HILL-FLEURY and ETHAN LAWRENCE opposed.

9. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, for the Selectboard to adjourn. Motion passed 5-0 at 11:58 PM.

Respectfully Submitted,
Darby Mayville
Recording Secretary

Approved this __2nd__ day of _November___, 2024
(see minutes of this day for corrections, if any)

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Kendall Chamberlin, Selectboard Clerk