

**TOWN OF ESSEX
SELECTBOARD MEETING MINUTES
Tuesday September 13, 2021**

SELECTBOARD: Andy Watts, Chair; Patrick Murray, Vice Chair; Tracey Delphia; Dawn Hill-Fleury;

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Ann Costandi, Director of Stormwater Operations/Staff Engineer; Greg Duggan, Deputy Manager; Ron Hoague, Chief of Police; Robert Kissinger, Police Lieutenant; Dennis Lutz, Public Works Director; Aaron Martin, Town Engineer / Utilities Director

OTHERS PRESENT: Katie Ballard; Bob Burrows; Kevin Collins; Bryan Davis; Patty Davis; Amy Demetrowitz; Erin Dickenson; Steve Dowd; Betsy Dunn; Erin Ennis; Maureen Gillard; Kent Koptiuch; Rachael Lizotte; Israel Maynard; Deb McAdoo; David Riegel; Angel Segarra; Ken Signorello; Margaret Smith; Mike Thorne; Irene Wrenner; Lorraine Zaloom; Sharon Zukowski; Nicole; RM

1. CALL TO ORDER

Mr. Watts called the Essex Selectboard to order at 6:30 PM.

2. AGENDA ADDITIONS/ CHANGES

There were no additions or changes to the agenda.

3. AGENDA APPROVAL

With no additions or changes to the agenda, approval was not required.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Mr. Watts explained how speakers could maintain civility during this agenda item.

Mr. Koptiuch said he was disappointed that the Essex Selectboard meetings do not begin with the Pledge of Allegiance. He also said he was appalled that the American flag was not on the Town of Essex flagpole over the weekend. He talked about his firefighting experience and suggested that an Essex Fire Department ladder truck could have been used to fix the flagpole in time for Patriots Day. He said he wanted someone to take responsibility for this mistake. Mr. Duggan apologized for poor planning and acknowledged bad timing with fixing the flagpole. He said it was an oversight that should not have been missed and said the flag would be back in a couple of days.

Ms. Dunn asked whether community members could attend cannabis committee meetings. Mr. Duggan said the meetings are currently internal, but the committee plans to get public input.

Ms. Lizotte asked Mr. Watts to address the meaning of a quote he gave to the Essex Reporter. Mr. Watts said it was a misquote, based on lack of context. He clarified that he meant staffing structure discussions are not public so staff persons do not worry about job security.

Ms. Post asked when the Selectboard knew about contention between the heads of the Essex Recreation Departments. Mr. Watts suggested she submit a public records request for this information.

Ms. Delphia suggested the Selectboard plan a discussion about the Pledge of Allegiance issue.

5. PUBLIC HEARING

a. Public hearing about application to the State of Vermont for a Recovery Housing Program Grant (2021) under the Vermont Community Development Program

55 Mr. Watts opened the public hearing at 6:45 PM. Mr. Duggan introduced the issue of submitting a
56 Recover Housing Program Grant to the Vermont Community Development program. He said that
57 two years ago the Selectboard approved a similar request but funding was not yet secured.
58

59 Mr. Riegel, Executive Director of Vermont Foundation of recovery, and Ms. Demetrowitz,
60 Chief Operating Officer of the Champlain Housing Trust, talked about their organizational
61 partnership and proposal to apply to the State of Vermont for a Recovery Housing Program Grant
62 (2021) under the Vermont Community Development Program. They explained that the application
63 would need to be submitted by the Town of Essex by September 21. Mr. Riegel gave an overview
64 of the three buildings included in the project. He said one of the recovery homes for men, is
65 already fully housing people and another home for women, is partially operating and occupied. He
66 said the middle building would be used for transition apartments which could include families
67 recovering together. They said funding from this grant would be used to reconfigure the
68 apartments and make repairs. They discussed the project's other funding sources and the project
69 timeline. They said they began the phasing-in process, requested by the Selectboard at their
70 previous presentation, since people in recovery have been living in the houses, the police have
71 received no emergency calls to the residences. They said renovations would begin January and
72 residents would be shuffled in order to complete them.
73

74 The Selectboard members discussed the project and request with Mr. Riegel and Ms.
75 Demetrowitz. Ms. Hill-Fleury asked how neighbors have responded to the project so far and Mr.
76 Riegel said that neighbors let him know they support the project. Mr. Murray asked if some of the
77 grant would be spent on municipality infrastructure and Ms. Dematrowitz said \$50,000 would be
78 used to replace crushed drainage in the stormwater pond near the houses.
79

80 Ms. Smith said when the project was originally presented, people were concerned about the
81 residents living in the buildings who needed to move out in order to make room for the project.
82 She asked if this process was successful. Ms. Demetrowitz said the process of relocating
83 residents was slow, respectful, and successful.
84

85 Ms. Ballard, Chair of Essex Housing Commission, read a letter explaining the Housing
86 Commission's position regarding the project. The letter stated they unanimously support the
87 project because it is consistent with their goal of providing a diverse portfolio of housing options in
88 Essex. They also support it because the project benefits the nonprofits and residents involved.
89

90 **DAWN HILL-FLUERY made a motion, seconded by TRACEY DELPHIA, to close the public**
91 **hearing. The motion passed 4-0 at 7:00 PM.**
92

93 **6. BUSINESS ITEMS**

94 a. **Consider approval of application to the State of Vermont for a Recovery Housing Program**
95 **Grant (2021) under the Vermont Community Development Program**
96

97 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard**
98 **authorize staff to work with Champlain Housing Trust to submit an application to the State of**
99 **Vermont for a Recovery Housing Program Grant (2021) under the Vermont Community**
100 **Development Program. The motion passed 4-0.**
101

102 b. ***Interview and potential appointment: Stephen Dowd, Conservation and Trails Committee**
103 **(CTC)**

104 The Selectboard members interviewed Mr. Dowd. Mr. Watts invited him to explain why he wanted
105 to serve on the CTC. Mr. Dowd talked about his experience teaching at the Essex Highschool and
106 the Center for Technology and said he worked closely with logging program. Mr. Dowd said he

107 was familiar with the trails since he used them when coaching track and field. He said he
108 coordinated the cross-country team to clean up Indian Brook Road Park on one occasion. Mr.
109 Dowd said he is also a regular hiker of Saxon Hill. Mr. Dowd shared his interest in engaging the
110 Center For Technology Forestry Department in local forestry and tree-labeling efforts. He
111 described Indian Brook as a gem and expressed his interest in protecting and improving it. Ms.
112 Hill-Fleury asked what portion of the conservation plan he supported. Mr. Dowd said he wanted to
113 ensure responsible foresting and find ways to address the issue of algae blooms. Mr. Murray said
114 he liked the idea of connecting the Center of Technology to local conservation efforts. Mr. Watts
115 asked if Mr. Dowd had attended any of the Conservation and Trails meetings. He said he
116 attended meetings and contributed to discussions.
117

118 Mr. Watts said there were several other applicants for seats on this committee and the
119 appointment would take place after all candidates are interviewed.
120

121 c. ***Interview and potential appointment: Ken Signorello, Conservation and Trails Committee**
122 **(CTC)**

123 The Selectboard members interviewed Mr. Signorello. Mr. Watts invited him to explain why he
124 wanted to serve on the CTC. Mr. Signorello said he attended a recent CTC meeting and thought
125 he could offer a lot, based his background in forestry. He said he believed his suggestions could
126 be well received. Mr. Signorello said he considered serving on the committee when a Selectboard
127 member suggested he volunteer. Mr. Signorello thought his experience would fill a gap because
128 other members may be more invested in the trails than in conservation. Mr. Murray suggested
129 that, in the past, Mr. Signorello had called staff competency into question and asked Mr. Signorello
130 if this would continue if he served in this position. Mr. Signorello denied that he called staff
131 competency into question. Mr. Watts asked Mr. Signorello what conservation efforts he thinks has
132 not been given enough attention. Mr. Signorello said he was concerned about invasive species
133 like gypsy moths. He suggested that they could do a survey to find locations of egg masses in
134 order to address this issue. He also talked about concerns about the ash bore and knot weeds.
135 Ms. Hill-Fleury requested that Mr. Signorello define forest biometry, from his letter of interest. Mr.
136 Signorello said this is the measurement, graphing, and statistics study of nature elements.
137

138 d. **Presentation and discussion of potential changes to Public Nuisance Ordinance**

139 Lieutenant Kissinger introduced the Public Nuisance Ordinance for discussion with the
140 Selectboard. He explained that it was drafted in response to various incidents over the past years
141 which had not been backed by ordinance, including noise complaints; disorderly conduct; alcohol
142 – open containers; public urination; and solicitation. Mr. Duggan explained the process of adopting
143 an ordinance and requested that the Selectboard share initial impressions. Ms. Hill Fleury asked
144 how the ordinance lines up with others. Lt. Kissinger said the ordinance would allow officers to
145 have conversations or take civil action to address these issues. Chief Hoague clarified that the
146 proposed ordinance would be in line with the Village ordinances. Mr. Murray asked for clarification
147 about the issue of falsifying breeds of dog, as noted in the ordinance. Lt. Kissinger said this
148 happens most often at shelters with dogs that are hard to place. He talked about how the six foot
149 leash portion of the dog ordinance may help address issues in Saxon Hill Dog Park's parking lot.
150 Ms. Delphia wondered why the nuisance offences would be recalibrated at the beginning of the
151 calendar years and Lt. Kissinger said this is set by the legislature. Mr. Watts mentioned resident
152 concerns about noisy cars and vehicles and wondered if a sound meter would be used to enforce
153 this part of the ordinance. Lt. Kissinger said a sound meter is not required for vehicles, but the
154 department's sound meters may be used for other incidents. Mr. Watts and Ms. Delphia spoke
155 with Lt. Kissinger about which car/vehicle sounds would be addressed by this ordinance. They
156 talked about intentional and unintentional variations and Lt. Kissinger said the ordinance would

157 allow for education and action with repeat offenders. Mr. Watts wondered why the ordinance has
158 criteria for “potentially vicious” dogs. Lt. Kissinger said this would allow police to track patterns of
159 dog behavior to determine if they may be vicious. Mr. Watts wondered what specific problem was
160 being addressed with the open container section of the ordinance. Lt. Kissinger said they would
161 look at all aspects of the community but said this mostly would address incidents when people
162 leave venues with open alcohol. Mr. Watts wondered if the ordinance addresses bias and Lt.
163 Kissinger said the ordinances enforcement would allow them to better incidents to identify
164 potential bias and address it with officers.
165

166 Ms. Smith hoped the ordinance would address issues with some Indian Brook dog owners who
167 tend to not leash in the parking lot. She also expressed concerns about loud mufflers at a nearby
168 stoplight. She wondered if the ordinance could include an alcohol and marijuana clause. Lt.
169 Kissinger discussed challenges with determining regulatory levels at this time.
170

171 Ms. Davis hoped the ordinance would prevent dog attacks and gave an example of an off-leashed
172 dog she said was attacked by other dogs because it inadvertently went onto private property from
173 Saxon Hill. She wondered if the ordinance would support installing wayfinding signs on Saxon Hill.
174 Mr. Teich said he would talk to Ms. Vile in Parks and Rec about wayfinding signs.
175

176 Ms. Post said she supports the dog leashing section of the ordinance because she knows of a
177 young girl who was bitten. She shared her concern that the open beverage section of the
178 ordinance may result in unnecessary targeting of certain groups or certain aged people.
179

180 Ms. Zaloom wondered if the definition of public urination/defecation would include public urination
181 on private property. Lt. Kissinger said the definition only pertains to public places, not residential.
182

183 Mr. Duggan said he would warn a meeting for public discussion and then final passage. Patrick
184 suggested this take place on a meeting separate from those already scheduled because it may
185 end up being a long discussion.
186

187 **e. Consider approval of preferred alternative for scoping study for improved pedestrian**
188 **facilities and stormwater infrastructure on Tanglewood Drive**

189 Ms. Costandi introduced the scoping study of Tanglewood Drive, conducted by Stantac, and their
190 suggestions to improve pedestrian facilities and stormwater infrastructure. Mr. Maynard presented
191 the study and proposed alternatives. His presentation included an introduction of the project team;
192 the project background and map area; the project study focus; Tanglewood’s existing conditions;
193 the purpose and need for the project; a list of suggested alternatives; and an overview of the
194 extensiveness of each alternative along a matrix.
195

196 The Selectboard discussed the study and preferred alternative with Mr. Maynard and Mr. Lutz.
197 Ms. Hill-Fleury wondered what justified the inclusion of a speed table in the suggested alternative,
198 number 5. Mr. Maynard described the speed concerns due to the road’s straight, wide design. Ms.
199 Delphia wondered if other traffic calming measures, like bump outs and crosswalks, were
200 considered. Mr. Maynard said the preferred alternative would include narrower striping on the
201 road. He said Alternative 2 would make the road narrower, but this idea was not received well by
202 residents. He said crosswalks were not considered because there are no pedestrian facilities. He
203 said bump outs were considered but they could have a negative impact on the drainage system.
204 Ms. Delphia asked if the grant application would be received negatively because there are no
205 pedestrian facilities on the road. Mr. Lutz said it would not. Mr. Murray wondered why the wide
206 width of the road is necessary. Mr. Lutz explained that the wide road width would facilitate
207 emergency access, but striping will provide wide pedestrian sections in the road. He detailed
208 various elements of the project that would take place over four to five years. Mr. Watts wondered

209 if the stormwater infrastructure plan took into consideration greater rainfall patterns due to climate
210 change. Mr. Maynard said the State's Stormwater Management Manual was updated to take this
211 into account by increasing flows based on new projections, and this project design was based on
212 state guidance. Mr. Lutz discussed the impact of the location's elevation-drop on erosion.
213

214 Ms. Dunn said, as a resident who lives in the area of the project, she approves of alternative 5.
215 She said residents requested maintaining the forty foot width of Tanglewood Drive with measures
216 to slow traffic, because it is the only access to over 120 homes and it needs to be wide enough for
217 emergency access. She discussed other road sections around the project that will not be
218 addressed by the project but should be in the future.
219

220 Mr. Ennis, also a resident of Tanglewood Drive requested more information on why speed tables
221 were chosen to address the speeding issue. Mr. Lutz said speed bumps are not always effective
222 but the longer and wider surface of speed tables slow traffic down better.
223

224 Ms. Post said speed is a constant issue and wished stop signs were chosen to slow down traffic.
225 She said Tanglewood must be a wide road because it is the only way in and out. She said
226 sidewalks would have resulted in limited pedestrian access during the winter because snow would
227 be plowed onto the sidewalks.
228

229 Mr. Post thanked everyone the discussion of this issue. He said that the developer of this area
230 made Tanglewood Drive a 40 foot road to justify not having to install a second exit with continued
231 expansions. Mr. Post also said he was happy to try the speed table strategy to slow down traffic.
232

233 **TRACEY DELPHIA made a motion, seconded by PATRICK MURRAY, that the selectboard**
234 **endorse Alternative 5 as the preferred alternative for the Tanglewood Scoping Study and allow**
235 **staff to move forward with implementation. The motion passed 4-0.**
236

237 **f. Presentation of and potential action on speed limit study on Osgood Hill Road**

238 Mr. Lutz presented results of a speed study of Osgood Hill Road which recommends the
239 Selectboard take no action to change the posted speed of 35 mph. He explained the standards
240 and basic elements of the traffic study. He said there was a delay in doing the study until after
241 construction equipment on the road was removed. Mr. Lutz said that the average speed on the
242 road during the traffic study was 35, which validates the current speed. He said the fastest
243 speeds, however, were 85 and 71 miles per hour. He suggested greater enforcement of speeding
244 on this road and said the speed study data was sent to the police. He suggested that residents
245 notice and report to police what times of day people are speeding. The Selectboard members
246 thanked Public Works for this traffic study.
247

248 Mr. Koptiuch agreed with Mr. Lutz that the speed limit is appropriate on Osgood Hill Road but that
249 there needs to be more enforcement of people speeding. Mr. Teich said he would talk with police
250 but encouraged residents to call in if they recognize speeders.
251

252 **g. Consider approval of Retainer Contract method of procurement for all projects \$39,999 and**
253 **under**

254 Mr. Martin introduced the issue of whether the Selectboard would adopt a new method of contract
255 procurement. He said after the 2019 Halloween storm, FEMA relayed that Essex's method for
256 procuring contracts would no longer be approved for FEMA projects. He explained that the
257 proposed Retainer Contract method would solidify a list of approved organizations to contact with
258 for work. He said the method would still include a bidding process from the approved contractors.
259 Mr. Martin suggested that the method would help avoid long bidding times during emergencies.

260 He said they would secure 2-year retainer contracts, the Town would issue statements of work to
261 receive their pricing offers.
262

263 The Selectboard members discussed the contract method with Mr. Martin. Ms. Delphia wondered
264 how often the retainer contracts would be reviewed. Mr. Martin said they would be reviewed every
265 2 years. She also asked Mr. Martin whether this method would be used for all contracting or just
266 for emergencies. Mr. Lutz explained how this contracting process streamlines their ability to work
267 with familiar, trusted organizations who have the capabilities required for projects. Ms. Hill-Fleury
268 wondered if this method would give preference to local contractors but Mr. Martin said it would
269 need to go out to everyone.
270

271 Mr. Falcon wondered if the retainer contracts would stipulate that the Town would provide a
272 certain amount of work to the contractors. Mr. Martin said this would not be the case and, instead,
273 statements of work would go to approved contractors then agreements would be first-come first-
274 served, for the most part.
275

276 **DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, that the Selectboard**
277 **approve the retainer contract method of contract procurement for all projects under \$39,999**
278 **and under. The motion passed 4-0.**
279

280 **h. Discussion about appointment of new Selectboard member**

281 Mr. Duggan updated the Selectboard members on the proposed interviewing process for a new
282 Selectboard member and said interviews would be scheduled for October 5. He asked if the
283 Selectboard would utilize the interview questions they asked candidates in the past or if they
284 wanted to update them. He recommended 15-minute interviews per. Mr. Watts reminded people
285 that the deadline to submit a letter of interest for the position is September 20. The Selectboard
286 members discussed whether questions should be available before the interviews and decided
287 they should be. They discussed whether or not to allow candidates to stay in the room during
288 interviews. They decided candidates could stay but Ms. Hill-Fleury cautioned that this may sway
289 their answers. Mr. Duggan said he would have the Equity Committee review the questions and
290 consider changes. He said they can review the questions again and assign them at the
291 Selectboard's Monday meeting before the interviews. Mr. Teich stressed the importance of
292 consistency with questions for all candidates.
293

294 **i. **Legal discussion on Village of Essex Junction's proposed separation from Town of**
295 **Essex**

296 This agenda item took place in Executive Session 9b.
297

298 **j. ***Discussion of personnel**

299 This agenda item took place in Executive Session as 9c.
300

301 **7. CONSENT ITEMS**

302 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to approve the Consent**
303 **Agenda:**
304

305 **a. Consider approval of public hearing warning for survey of Fleury Road**

- 306 • **To approve the warning for a public hearing to approve the survey of Fleury Road for**
307 **the October 18,2021 Selectboard meeting.**

308 **b. Approve minutes: August 17, 2021, August 23, 2021 - Joint**

309 **c. Check Warrants: #17899 – 8/23/21; #17901 – 8/27/21; #17903 – 9/3/21; #17905 – 9/10/21**
310

311 **The motion passed 4-0.**

312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360

8. READING FILE

- a. Board member comments
 - There were no board member comments at this time.
- b. Memo from Public Works re: Stormwater Management related to Separation Discussion
- c. Memo from Jennifer Knauer re: Summary Notes from “Town of Essex Public Forums” held on August 4th, 6th, and 21st
- d. Thank you note from Essex Jericho Underhill Food Shelf
- e. List of Boards/Committees/Commissions vacancies
- f. Upcoming meeting schedule

9. EXECUTIVE SESSION

- a. ***An executive session may be requested to discuss the appointments of public officials**
- b. ****An executive session may be requested to discuss legal matters and contracts**

DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, that the Selectboard make the specific finding that general public knowledge of confidential attorney-client communications made for the purpose of providing professional legal services to the body would place the Town at a substantial disadvantage. The motion passed 4-0 at 9:05 PM.

DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, that that the Selectboard enter into executive session to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the body, pursuant to 1 V.S.A. § 313(a)(1)(F) to include the Unified Manager and Deputy Manager and Town Attorney. The motion passed 4-0 at 9:06 PM.

- c. ***** An executive session is anticipated to discuss the employment of public officials**

TRACEY DELPHIA made a motion, seconded by PAT MURRAY, that the Selectboard enter into executive session to discuss the employment of a public employee in accordance with 1 V.S.A. Section 313(a)(3), to include the Unified Manager, Deputy Manager, Assistant Manager, and HR Director. The motion passed 4-0 at 9:06 PM.

Dawn Hill-Fleury made a motion, seconded by Patrick Murray, to exit executive session. The motion passed 4-0 at 10:58 p.m.

10. ADJOURN

Dawn Hill-Fleury made a motion, seconded by Tracey Delphia, to adjourn. Motion passed 4-0 at 10:58 p.m.

Respectfully Submitted,
Cathy Ainsworth
Recording Secretary

Approved this _____ day of _____, 2021
(See minutes of this day for corrections, if any)

Tracey Delphia, Clerk, Selectboard