



Town of Essex

Selectboard

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Regular Meeting AGENDA

Monday, November 4, 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. **PUBLIC HEARING - 6:35pm**
 - a. Public hearing on November 5 bond vote for proposed upgrade of the Heritage Estates Pump Station and Center Road Forcemain
6. **CONSENT ITEMS**
 - a. Approve check warrants: # 18239 10/18/24; # 18240 - 10/25/24
7. **BUSINESS ITEMS**
 - a. *Interview and possible appointment of a volunteer to serve on the Economic Development Commission - Keith Dunbar
 - b. ** Public input and potential action about future management of Tree Farm Recreational Facility
 - c. Discussion with the Energy Committee
 - d. Discussion with the Essex Free Library Board of Trustees
 - e. Discussion with the Cemetery Commission
 - f. Discussion with the Police Community Advisory Board
 - g. Discussion with the Economic Development Commission
 - h. Discussion with the Board of Civil Authority and Board of Abatement
 - i. Consider approval of Winter Operations Plan for 2024 to 2025
 - j. Discussion about proposed charter changes and potential action to warn public hearings on proposed charter changes
 - k. Discussion about membership requirements of Development Review Board and Planning Commission
 - l. Consider approval of letter to Vermont Department of Taxes re: improper collection of local options tax
8. **READING FILE**
 - a. Board member comments
 - b. Upcoming meeting schedule
 - c. Susie Wilson Road scoping study for intersection improvements
 - d. Vermont League of Cities and Towns' 2024 Municipal Service Award for Municipal Road Crews of Vermont
 - e. 2025 Reappraisal Plan Approval Letters
 - f. National Prescription Drug Take Back Day Results
9. **EXECUTIVE SESSION**
 - a. * An executive session may be requested to discuss the appointment or employment or evaluation of a public officer or employee
 - b. ** An executive session may be requested to discuss the negotiating or securing of real estate purchase or lease options
10. **ADJOURN**

Certification: _____

11/01/2024

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TOWN OF ESSEX SELECTBOARD

REGULAR MEETING

MINUTES OF MEETING

November 4, 2024

SELECTBOARD: Tracey Delphia, Chair; Andy Watts, Vice Chair; Kendall Chamberlin, Clerk; Dawn Hill-Fleury, Ethan Lawrence.

ADMINISTRATION and STAFF: Greg Duggan, Town Manager; Tammy Getchell, Assistant to the Manager; Aaron Martin, Public Works Director; Dan Roberge, Public Works Superintendent;

OTHERS PRESENT: Dorothy Bergendahl, Natalee Braun, Ian Carroll, Will Dodge, Elizabeth Dunbar, Keith Dunbar, Elizabeth Dunn, Sven Eklof, Maria Godleski, Christina Hagestad, Gina Halpin Barrett, Jane Lancaster, Hubert Norton, Allan Ramsey, Rebecca Robinson, Ken Signorello, Margaret Smith, Joe Teegarden, Janet Watts, Giles Willey, 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

Ms. Hill-Fleury requested to remove Business Item H – Discussion with the Board of Civil Authority and Board of Abatement. She presented a typed report from the Board of Abatement to the Selectboard, with additional copies for the public, to save time during the meeting.

3. AGENDA APPROVAL

ANDY WATTS made a motion, seconded by ETHAN LAWRENCE, to amend the agenda by removing Business Item H. The motion passed 5-0.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items not on Deliberative Agenda

Margaret Smith recommended that the Town have a newsletter that is comparable to the Williston Observer as she would like to see more detailed information regarding the Town of Essex that she cannot find in the Essex Reporter. Chair Delphia noted that there is a Town of Essex monthly newsletter that is sent via email and located on the Town's website. She also asked Ms. Smith to follow up with her directly.

5. PUBLIC HEARING – 6:35 P.M.

a. Public hearing on November 5 bond vote for proposed upgrade of the Heritage Estates Pump Station and Center Road Forcemain

Chair Delphia opened the public hearing at 6:35 P.M.

Mr. Lawrence read the article as it will appear on the ballot, which pertains to authorizing the Selectboard to bond for up to \$1,750,000 for a term of up to 20 years, with an interest rate not to exceed 2%, for the purpose of upgrading the Heritage Estates Pump Station and Center Road Forcemain, with debt service costs borne by the Town's wastewater system rate-payers.

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Public Works Director Martin provided background and additional information on this ballot item, which relates to replacing a portion of the Town's wastewater system that has suffered from multiple breaks over the last several years. He described the project's scope, which includes replacing the forcemain and certain upgrades to the Heritage Estates pump station. He noted that this replacement and upgrades will save the Town money over time, as breaks are costly to repair, and that the project will be better for the environment and keep the Town in compliance with state and federal regulations. He said that if the bond vote is unsuccessful, they will need to likely delay the project for another year and look for other sources of funding.

The following public comments were received:

- Hubert Norton asked if there are other forcemains that were installed around the same time as the one being replaced, and whether they might be in similar condition. Director Martin replied that the Town is working to assess these other lines to determine their condition.

ANDY WATTS made a motion, seconded by DAWN HILL-FLEURY, to close the public hearing. The motion passed 5-0, and Chair Delphia closed the public hearing at 6:43 P.M.

6. CONSENT ITEMS

- a. Approve check warrants: #18239 – 10/18/2024; #18240 – 10/25/2024

ANDY WATTS made a motion, seconded by ETHAN LAWRENCE, to approve the consent agenda as presented. The motion passed 5-0.

7. BUSINESS ITEMS

- a. *Interview and possible appointment of a volunteer to serve on the Economic Development Commission – Keith Dunbar

The Selectboard interviewed Keith Dunbar for seats on the Economic Development Commission (EDC). The candidate introduced himself and spoke about his relevant past experience and his interest in serving on the Commission. Selectboard members asked the candidate how he would contribute to the EDC's mission, how he would navigate differing opinions of other EDC commissioners, and how he would help improve interactions between the EDC and the Essex business community. The candidate was given the opportunity to ask questions of the Selectboard.

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY, to appoint Mr. Dunbar to the Economic Development Commission for the remaining term through June 30, 2026. The motion passed 5-0.

- b. **Public input and potential action 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.

The following public comments were received:

- Ken Signorello said the Tree Farm Management Group has been doing a superb job managing the property, and recommended continuing with the current arrangement.

- Rebecca Robinson expressed support for continued joint ownership and oversight of the Tree Farm Management Group from both the Town and City and spoke about the benefits of this property for both communities.

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY, to offer a lease to the Tree Farm Management Group and authorize staff to negotiate the lease between the Tree Farm Management Group, the Town of Essex and the City of Essex Junction. The motion passed 5-0.

c. Discussion with the Energy Committee

Will Dodge, Chair of the Energy Committee, began by speaking about the main items in the Committee's work plan for 2025. These include providing input on energy and efficiency-related components of the Upper Main Street project, conducting a "button up" event at the Champlain Valley Exposition, working on a draft RFP for utility-scale solar development on the Town parcel on Indian Brook Road, putting on a "try EV" event at the Essex Experience in the springtime, partnering with the school district on energy improvements, actively recruiting for vacancies on the committee, and grant-writing.

Mr. Watts noted that revenues from the car charger at 81 Main Street has been increasing every year, and asked if the Energy Committee could look at locating another EV charger in Town. Mr. Dodge noted that the state has funds available, and that he would recommend sourcing another EV charger at the lower parking lot at Indian Brook, Sand Hill Road, Saxon Hill or the Tree Farm. Mr. Watts also asked about revising the Energy Plan, given that the current plan includes both the Town and City. Mr. Dodge replied that they could include this as an item in the Committee's work plan.

d. Discussion with the Essex Free Library Board of Trustees

Janet Watts, Chair of the Essex Free Library Board of Trustees, spoke about the Library's activities over the past year. She noted that the library distributed 73 harm reduction packs over the last year, as well as gun locks and Covid tests. She spoke about Act 220, which was passed in the legislature last summer and included language that now treats libraries equally to schools in terms of public safety regulations and updated language around disclosing library records to parents. She spoke about changes to Open Meeting Law and new requirements for the Board of Trustees. She spoke about updating the Library's strategic plan. She noted space constraints at the Library and having to limit attendees at events due to parking constraints, as well as having to frequently weed books out of the collection due to lack of shelf space. She said that for 2025, the Trustees will complete its review of its policies, work on a plan for expanding the library at Upper Main Street, and will work on obtaining more space within the Town for programming. She spoke about the activities of the Friends of the Essex Free Library. Mr. Chamberlin asked if the Library has any specific budget requests, and Ms. Watts replied that while staffing is adequate, it still remains challenging. She also noted that e-books and other electronic formats is costly, and they are looking for ways to decrease those costs.

e. Discussion with the Cemetery Commission

Joe Teegarden, Chair of the Cemetery Commission, began by speaking about the mission of the Cemetery Commission. He noted a project around marking veterans' graves properly with flags,

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working with the Parks & Recreation Department to ensure that the grounds are maintained and in good order, and conducting regular meetings and fielding questions from residents. He said the Cemetery Commission would like the Selectboard to visit the cemeteries and provide any feedback to the Commission. He said the Commission is satisfied with its current level of funding, though there are always concerns about costs related to tree removal (if those needs arise). He spoke about potential collaboration with the Historical Society to conduct a history walk in the cemeteries.

f. Discussion with the Police Community Advisory Board

Christina Hagestad, Chair of the Police Community Advisory Board, spoke about the Board's first year, noting that filling the Board's seats has been challenging. She said the Board's biggest need is for more members and said that rewriting the charter to be less prescriptive on the number of Town and City members of the Board may help with that recruitment. She said that another challenge is participating and conducting outreach at Town events, given members' accessibility needs and the limited number of Board members. She said that the Board has made great progress on its work plan items, speaking about working on the Board's blog, sitting in on police recruitment interviews, and fielding an updated survey that was originally fielded by Essex Best. She said that another potential outreach technique could be more PCAB-related merchandise to help get the word out about the Board and its work. Town Manager Duggan said that he will reach out to the City Manager of the Junction to discuss changing the board's representation requirements and will get back to Ms. Hagestad with any updates.

g. Discussion with the Economic Development Commission

Rebecca Robinson, the Chair of the Economic Development Commission, began by providing quick highlights of the Commission's activities. She spoke about monthly business outreach with various businesses in the Town, which has led to several proposed regulation changes (including a resolution to update zoning regulations for childcare). She spoke about the economic development study that is currently being conducted, with the goal of understanding the current economic status within Essex and how to evolve goals and strategies to drive sustainable growth in the community. She said the EDC is also working on updating Town signage and working with Town staff and GBIC on funding. She said that they are looking for Selectboard support to help with recruiting for upcoming vacant seats. She noted that the EDC is working on putting together a welcome packet that they can offer to new businesses coming into Essex.

h. Discussion with the Board of Civil Authority and Board of Abatement

No discussion – agenda item removed.

i. Consider approval of Winter Operations Plan for 2024-2025

Director Martin provided an overview of the 2024-2025 Winter Operations Plan. He noted no significant changes to the plan from the prior year, other than modest increases in sidewalk clearing operations. He said the Town will continue to use the public alert status that was adopted during Covid, saying it has worked well to provide the public with expectations and current status during winter weather events. Mr. Chamberlin said that this policy is car-centric and does not provide enough snow removal for sidewalks, saying that this is an equity issue for those who rely on the sidewalks. Ms. Delphia asked what it would take to plow all sidewalks (minus the areas with sidewalks on both sides of the street), and Director Martin replied that the Town currently has a difficult time filling its trucks, let alone its plows, citing a staffing shortage.

184
185 **DAWN HILL- FLEURY made a motion, seconded by ANDY WATTS, to approve the**
186 **Winter Operations Plan for 2024 to 2025 and sign the attached resolution. The motion passed**
187 **4-1 (Mr. Chamberlin dissenting).**
188

189 j. Discussion about proposed charter changes and potential action to warn public hearings on
190 proposed charter changes

191 Assistant to the Manager Getchell began by noting that staff heard back from the Town Attorney
192 on many of the open items. The Selectboard discussed requirements about notifying residents
193 about the availability of the annual auditor's report, as well as the Town's annual report, and agreed
194 on changes to align with State statute. They also discussed sending a trifold-style newsletter instead
195 of a postcard to residents.
196

197 **ETHAN LAWRENCE made a motion, seconded by ANDY WATTS, that the Town of Essex**
198 **Selectboard approve changes to the 06 draft amendment and to warn two public hearings on**
199 **December 16, 2024 and January 6, 2025, with changes to the verbiage regarding the removal**
200 **of the annual report and to replace the word "postcard" with "by mail." The motion passed**
201 **5-0.**
202

203 **ETHAN LAWRENCE made a motion, seconded by ANDY WATTS, that the Town of Essex**
204 **Selectboard approve 07 draft amendment to subchapter 10, real estate appraisal, and to**
205 **warn to public hearings, the first being December 16, the second being January 6, as**
206 **presented tonight. The motion passed 5-0.**
207

208 Assistant Getchell noted that for the next item pertaining to organization, the Town Attorney said
209 they would be comfortable with either combining the Town Moderator into the same paragraph as
210 the Selectboard or separating it out, further noting that the "incapacity" definition does not apply
211 to the Moderator. Mr. Watts spoke about his opposition to moving forward with this amendment,
212 given the diminished role of the Moderator during Town Meeting moving forward.
213

214 **DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to move 04**
215 **draft amendment to a public hearing set for the previously approved dates of December 16**
216 **and January 6. The motion passed 4-1 (Mr. Watts dissenting).**
217

218 **ETHAN LAWRENCE made a motion, seconded by ANDY WATTS, that the Town of Essex**
219 **Selectboard approve draft amendment 05 to subchapters 2, 4, and 5, Town Manager, for two**
220 **public hearings, one being December 16 and January 6, 2025, with the strikethrough of**
221 **"after consultation with the Selectboard." The motion passed 5-0.**
222

223 **ETHAN LAWRENCE made a motion, seconded by ANDY WATTS, to approve 08 draft**
224 **amendments to existing warning, and warn two public hearings for December 16, 2024 and**
225 **January 6, 2025, with the removal of Section 206(b) and Section 604. The motion passed 5-**
226 **0.**
227

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ANDY WATTS made a motion, seconded by ETHAN LAWRENCE, to warn two public hearings to consider separate questions for sections 206(b) and 604, with the hearings to be held on December 16 and January 6. The motion passed 5-0.

k. Discussion about membership requirements of Development Review Board and Planning Commission

Ms. Delphia noted that this discussion pertains to membership of the DRB and Planning Commission and how much overlap there should be between the two. She noted that three of the seven volunteers who were appointed to the DRB also serve on the Planning Commission, and that part of the rationale for forming a DRB was to allow the Planning Commission to focus on policy and regulation updates, and to allow a DRB to focus on development and implementing that policy and regulation. She noted that the Town followed up with the Vermont League of Cities and Towns (VLCT) for advice on the question of overlap, and that VLCT advised that requirements could be articulated in charter, or the Selectboard could establish criteria for membership on either body. Mr. Watts said he believes they would have to articulate any requirements for exclusion from a board through a charter change.

The following public comments were received:

- Ken Signorello said that appointments are ultimately the decision of the Selectboard, but said he believed the intent of separating those boards was to avoid overlap.
- Hubert Norton spoke as a member of the DRB and said that the separation of the Planning Commission and DRB is a good decision, but noted that there was a lack of applicants to fill both boards separately. He recommended only having a five-seat board. He said that having one member in common between the boards is a good idea.
- Margaret Smith expressed support for a separation between the Planning Commission and DRB, and for reducing board size from seven to five.
- Sharon Zukowski agreed with previous speakers, saying that statute allows the municipality to reduce board size when it deems that appropriate.
- Ian Carroll spoke as a member of both the Planning Commission and DRB, saying that he sees value in serving on both boards. He said that the boards wouldn't need an alternate member if they maintain a seven-seat size.

After discussion, the Selectboard decided they would like to pursue a more thorough legal review around the feasibility of adopting a policy or informally setting criteria for overlap and membership on the DRB and Planning Commission.

l. Consider approval of letter to Vermont Department of Taxes re: improper calculation of local options tax

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, that the Selectboard send a letter to the Vermont Department of Tax Commissioner Craig Bolio regarding local option tax, follow-up and action requested. After some discussion about additional edits to the language and revisiting it at a future meeting, Mr. Lawrence withdrew his second.

The following public comments were received:

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- Ken Signorello expressed deep consternation that this issue is arising as a result of Google charging sales tax for the Town of Essex incorrectly, and said the onus should be on the State to correct the issue and fine Google for improper tax filing.

8. READING FILE

- Board member comments: Mr. Chamberlin thanked the Town's committees and commissions for bringing updates to the Selectboard. Ms. Hill-Fleury thanked the Essex Police Department for their services through the prescription drug take-back day. Ms. Delphia noted VLCT's municipal service award for municipal road crews of Vermont, saying this is well-deserved.
- Upcoming meeting schedule
- Susie Wilson Road scoping study for intersection improvements
- Vermont League of Cities and Towns' 2024 Municipal Service Award for Municipal Road Crews of Vermont
- 2025 Reappraisal Plan Approval Letters
- National Prescription Drug Take Back Day Results

9. EXECUTIVE SESSION

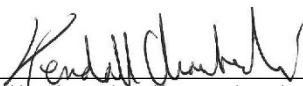
No executive session was held.

10. ADJOURN

DAWN HILL-FLURY made a motion to adjourn, seconded by ETHAN LAWRENCE. The motion passed 5-0 at 9:52 P.M.

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

Approved this 14th day of November, 2024
(see minutes of this day for corrections, if any)


Kendall Chamberlin, Selectboard Clerk