SELECTBOARD
(DRAFT)

TOWN OF ESSEX SELECTBOARD
REGULAR MEETING MINUTES
MONDAY, AUGUST 18, 2025

SELECTBOARD: Kendall Chamberlin, Vice-Chair; Shannon Jackson, Clerk; Ethan Lawrence; Andy Watts
ADMINISTRATION and STAFF: Greg Duggan, Town Manager; Karen Adams, Deputy Town Manager; Charles Cole, Fire Chief; Annie Costandi, Water Quality Director; Karen Lemnah, Assessor; Katherine Sonnick, Community Development Director
OTHERS PRESENT: Peter Bero, Peter Ehrlich, Sarah Ehrlich, Gina Halpin Barrett, Sally Fleury, Sean Grattan, Jonathan Lang, Duane Millar Barlow, Ken Schofield, Ken Signorello, Julian Ughetti, Su Ughetti, Anna Von Gal, Reed Von Gal, Lois Whitmore, Scott "Zip" Willits, Scott Yeager, Lorraine Zaloom, Jeffrey, Cheryl Van Epps, Lorraine Zaloom, "unintelligible" from Shelburne.

1. CALL TO ORDER
In Tracey Delphia's absence, Kendall Chamberlin called the Town of Essex Selectboard meeting to order at 6:30 PM.

2. AGENDA ADDITIONS/CHANGES
Greg Duggan requested the addition of Business Item 6e/Executive Session Item 8d, Executive Session for Pending or Probable Litigation.

3. APPROVE AGENDA
ETHAN LAWRENCE made a motion, seconded by SHANNON JACKSON to add Business Item 6f/Executive Session Item 8d, Executive Session for Pending or Probable Litigation. Motion passed 4-0.

4. PUBLIC TO BE HEARD
a. Comments from the Public on Consent Items and Items Not on Agenda
Julian and Su Ughetti said that they believe that the Town of Essex should be able to do more to protest against an authoritarian takeover at the federal level. They are disappointed at the lack of action on a free speech resolution and said that they would like to follow up on the best ways to implement action. Mr. Chamberlin said that the Selectboard is working on this issue. Lois Whitmore asked for a moratorium on waivers issued by the Development Review Board (DRB) until additional guidance is issued by the state Agency of Natural Resources. She discussed several safety and access concerns that she felt needed to be addressed. Mr. Chamberlin encouraged her to approach the DRB with this concern. Lorraine Zaloom said that the Selectboard needs to address concerns brought up by residents regarding federal overreach. She said that the Selectboard should be able to be approached with concerns about the DRB and other local committees/commissions.

Peter and Sarah Erlick, of Saxon Lane, discussed how their home was thought to have been in Jericho, but had been resurveyed to be in Essex. They are requesting a town line adjustment, which will require approval by both municipalities and the state of Vermont. G. Duggan will do additional research into the issue. Ken Signorello clarified a comment from the previous meeting. He said that staff is excellent but has found staff on the two committees he serves on to frequently not be dependable. Sally Fleury expressed concern about speeding and a lack of enforcement on Fleury Road/Towers Road. Dwayne Millar Barlow, 12 Rosewood Trail, discussed a DRB appeal and encouraged town staff to defend the DRB decision. Jonathan Lang expressed concerns about the high rate of taxes in Essex and the potential increase that the proposed Essex Town Center might bring. He felt that purchasing the land should have been publicly voted upon. He would like an easier process to obtain a burn permit for his golf course. L. Zaloom clarified that traffic cameras are not banned in Vermont and discussed drag racing concerns.

5. <u>CONSENT ITEMS</u>

SHANNON JACKSON made a motion, seconded by ANDY WATTS, to accept the consent agenda. Motion passed 4-0.

a. a. Approve minutes: August 4, 2025

b. Approve check warrants: #18288 - 8/1/25; # 18289 - 8/8/25

6. <u>BUSINESS ITEMS</u>

a. Consider approval of request for waiver of requirement to connect to municipal water system

G. Duggan said that property owner Reed Von Gal has already drilled a well and would like to connect to the well rather than the municipal water service. Staff is not in favor of this. A. Watts disclosed that his son's wedding was held at this property last fall, however he does not feel that this is a conflict of interest. E. Lawrence said that he is a neighboring property owner but does not personally know the applicant. R. Von Gal provided an overview of his property. He said that he recently applied for and received a conditional use permit for events at his property and was told that he had four points of use on his water service line, which made the property out of compliance. R. Von Gall said that there is a concern from staff that the public water supply could get contaminated by the proposed private well. He does not feel that this is a possibility. E. Lawrence said that he is in support of granting permission for use of the well and believes in freedom in water supply, however he would like staff questions to be answered prior to installation.

Annie Costandi said that staff takes issue with how R. Von Gal approached the situation, as he is in violation of a previous approval for the subdivision. She said that staff has informed him of this violation and has asked him to rectify the situation prior to holding any additional events. She said that R. Von Gal drilled a well without any type of approval, and that Public Works is entrusted with protecting the public water supply. Answering a question from S. Jackson, R. Von Gal said that he was uninformed of the process. E. Lawrence said that altering the water connections voided the grandfather clause for these buildings. K. Chamberlin said that there is a history of the applicant not following the rules, and that he is in support of town staff.

In public comment, Peter Bero, adjoining property owner, said that it is not a reasonable request for the town to expect R. Von Gal to drill under a wetland and connect to the public water supply. K. Signorello spoke in favor of diverse economic activity in Essex. L. Zaloom spoke in favor of the applicant and said that the relationship between the town and the applicant needs a reset. Sally Fleury spoke in support of her neighbor and said that he is a kind and generous member of the community. Scott Yeager said that this is punitive based on the applicant's prior behavior. Sean Grattan, adjoining property owner, spoke of the Von Gal's family positive influence on the community. Scott Willits, adjoining property owner, spoke in support of the applicant utilizing the well for the barn and said that not allowing the use of such is overreach. Ken Schofield spoke in support of the applicant and said that R. Von Gal provides an inexpensive wedding space and runs many charity events. R. Von Gal spoke of the very minimal chance of cross-contamination and said that he is happy to work with the town on this. No well has ever been approved in the Champlain Water District's system. E. Lawrence said that he would like to see further information on previous staff interactions with the applicant. He asked if this could be monitored to determine if the applicant connected with the public water supply in the future, G. Duggan said that differences in average can be seen but that this does not necessarily mean that there is an illegal tap.

ETHAN LAWRENCE made a motion, seconded by SHANNON JACKSON, that the Essex Selectboard approve a waiver request for a well at 61 Old Stage Road. Voting: 2-2, with KENDALL CHAMBERLIN and ANDY WATTS voting in opposition. Vote fails.

Mr. Duggan suggested that the applicant bring the issue back to the full board at a future meeting. R. Von Gal said that he will not be able to operate the barn should he not be allowed to use his well.

b. Discussion about Selectboard budget goals for fiscal year 2027

G. Duggan said that staff would like to know the Selectboard's high-level goals for fiscal year 2027. A. Watts said that he would like to aim for a lower (3.5%) increase in taxes. He would also like a clear recommendation on fund balance policy, E. Lawrence concurred. K. Chamberlin said that he would like to see the amount of increase to the budget that staff yearly raises would bring so that the Selectboard has a better idea of funding that can be easily altered. S. Jackson and E. Lawrence spoke of keeping taxes low. E. Lawrence spoke of the need for more fine-tuned funding policies and reviewing user fees. He also spoke of making an early sidewalk plowing plan and determining public will to develop the Upper Main Street property. G. Duggan spoke of keeping the tax rate at a manageable amount while balancing desires for service improvements. Budgeting workshops will be held in the first two weeks of December. K. Chamberlin requested public comment, of which there was none.

c. Discussion about the negotiating or securing of real estate purchase or lease options

This was discussed during Executive Session.

d. Discussion about labor relations agreements with employees

This was discussed during Executive Session.

e. Discussion and potential action on extension of shared service agreement with Essex Junction for Assessing Services

This was discussed during Executive Session.

f. Discussion about Pending or Probable Litigation

This was discussed during Executive Session

7. <u>READING FILE</u>

a. Board Member Comments: S. Jackson congratulated the new Chairs and Vice-Chairs of all the municipal committees. E. Lawrence said that Explore Essex's Community Day will be held on September 20, and the Indian Brook clean-up on September 27. K. Chamberlin said that a community discussion will be held on September 9. A. Watts said that the Agency of Natural Resources is holding a municipal conference, similar to Town Fair.

b. Upcoming Meeting Schedule

c. Finalized fiscal year 2026 Selectboard Work Plan

d. Memo re: Selectboard budget goals for fiscal year 2027

e. Police Community Survey Opportunity

f. Letter from Sharon Zukowski re: Approval of Tier 1B designation

g. Letter from Essex Junction City Council re: support from Essex Fire Department

h. River Road Forcemain Leak and Air Pocket Detection Project

i. Chittenden County Regional Planning Commission Draft Future Land Use Map Version 2.0 Available

j. Chittenden County Regional Planning Commission July newsletter

8. <u>EXECUTIVE SESSION</u>

a. An Executive Session was held to Discuss the Negotiating or Securing of Real Estate Purchase or Lease Options

ETHAN LAWRENCE made a motion, seconded by SHANNON JACKSON, 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, Deputy Town Manager, and Community Development Director. Motion passed 4-0.

b. An Executive Session was held to Discuss Labor Agreements with Employees

SHANNON JACKSON made a motion, seconded by ANDY WATTS that Selectboard make the specific finding that general public knowledge of labor relations agreements with employees would place the Town at a substantial disadvantage. Motion passed 4-0.

SHANNON JACKSON made a motion, seconded by ANDY WATTS that the Selectboard enter into executive session to discuss labor relations agreements with employees, pursuant to 1 V.S.A. § 313(a)(1)(B), to include the Town Manager and Deputy Town Manager. Motion passed 4-0.

c. An Executive Session was held to Discuss and Potentially Act on an Extension of Shared Service Agreement with Essex Junction for Assessing Services

ETHAN LAWRENCE made a motion, seconded by SHANNON JACKSON, that the Selectboard make the specific finding that premature general public knowledge of the Town's position concerning contract negotiations would place the Town at a substantial disadvantage. Motion passed 4-0.

ETHAN LAWRENCE 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, Deputy Manager, and Town Assessor. Motion passed 4-0.

f. An Executive Session was held to Discuss Pending or Probable Litigation

ANDY WATTS made a motion, seconded by SHANNON JACKSON, that the Selectboard make the specific finding that general public knowledge of pending or probable civil litigation or prosecution to which the public body is or may be a party would place the Town at a substantial disadvantage. Motion passed 4-0.

ANDY WATTS made a motion, seconded by SHANNON JACKSON, that the Selectboard enter into executive session to discuss pending or probable civil litigation or a prosecution, to which the public body is or may be a party, pursuant to 1 V.S.A. §313(a)(1)(E), to include the Town Manager and Deputy Town Manager. Motion passed 4-0.

ANDY WATTS made a motion, seconded by ETHAN LAWRENCE, to exit executive session. Motion passed 4-0 at 10:27 PM.

9. <u>ADJOURN</u>

SHANNON JACKSON made a motion, seconded by ETHAN LAWRENCE, for the Selectboard to adjourn. Motion passed 4-0 at 10:31 PM.

Respectfully Submitted,
Darby Mayville

Recording Secretary