

**TOWN OF ESSEX  
SELECTBOARD  
REGULAR MEETING  
November 1, 2021**

**SELECTBOARD:** Andy Watts, Chair; Patrick Murray, Vice-Chair; Tracey Delphia, Clerk; Sue Cook; Dawn Hill-Fleury.

**ADMINISTRATION:** Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Ron Hoague, Chief of Police; Robert Kissinger, Police Lieutenant; Marguerite Ladd, Assistant Manager; Owiso Makuku, Town Community Development Director; Aaron Martin, Director of Public Works Operations; Robin Pierce, Village of Essex Junction Community Development Director; Travis Sabatano, HR Director.

**OTHERS PRESENT:** Kevin Collins; Erin Dickinson; Betsy Dunn; John Egan; Bill Ellis, Town Attorney; Essex ReTorter; Mariah Flynn; Maureen Gillard; Melissa Ham-Ellis; Mick Leddy, Town Attorney; Regina Mahony, Chittenden County Regional Planning Commission; Deb McAdoo; Meredith Mann; Timothy Miller; Madeleine Moino; Melanie Needle, Chittenden County Regional Planning Commission; Joe P.; Mary Post; Roseanne Prestipino; Margaret Smith; Irene Wrenner; Lorraine Zaloom; Sharon Zukowski; Angel; R M; WCAX;

**1. CALL TO ORDER**

Andy Watts called the meeting of the Town of Essex Selectboard to order at 6:32 PM.

**2. AGENDA ADDITIONS/CHANGES**

None.

**3. AGENDA APPROVAL**

Approval was not needed as there were no agenda changes.

**4. PUBLIC TO BE HEARD**

**a. Comments from Public on Items Not on Agenda**

Betsy Dunn spoke about the high levels of participation for some citizens of the Town and suggested that Essex adopt an approach similar to Burlington to further engage those citizens. She said that Burlington has Neighborhood Planning Assemblies (NPAs) that convene on a regular basis for each of their wards. She said they are advocacy groups and organized forums for neighbors to learn and be informed on public issues, and can be used to inform their City Council representatives.

Margaret Smith spoke about a persistent hum that she has been hearing nightly. She said it is disturbing her sleep and would like to pursue this issue further. Mr. Teich replied that he would need more information on this to help solve it, and asked Ms. Smith to call or email him to discuss further.

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45 Irene Wrenner said that there are still many questions regarding the budget, such as who is  
46 paying for the senior center. She noted that the senior center would like to revise its offering of  
47 activities and it would be helpful to understand what funding the Village and Town are putting in.  
48

49 Melissa Ham-Ellis asked what the talking points are around tomorrow's election. Mr. Watts  
50 directed her to minutes and the Village of Essex Junction website.  
51

52 **5. PUBLIC HEARING**

53 a. **Public hearing to discuss the survey of existing Class 3 Town Highway No. 708, Fleury**  
54 **Road.**

55 Aaron Martin gave a brief description of the request, which is to ask the Selectboard to approve  
56 the Fleury Road survey and direct staff to seek the necessary deeds and documentation. He  
57 spoke about the characteristics of Fleury Road, noting that its boundaries have historically been  
58 difficult to establish and that it is not included on tax maps, though it has been a Class 3 road in  
59 Vermont since 1943. He said staff is recommending claiming a two-rod right of way centered on  
60 the existing road. He spoke about the process going forward, saying that if the Selectboard  
61 approves it, a notice of completion will be sent to abutting property owners along with appeal  
62 options, and there will be a 120-day waiting period for appeals.  
63

64 Mr. Murray said that there had been one individual who wasn't able to be at the prior meeting on  
65 this topic, and asked whether Town staff have heard back from this individual or his legal  
66 counsel. Mr. Martin said that he has spoken to the individual and that the Town has provided  
67 him with a letter that he and his legal counsel reviewed and accepted, which will be filed into the  
68 land record.  
69

70 **DAWN HILL-FLEURY made motion, seconded by PATRICK MURRAY, to close the public**  
71 **hearing on Fleury Road. The motion passed 5-0.**  
72

73 b. **Public hearing for Dog Licensing and Control ordinances**

74 Robert Kissinger noted that these ordinances have not been updated since 1996 and that these  
75 updates address previous shortcomings. He noted that the revisions allow fines for unregistered  
76 dogs and require dogs to wear a collar. He noted a definition included for potentially vicious  
77 dogs, and new language around confinement of animals in vehicles (consistent with Vermont  
78 law). He also noted a revision that would require dogs to be leashed when not on their private  
79 property, and that the leash cannot be longer than six feet. He noted that these changes align  
80 with restrictions at Indian Brook Park.  
81

82 Mary Post asked if dogs at the reservoir needed to be on a leash. Mr. Kissinger replied that  
83 those regulations are under the purview of the Parks & Recreation department. Mr. Watts said  
84 that park policy is that dogs are allowed off-leash outside of the parking and swimming area. Ms.  
85 Post suggested having a larger discussion about dog regulations and safety.  
86

87 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to close the public**  
88 **hearing on the dog ordinance modifications. The motion passed 5-0.**  
89

90 **6. BUSINESS ITEMS**

91 **a. Consider approval of Fleury Road survey and documentation of Fleury Road right of**  
92 **way**

93 Dawn Hill-Fleury recused herself from voting on this issue.

94  
95 **SUE COOK made a motion, seconded by PATRICK MURRAY, that the Selectboard**  
96 **approve the survey of Fleury Road per Title 19 of State Statute and direct staff to acquire**  
97 **the necessary deeds from all abutters to document the Fleury Road Right of Way. The**  
98 **motion passed 4-0-1 (Dawn Hill-Fleury abstained).**

99  
100 **b. Consider final passage of Dog Licensing and Control ordinances**

101  
102 **TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the**  
103 **Selectboard approve the final passage of Chapter 4.04 Dog Licensing and Control, of the**  
104 **Town of Essex Municipal Ordinance, effective immediately. The motion passed 5-0.**

105  
106 **c. Presentation and discussion about retail cannabis**

107 Ms. Needle began the presentation by summarizing Act 164, which legalized the sale, purchase,  
108 and taxation of adult use cannabis, and establishes a retail market. She noted that municipalities  
109 must opt in to allowing the retail sale of cannabis, but cannot opt in to other components such  
110 as cultivation, testing, warehousing, or distribution, which are permitted by the state. She walked  
111 through the Act 164 timeline, noting that rulemaking is occurring and expected final adoption of  
112 rules is March 1, 2022. She said licenses can be issued to retailers beginning on or before  
113 October 1, 2022, should the Town vote to opt in.

114  
115 Ms. Flynn spoke about community-level prevention efforts targeted toward youth, such as  
116 creating buffer zones, density maximums, local options tax, and prohibiting use in certain places.  
117 She showed examples of local buffer zones around Essex's libraries and schools.

118  
119 Ms. Cook asked about integrated licensing, since the opt-in vote at the municipal level is only  
120 about the retail component. Ms. Needle confirmed that integrated licenses are not subject to a  
121 municipal opt in.

122  
123 Ms. Delphia asked if the cultivation and retail have to happen to separately in dispensaries. She  
124 asked if Act 164 allows them to be combined. Ms. Needle said the integrated license is  
125 comprehensive. She said that the retail component of an integrated license can only happen in  
126 an opted-in community.

127  
128 Mr. Murray asked for clarification around the efficacy of a local cannabis control board, noting  
129 that licenses are issued and regulated at the state level. Ms. Flynn said that there are benefits  
130 to creating another level of licensing in municipalities and that it would be a second layer of  
131 approval for a license in the Town. Mr. Pierce said that a municipality can opt in but that the best  
132 control is through zoning. Mr. Duggan said that Town staff have discussed how a local cannabis  
133 control board could act like a liquor licensing board in situations where there is a problematic  
134 shop.

135

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136 Mr. Duggan asked whether buffers would apply to school-owned properties or just to schools.  
137 Ms. Needle replied that it is up to Town's discretion through regulation and zoning.

138  
139 Mr. Watts asked about the March 1, 2022 rulemaking deadline, saying that it is difficult to explain  
140 to voters how the rules and regulations would work if the rules aren't final by the time they vote.  
141 He also said that it would be challenging if the Town receives a petition to have an opt in vote  
142 before the State rules are finalized.

143  
144 Meredith Mann spoke as the owner of a cannabis confection retailer, noting that they have  
145 fielded a survey on the Essex Facebook page and that 87% of respondents were in favor of  
146 retailing. She also noted that they are collecting signatures to petition for an opt in vote. She  
147 spoke in favor of strengthening child safety measures.

148  
149 Mr. Watts asked what the implications are for the Village if the Town votes to opt in to retail  
150 cannabis. Mr. Pierce replied that each individual municipality can have a vote to opt in, so the  
151 Town and Village can vote individually.

152  
153 Sharon Zukowski expressed concern about the local options tax, which would put a burden on  
154 small businesses, and that the Town voted resoundingly against the local options tax in a  
155 previous vote.

156  
157 Mr. Watts discussed next steps, which were having the cannabis committee pursue fielding a  
158 survey to learn more about residents' and businesses' thoughts, as well as look into the local  
159 options tax and whether it could be separated out.

160  
161 **d. Presentation of West Central Vermont Comprehensive Economic Development**  
162 **Strategy**

163 Ms. Mahony said that the Chittenden County Regional Planning Commission (CCRPC) is  
164 working on a fourth iteration of a Comprehensive Economic Development Strategy (CEDS). She  
165 said this plan is necessary to have in place to get federal economic development funds into the  
166 region, and that it is a strategic, action-oriented plan. She said that it differs from prior iterations  
167 because it entails collaborating with Addison, Rutland, and some central Vermont counties (90  
168 municipalities in all). She said that plan is currently in the outreach and engagement stage. She  
169 outlined the timeline, which is to have a draft plan in the spring and a final, adopted CEDS by  
170 the end of 2022.

171  
172 Mr. Murray asked for an example of a priority project. Ms. Mahony replied that they are thinking  
173 about infrastructure (municipal level, like wastewater or water) through the lens of creating or  
174 retaining jobs in the region, but also programmatic type projects, such as a workforce training  
175 program aimed at retaining youth.

176  
177 Ms. Mahony said a plan will be drafted and circulated for review to the Selectboard in the spring.

178  
179 Lorraine Zaloom asked about out of state diversification targets. Ms. Mahony replied that the  
180 CCRPC is trying to have a specific BIPOC focus group, and that it is a huge opportunity moving  
181 forward.

182  
183 **e. Consider appointing Selectboard members to subcommittee to work on shared**  
184 **service agreements with an Independent City of Essex Junction**

185 Mr. Watts said that the Village of Essex Junction Board of Trustees proposed holding separate  
186 additional subcommittee meetings to move forward with shared service agreements with Essex  
187 Junction. Ms. Cook said that diversity of voice and thought is valuable in this work, and that this  
188 is not something that should be rushed. Ms. Delphia said she would appreciate being able to  
189 address normal course of business items during Selectboard meetings. She expressed concern  
190 about public input if the subcommittee meetings take place during the day. Mr. Murray agreed,  
191 saying that the discussions have prevented other Selectboard work, but said that having 10  
192 people negotiating is no longer advantageous. Ms. Hill-Fleury expressed concern about the  
193 subcommittee making decisions without input from other members of the Selectboard. She  
194 suggested potentially creating a subcommittee to discuss the Tier 2 items.

195  
196 Several Selectboard members said that they are not available during the day to convene a  
197 subcommittee. Mr. Teich suggested proposing a separate structure or set of pre-meetings for  
198 dealing with Tier 2 items, even if the formation of a subcommittee is not feasible.

199  
200 **f. Consider revisions to Personnel Guidelines to add Juneteenth as a recognized holiday**

201 Mr. Teich said the federal government made Juneteenth a federal holiday and noted the Town's  
202 own work on diversity, equity, and inclusion, and its celebration of Juneteenth earlier in the year.  
203 He said that this proposal would make Juneteenth a recognized Town holiday. Ms. Cook said  
204 this a great idea.

205  
206 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the**  
207 **Selectboard adopt Juneteenth as a Town recognized holiday and authorize the Unified**  
208 **Manager to update the Town Personnel Guidelines to add Juneteenth as a recognized**  
209 **holiday and to execute a Memorandum of Understanding with AFSCME and with the**  
210 **Essex Police Employee Association to add Juneteenth as a paid holiday to their**  
211 **respective bargaining agreements. The motion passed 5-0.**

212  
213 **g. \* Discussion and potential action on tentative agreements about shared services**  
214 **between Town of Essex and Independent City of Essex Junction**

215 The Selectboard reviewed current redlines for the shared services agreements between the  
216 Town of Essex and City of Essex Junction. These include a Memorandum of Understanding  
217 (MOU) regarding agreements for shared services, a Delinquent Tax Agreement, an Information  
218 technology Agreement, and a Police Services Agreement. No substantive edits were made.

219  
220 Mr. Watts noted a discussion on the question of the City collecting taxes during its transition year  
221 (while they are a City but also still have a Village/Town budget). He asked whether the Town  
222 has the authority to go after taxes in a non-existent municipality. Town Attorney Ellis replied that  
223 the legislature will consider that when they consider the City's charter. He said that the City may  
224 end up purchasing the delinquencies from the Town and pursuing them on their own.

225  
226 **h. \*\* Discussion and potential action regarding personnel**

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227 Mr. Watts noted that the Village has stated it will hire a manager whether separation occurs or  
228 not. He said announcements have gone out saying that the Town and Village will end the joint  
229 management of the Town and Village.  
230

231 **7. CONSENT ITEMS**

- 232 a. Consider approval of Bylaw Modernization Grant Application  
233 **To adopt the attached resolution and authorize the Chair to sign the form to be**  
234 **included in the grant application**  
235 b. Approve minutes: October 18, 2021; October 25, 2021 – Joint  
236 c. Check Warrants: #17917—10/15/21; #17919—10/22/21; #17922—10/29/21  
237

238 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to approve the**  
239 **consent agenda. The motion passed 5-0.**  
240

241 **8. READING FILE**

- 242 a. Board member comments  
243 b. Memo from Community Development Department re: Botur Kosimi Resignation from  
244 Economic Development Commission  
245 c. Memo from Dennis Lutz re: Essex Landfill Certification (INFORMATION)  
246 d. Memo from Dennis Lutz re: Winter Salt (INFORMATION)  
247 e. Upcoming meeting schedule  
248

249 **9. EXECUTIVE SESSION**

- 250 a. **\*An executive session is anticipated to discuss negotiation of contracts and**  
251 **agreements between the Town of Essex and Village/City of Essex Junction**  
252 No executive session was held regarding this topic.  
253  
254 b. **\*\* An executive session is anticipated to discuss personnel matters**  
255

256 **SUE COOK made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard enter**  
257 **into executive session to discuss the employment of a public employee in accordance**  
258 **with 1 V.S.A. Section 313(a)(3), to include the Town Attorney, Unified Manager, Deputy**  
259 **Manager, Human Resources Director, and Assistant Manager. The motion passed 5-0 at**  
260 **9:54 PM.**  
261

262 **DAWN HILL-FLEURY made a motion, seconded by SUE COOK, to exit executive session.**  
263 **The motion passed 5-0 at 10:42 PM.**  
264

265 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to extend Evan**  
266 **Teich's contract beyond its expiration date of February 26, 2022. The motion failed 0-5.**  
267

268 **10. ADJOURN**

269  
270 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to adjourn the**  
271 **meeting. The motion passed 5-0 at 10:47 PM.**  
272

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273 Respectfully Submitted,  
274 Amy Coonradt, Recording Secretary  
275  
276 Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021  
277 **(see minutes of this day for corrections, if any)**

DRAFT