

**SELECTBOARD
(DRAFT)**

**TOWN OF ESSEX SELECTBOARD
DRAFT REGULAR MEETING MINUTES
WEDNESDAY, FEBRUARY 23, 2022**

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

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Courtney Bushey, Finance Director; Greg Duggan, Deputy Manager; Bill Ellis, Town Attorney; Marguerite Ladd, Assistant Manager

OTHERS PRESENT: Walter Adams, Andrew Champagne, Heidi Clark, Kevin Collins, Patty Davis, Betsy Dunn, Sophie Forcier, Zachery Forcier, Gina Halpin Barrett, Bradley Kennison, Bill Keyser (Kittell Branagan & Sargent), Ethan Lawrence, Aaron Martin, Resa Mehren, Timothy Miller, Nate O'Connor, Mary Post, Roseanne Prestipino, Angel Segarra, Brian Sheldon, Ken Signorello, David Skopin, Gillian Smith, Margaret Smith, Dennis Thibeault, Lorraine Zaloom, Sharon Zukowski, Bob, Danna, Natalie, Wendy

1. CALL TO ORDER

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

2. AGENDA ADDITIONS/CHANGES

Ms. Cook requested that Item 6d, "Approve minutes: January 24, 2022 (Joint)" be removed from the agenda as it had already been approved.

3. APPROVE AGENDA

ANDY WATTS made a motion, seconded by TRACEY DELPHIA to amend the agenda to remove item 6d, "Approve minutes: January 24, 2022 – Joint." The motion passed 5-0.

4. PUBLIC TO BE HEARD

Mr. Champagne highlighted a series of examples which he felt showed a lack of caring and/or inattention by the Selectboard. Mr. Champagne was subsequently muted after using inappropriate language. Mr. Skopin encouraged the Board to discuss and address climate change. Ms. Dunn encouraged all new and incumbent Selectboard candidates to have equal access Front Porch Forum postings. Mr. Forsier raised a concern about accuracy of the 2.3% inflation rate as outlined in the Town pension plan. Mr. Duggan said that Essex participates in a statewide retirement system, and that it is one of the best funded systems in the country. Ms. Margaret Smith expressed a concern that some votes might not be counted due to a system glitch on the Secretary of State's website. Ms. Davis said that she considers Essex to be very fiscally responsible, that it is important to be aware of the needs of the senior population and noted that the current Senior Center is primarily used by Essex Junction residents.

5. BUSINESS ITEMS

a. Presentation of Audit Report

Mr. Kaiser, Principal from the auditing firm Kittell Branagan & Sargent presented the 2021 audit results. The Town of Essex received an unmodified, or clean, audit. Due to the use of federal funds, the Town was required to complete a single audit. The Town has strong cash flows, as well as good financial controls. The Town is in line with the current fund balance policy. Ms. Delphia asked for Mr. Kaiser's opinion on the diversification of the pension plan, he said that the Town has little control over the contents of the plan. In public comment, Mr. Adams asked for details about the fund balance, and how much of it would be allocated to the Village in separation. Mr. Kaiser said that the Village funds are not a part of this figure. Mr. Adams expressed concern for the size of the fund balance and said that money should be

50 better allocated to prevent this. Mr. Watts said that much of the fund balance is due to increased federal
51 funding for COVID. Ms. Bushey said that this was also due to underspending, and Mr. Watts added that
52 most of this is due to not being able to hire police officers who were budgeted for. Mr. Adams expressed
53 concern about police funding and overtime pay, as well as the size of the yearly surplus. Mr. Forcier
54 asked a question regarding the funding distribution, Mr. Watts said that employee pay is the largest
55 expense for the Town.

56
57 **b. Discussion and possible action on Town of Essex Rule Requiring Wearing Face Coverings**
58 **Indoors in Public Spaces**

59 Mr. Watts said that the current mask rule has been extended to March 22. He said that the Selectboard has
60 been getting a lot of e-mails, both for and against continuing this regulation. He would like to see if the
61 Board feels ready to rescind this policy and asked for Board member comments. He noted that Chittenden
62 County has gone from “high” transmission to “substantial.” Ms. Cook suggested that there be a certain
63 period that lower transmission be sustained. Mr. Murray suggested that the Board should wait until the
64 transmission level is down to “moderate” for a period of five days, Ms. Delphia concurred. Ms. Delphia
65 also suggested waiting an additional week to decide and waiting to see what the school policy would be,
66 Ms. Hill-Fleury concurred. The Board discussed the possibility of including this as a standing agenda
67 item, that would not be acted upon if there is no change to the data. Mr. Teich said that this policy asks
68 for voluntary compliance, and that no fines or arrests have been issued. Mr. Watts requested public
69 comment. Ms. Zaloom asked about wastewater testing for COVID and other communicable diseases. Mr.
70 Signorello requested that the opinions of local business owners be taken into consideration. Mr. Forcier
71 said that he is currently a retail employee, and that there is a lot of resentment that customers are not
72 required by the business to wear masks in the establishment, however employees are. Ms. Zukowski
73 expressed support for setting guidelines for the mandate and expressed support for continuing it. Mr.
74 Kennison said that cases are dramatically down and encouraged residents to use individual choice when
75 masking. Mr. Watts said that he feels that the Board has two choices: keep masking as a standing agenda
76 item or establish a criteria and ask Town staff to monitor the data and lift the mandate when such has been
77 achieved. Mr. Murray said that the lack of testing in schools is a large reason that the cases have trended
78 down and asked that masking be listed as a standing agenda item.

79
80 **PATRICK MURRAY made a motion, seconded by SUE COOK that the Selectboard have the Town**
81 **of Essex Rule Requiring Wearing Face Coverings Indoors in Public Spaces as a standing agenda**
82 **item to be revisited should the rates in Chittenden County drop into the threshold of “moderate” for**
83 **a period of five days. Motion passed 5-0.**

84
85 **Discussion:**

86 Ms. Hill-Fleury said that she prefers that the current mandate stay in place, as better information will be
87 present when it is due to expire. Ms. Cook clarified that both case rates per 1,000 people and percent
88 positivity must be in the moderate threshold.

89
90 **c. Discussion and potential action on tentative agreements about shared services and**
91 **boards/commissions/committees between Town of Essex and Village/City of Essex Junction**

92 The primary discussion was held in Executive Session, however public input was requested prior to this.
93 Ms. Davis encouraged the Board to “hold their ground” during negotiations with the Trustees. Ms.
94 Zaloom asked for an update on Senior Center negotiations. Mr. Watts said that this topic was included in
95 a general recreation agreement, and currently there is no agreement around shared recreation or senior
96 services. Ms. Dunn said that this process seemed like self-negotiation and encouraged the Board to let the
97 Trustees walk away. Ms. Davis encouraged the Board to build their own Senior Center. Mr. Signorello

98 said that he is a member of the Senior Center, and that people come from other municipalities, pay the
99 annual fee of \$15, and can use the facilities. There is no reason why Essex residents could not do the
100 same should the agreement not pass.

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102 **6. CONSENT AGENDA**

103 **DAWN HILL-FLEURY made a motion, seconded by SUE COOK, to approve the Consent Agenda,**
104 **as corrected. The motion passed 5-0.**

105 **a. Consider approval of first, second, and third class liquor license renewals**

106 **b. Approve Wastewater allocation request for 23.0 E.U. - 87 Pinecrest Drive**

107 **c. Approve minutes: ~~January 24, 2022 (Joint)~~; February 7, 2022; February 15, 2022 (Joint) d.**

108 **Approve check warrants: #17949 - 02/07/2022; #17951 - 02/11/2022**

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110 **7. READING FILE**

111 **a. Board member comments:** Ms. Hill-Fleury expressed thanks to Mr. Carr for his service to the Town.
112 Mr. Duggan said that there will be informational meetings prior to Town meeting on the 24th and 26th. He
113 also said that tonight is Mr. Teich's last meeting as the Unified Manager and expressed appreciation
114 towards him. Ms. Cook thanked Mr. Lutz for the clear reporting on winter operations.

115 **b. Memo from Dennis Lutz re: Status of Winter Operations through 7 February 2022**

116 **c. Letter from Jeffrey Carr re: resignation from Chittenden County Regional Planning Commission**
117 **and Tri-Town Sewer Committee**

118 **d. Upcoming meeting schedule**

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120 **8. EXECUTIVE SESSION**

121 **a. An executive session was requested to discuss contracts**

122

123 **SUE COOK made a motion, seconded by TRACEY DELPHIA, that the Selectboard make the**
124 **specific finding that general public knowledge of contracts would place the Town at a substantial**
125 **disadvantage. Motion passed 5-0.**

126

127 **SUE COOK made a motion, seconded by TRACEY DELPHIA that the Selectboard enter into**
128 **executive session to discuss contracts in accordance with 1 V.S.A. Section 313 (a)(3) and to include**
129 **the Unified Manager, Deputy Manager, Assistant Manager, and Town Attorney. Motion passed 5-**
130 **0.**

131

132 **XX made a motion, seconded by XX, to exit executive session. Motion passed 5-0 at X:XX p.m.**

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134 **9. ADJOURN**

135 **XX made a motion, seconded by XX, for the Selectboard to adjourn. Motion passed 5-0 at X:XX**
136 **PM.**

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138 Respectfully Submitted,

139 Darby Mayville

140 Recording Secretary

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