



**SELECTBOARD**

**TOWN OF ESSEX SELECTBOARD  
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; Aaron Martin, Director of Public Works Operations

**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, Resa Mehren, Timothy Miller, Nate O'Connor, Mary Post, Roseanne Prestipino, Angel Segarra, Brian Shelden, 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. Forcier 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 better funded systems in the country.

Ms. Margaret Smith expressed a concern that some votes might not be counted.

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.

50 **5. BUSINESS ITEMS**51 **a. Presentation of Audit Report**

52 Mr. Kaiser, Principal from the auditing firm Kittell Branagan & Sargent, presented the 2021 audit  
53 results. The Town of Essex received an unmodified, or clean, audit. Due to the use of federal  
54 funds, the Town was required to complete a single audit. The Town has strong cash flows, as  
55 well as good financial controls. The Town is in line with the current fund balance policy.

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57 Ms. Delphia asked for Mr. Kaiser's opinion on the diversification of the pension plan. He  
58 responded that the Town has little control over the contents of the plan.

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60 In public comment, Mr. Adams asked for details about the fund balance, and how much of it  
61 would be allocated to the Village in separation. Mr. Kaiser said the Village funds are not a part of  
62 this figure. Mr. Adams expressed concern for the size of the fund balance and said that money  
63 should be better allocated to prevent this. Mr. Watts said that much of the fund balance is due to  
64 increased federal funding for COVID. Ms. Bushey said this was also due to underspending, and  
65 Mr. Watts added that most of this is due to not being able to hire police officers who were  
66 budgeted for. Mr. Adams expressed concern about police funding and overtime pay, as well as  
67 the size of the yearly surplus.

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69 Mr. Forcier asked a question regarding the funding distribution. Mr. Watts said that employee  
70 pay is the largest expense for the Town.

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

74 Mr. Watts said the current mask rule has been extended to March 22. He said the Selectboard  
75 has been getting a lot of e-mails, both for and against continuing this regulation. He would like to  
76 see if the Board feels ready to rescind this policy and asked for Board member comments. He  
77 noted that Chittenden County has gone from "high" transmission to "substantial." Ms. Cook  
78 suggested that there be a certain period that lower transmission be sustained. Mr. Murray  
79 suggested that the Board wait until the transmission level is down to "moderate" for a period of  
80 five days. Ms. Delphia concurred. Ms. Delphia also suggested waiting an additional week to  
81 decide and waiting to see what the school policy would be. Ms. Hill-Fleury concurred. The Board  
82 discussed the possibility of including this as a standing agenda item, that would not be acted  
83 upon if there is no change to the data. Mr. Teich said this policy asks for voluntary compliance,  
84 and that no fines or arrests have been issued.

85  
86 Ms. Zaloom asked about wastewater testing for COVID and other communicable diseases. Mr.  
87 Signorello requested that the opinions of local business owners be taken into consideration. Mr.  
88 Forcier said he is currently a retail employee, and there is a lot of resentment that customers are  
89 not required by the business to wear masks in the establishment, however employees are. Ms.  
90 Zukowski expressed support for setting guidelines for the mandate and expressed support for  
91 continuing it. Mr. Kennison said cases are dramatically down and encouraged residents to use  
92 individual choice when masking.

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94 Mr. Watts said he feels that the Board has two choices: keep masking as a standing agenda  
95 item or establish a criteria and ask Town staff to monitor the data and lift the mandate when  
96 such has been achieved. Mr. Murray said the lack of testing in schools is a large reason that the  
97 cases have trended down and asked that masking be listed as a standing agenda item.

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

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

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

The primary discussion was held in executive session. Public input was requested prior to the executive session discussion. Ms. Davis encouraged the Board to “hold their ground” during negotiations with the Trustees. Ms. Zaloom asked for an update on Senior Center negotiations. Mr. Watts said this topic was included in a general recreation agreement, and currently there is no agreement around shared recreation or senior services. Ms. Dunn said tht this process seemed like self-negotiation and encouraged the Board to let the Trustees walk away. Ms. Davis encouraged the Board to build their own Senior Center. Mr. Signorello said he is a member of the Senior Center, and that people come from other municipalities, pay the annual fee of \$15, and can use the facilities. There is no reason why Essex residents could not do the same should the agreement not pass.

**6. CONSENT AGENDA**

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

- a. Consider approval of first, second, and third class liquor license renewals**
- b. Approve Wastewater allocation request for 23.0 E.U. - 87 Pinecrest Drive**
- c. Approve minutes: ~~January 24, 2022 (Joint)~~; February 7, 2022; February 15, 2022 (Joint)**
- d. Approve check warrants: #17949 - 02/07/2022; #17951 - 02/11/2022**

**7. READING FILE**

**a. Board member comments:** Ms. Hill-Fleury expressed thanks to Mr. Carr for his service to the Town.

Mr. Duggan said there will be informational meetings prior to Town meeting on the 24<sup>th</sup> and 26<sup>th</sup>. He also said that tonight is Mr. Teich’s last meeting as the Unified Manager and expressed appreciation towards him.

Ms. Cook thanked Mr. Lutz for the clear reporting on winter operations.

- b. Memo from Dennis Lutz re: Status of Winter Operations through 7 February 2022**
- c. Letter from Jeffrey Carr re: resignation from Chittenden County Regional Planning Commission and Tri-Town Sewer Committee**
- d. Upcoming meeting schedule**

**8. EXECUTIVE SESSION**

146 a. An executive session was requested to discuss contracts

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

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

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157 DAWN HILL-FLEURY made a motion, seconded by SUE COOK, to exit executive session.  
158 Motion passed 5-0 at 9:13 p.m.

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160 **9. ADJOURN**

161 TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, for the Selectboard  
162 to adjourn. Motion passed 5-0 at 9:14 PM.


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164 Respectfully Submitted,  
165 Darby Mayville  
166 Recording Secretary

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168 Approved this 7th day of March, 2022  
169 (See minutes of this day for corrections, if any)

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Tracey Delphia, Clerk, Selectboard

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