

**SELECTBOARD
(DRAFT)**

**TOWN OF ESSEX SELECTBOARD
DRAFT MEETING MINUTES
MONDAY, OCTOBER 4, 2021**

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

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Bill Ellis, Town Attorney; Dennis Lutz, Public Works Director

OTHERS PRESENT: Gina Halpin Barrett, Rusty Brink, Lauren Cohen, Kevin Collins, Patty Davis, Erin Dickinson, Betsy Dunn, Maureen Gillard, Shannon Jackson, Mary Post, Brian Shelden, Angel Segarra, Ken Signorello, Margaret Smith, Dennis Thibeault, Mike Thorne, Doug Wilson, Kendall, R M, Toni M.

1. CALL TO ORDER

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

2. AGENDA ADDITIONS/CHANGES

Ms. Delphia requested that Item 6A, “a. Approve minutes: September 27, 2021 – Joint” be removed from the consent agenda and added as a Business item.

3. APPROVE AGENDA

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard approve the agenda as amended. The motion passed 4-0.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Mr. Watts reminded the audience to be civil and refrain from personal attacks.

Ms. Post said one of her neighbors was attempting to join the meeting but was having difficulty.

Ms. Smith pointed out an error on the agenda on the website, which may be causing listeners to attempt to join tomorrow’s meeting mistakenly.

5. BUSINESS ITEMS

a. Interview and potential appointment: Lauren Cohen, Conservation and Trails Committee

Mr. Watts said this was the first of several interviews tonight. He said each person will have time to introduce themselves and explain why they are interested in serving on the Conservation and Trails Committee (CTC). Board members will have the opportunity to ask questions. Decisions regarding appointments will be made in executive session, and Town staff will notify all candidates tomorrow.

Ms. Cohen said she grew up in Essex and worked for the Recreation Department before switching careers to real estate. She is interested in trails and recreation and sees the importance of biking and other green transportation. She brought up concerns about a lack of sidewalks and pedestrian access in Essex. Mr. Murray asked Ms. Cohen to provide more details about her time working for the Recreation Department. She said that she coordinated fall soccer, summer camps, and after-school programs. Mr. Watts asked Ms. Cohen what unique skills or experiences she would bring to the committee. She said her perspective as a real estate agent has shown her the importance of walkability and trails to prospective homeowners. She also mentioned that she has a background in history.

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b. Interview and potential appointment: Shannon Jackson, Conservation and Trails Committee

Mr. Jackson said he grew up in Essex and recently moved back. He has worked for Senator Bernie Sanders as a community organizer for several years. He enjoys being active outdoors and wants to give back to the community. Mr. Murray asked Mr. Jackson to provide more details on his previous volunteer work, as well as how he feels about the CTC providing opportunities to local youth. Mr. Jackson said that he served on the Board of Essex CHIPS as a teen and enjoyed the opportunity. He suggested the CTC tap into already existing groups when looking for youth volunteers. Mr. Watts asked Mr. Jackson what unique skills or experiences he would bring to the committee. Mr. Jackson said he would bring a younger perspective and he wants people in his generation and younger to be encouraged to be involved in their communities. He said he is highly skilled in organizing and delegation.

c. Interview and potential appointment: Rusty Brink, Conservation and Trails Committee

Mr. Brink said he recently moved back to Vermont and has professional experience in fundraising for non-profits. He said he enjoys hiking and is excited to give back to the community. He is active with the Green Mountain Club as well as Lake Champlain initiatives. He is a member of the Rotary Club and has volunteered for natural disaster and hunger relief initiatives. Mr. Murray said he wanted to publicly state that he and Mr. Brink know each other and that both are members of the Rotary Club. Mr. Murray asked Mr. Brink to give more details on his community service in the Essex and asked if he had any grant experience. Mr. Brink answered affirmatively regarding his grant experience. Ms. Hill-Fleury asked Mr. Brink if he hikes in Essex. Mr. Brink said he enjoys Indian Brook.

d. Interview and potential appointment: Betsy Dunn, Conservation and Trails Committee

Ms. Dunn said she has was a nurse at the University of Vermont Medical Center and after her retirement served as a State Representative and family caregiver. She enjoys hiking and would like to make trails in Essex more accessible and easier to find. Ms. Dunn hopes to encourage more people to hike and enjoy the trails in Essex. She said more needs to be done to protect our forests from Emerald Ash Borer and Gypsy Moths. Ms. Dunn encouraged the Selectboard to offer more educational signs to teach children about trees while on the trails. She said she will bring energy, focus, and problem-solving skills should she be appointed to the committee. Ms. Hill-Fleury asked what Ms. Dunn sees as the major problem facing conservation and trails in Essex. Ms. Dunn suggested adding benches to some of the trails and mentioned that the current Essex Parks & Recreation brochure did not list all the trails in Essex. She said she would like to have easily accessible maps to all trails in the community. Ms. Dunn encouraged the Selectboard to appoint more people to the committee (there are currently six applicants for four seats), as the Conservation & Trails Committee used to be two separate boards. Mr. Duggan said the boards combined several years ago due to a lack of volunteers for the separated boards.

e. Consider approval of Winter Operations Plan for 2021-2022

Mr. Lutz said the Public Works Department works to improve this plan each year. He said that, should the communities separate, it would be important to have a document like this in each municipality. Mr. Lutz said this document informs residents on what to expect for the winter and sets the expectation for the Public Works staff. He acknowledged two errors in the plan, the first being that the Town will pay \$50 to replace a mailbox that had been hit by a plow, not \$45. Due to cost increases, Mr. Lutz said the \$50 will no longer cover the full cost of mailbox replacement and encouraged the Board to reconsider this figure. The second error is in the organizational chart, as Aaron Martin should be listed as the Director of Operations. Both changes will be incorporated into the final approved plan. Due to COVID, the Winter Operations Plan includes a green/yellow/red system. Green indicates that operations are normal, yellow is slowed operations, and red is significantly slowed operations. Mr. Lutz said the department has not yet

97 received salt prices and, as a result, needed to estimate the cost for this year. It is possible that there may
98 be shortages for salt due to supply chain issues. Mr. Lutz said the Town has not been able to hire
99 temporary help for the winter this year. He highlighted a section in the plan stating that the Town does not
100 have a “bare roads policy” and that sidewalks will not be plowed if they have less than two inches of
101 snow. Mr. Lutz highlighted the inclusion of new sidewalks on Pinecrest Drive and Route 15 on the
102 plowing map, as well as the inclusion of other existing sidewalks. He said the Town has renewed its
103 contract with S & D Landscaping for additional sidewalk plowing in Essex Center. He encouraged all
104 homeowners and trash removal companies to make sure that garbage containers are not left in the
105 roadway.

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107 Mr. Murray thanked Mr. Lutz for the expansion in sidewalk plowing. Mr. Murray asked Mr. Lutz if he
108 feels comfortable with the number of CDL drivers on staff. Mr. Lutz said many communities in the area
109 are looking for CDL employees. He said it takes about 3-5 years for newly licensed CDL drivers to
110 become skilled at driving and that he has two employees who are currently retirement eligible, as well as
111 others nearing this point. Mr. Lutz said it is becoming difficult to find people who are interested in
112 working in public works. Mr. Teich echoed Mr. Lutz’s statements and said plowing is a difficult job. He
113 said adding additional staff in anticipation of future retirements is something for the Board to consider.

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115 Ms. Hill-Fleury asked if Mr. Lutz is concerned about the price and/or availability of salt. Mr. Lutz said he
116 is concerned with supply. He would like to build a larger salt storage shed to help shield the Town from
117 supply issues by having the ability to store and accumulate excess salt. Ms. Delphia asked about sand
118 storage availability. Mr. Lutz said salt needs to be covered while sand can be left outside.

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120 Ms. Delphia asked for more details on mailbox replacement costs. Mr. Lutz said his guess is that between
121 30 and 40 mailboxes are replaced each winter. He would recommend \$75 for mailbox replacement.

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123 In public comment, Ms. Barrett asked if there is coordination between the school bus and plow routes.
124 Mr. Lutz said the Town has increased sidewalk plowing in school walking areas in the Town. He also
125 encouraged parents to ensure their children are not playing in snowbanks, as this can be very dangerous
126 during plowing. Reflective vests are recommended for all walkers and runners after dark during the
127 winter. Mr. Teich said the Town meets with the school yearly to review any changes to the bus routes.

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129 **DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, that the Selectboard**
130 **approve the Winter Operations Plan for 2021-2022 with the following changes: that the updated**
131 **organizational chart be included and that the Selectboard authorize \$75 for mailbox replacement.**
132 **The motion passed 4-0.**

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134 **f. Consider including Pledge of Allegiance on future agendas**

135 Mr. Murray said that, prior to COVID, the Pledge of Allegiance was said at the start of each meeting.
136 Now that meetings are moving back to in-person, there has been discussion about adding the Pledge back
137 on the agenda. The Committee on Equity for Essex included resources regarding the history of the Pledge
138 of Allegiance in a memo to the Board, and posed the following questions:

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- What is the goal/purpose of stating the Pledge of Allegiance ahead of a meeting?
 - Is it a unifying act to state the Pledge of Allegiance?
 - Is there a better statement/pledge/song that could be more focused and feel more appropriate for the community?
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- 144 • Does the community want to continue stating the Pledge of Allegiance even though its history and
145 original purpose may be at odds with why the community states it today?
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147 Mr. Murray asked for Selectboard input on the topic and said no final decision will be made tonight. Ms.
148 Hill-Fleury asked if new citizens must take the Pledge. Mr. Teich said he was unsure. He said that, in
149 staff research, the Pledge was not required for any public meeting in the state of Vermont. He said there is
150 a segment of the population that may not feel that the Pledge reflects their values. Mr. Watts said the
151 Essex Westford School Union no longer has students say the Pledge. Vermont is one of only four states
152 that does not require the Pledge to be said at the beginning of the school day. He said the phrase “under
153 God” may make people uncomfortable, and said not all residents are citizens. Mr. Murray suggested an
154 acknowledgement that we are on Abenaki lands and said more than one statement could be said at the start
155 of a meeting. He said he spoke with a BIPOC member of the community who took issue with the “justice
156 for all” line in the Pledge. Mr. Murray will conduct additional research to find other ways to open
157 Selectboard meetings with a unifying statement.
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159 **g. Discussion and potential action on tentative agreements about shared services between Town of**
160 **Essex and independent City of Essex Junction**

161 Mr. Watts said the new agreements that were presented to the Board at the last joint meeting will be
162 discussed by the Board tonight. Changes to previously presented agreements will also be discussed. The
163 Board reviewed changes to the Memorandum of Understanding (MOU) with minimal discussion.
164 Regarding the Police Services Agreement, the Board decided to review the document in more detail to
165 determine if language regarding a change of service request was present. Regarding Appraisal and
166 Assessor services, Mr. Watts questioned what would happen if a reappraisal concluded in the middle of a
167 fiscal year, as the change from fixed cost to billing on an hourly rate could alter the budget. Mr. Teich
168 said it would be difficult to change payment structure in the middle of the fiscal year. Mr. Ellis said he
169 has addressed this issue by adding language that the Village will continue to pay for Assessor services on
170 a percentage basis until the fiscal year that a reappraisal occurs in ends. Mr. Watts paused to request
171 public input on the MOU, Police Services Agreement, and Appraisal and Assessor Services Contract. Ms.
172 Wrenner said reappraisal firms are currently booking 4-5 years in the future and wanted the Board to be
173 aware of this.
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175 Mr. Teich asked Mr. Watts to provide more detail about the agreements to listeners, as this information is
176 unfamiliar to many. Mr. Watts said the Delinquent Tax Agreement relates to unpaid taxes. The Town
177 collects all taxes and pays the school district and the Village, thus anyone who owes delinquent taxes
178 owes them to the Town. Approximately \$500,000 is owed to the Town, about half of which is for Village
179 properties. Interest is generated on these payments. If certain conditions are met, properties can go to tax
180 sale. However, the Town prefers to work with owners to make a payment plan. Should separation occur,
181 there will be properties in the City that will still owe money to the Town. The Village has requested that
182 the Town continue to hold delinquent taxes for all properties in the City. Mr. Watts said he is concerned
183 with the Town collecting taxes for a property in another municipality. Mr. Ellis said he will discuss this
184 further with the Selectboard in executive session. Regarding the Shared Financial Services Agreement,
185 Ms. Delphia said she would like to see a review timeline and information on indirect costs. Mr. Watts
186 said he had some logistical questions about the status of the Finance Department employees that needed to
187 be addressed in this document. Regarding the IT Services Agreement, Mr. Watts said the City would not
188 be given access to IT servers and equipment. Mr. Teich said Mr. Ellis would be discussing this in further
189 detail during executive session. He said the City could have access, as a certified contractor, with set
190 parameters. Mr. Watts requested public input on the Delinquent Tax Agreement, Shared Financial
191 Services Agreement, and IT Services Agreement and none was given.

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h. Discussion about Selectboard candidate interviews

Mr. Duggan said there are four candidates that will be interviewing the next day for the open seat on the Selectboard. All four have prepared written statements which are included in the October 5 packet. Five interview questions have been prepared for the Selectboard and are included in the packet. Ms. Delphia raised a concern about the following question, “How do you feel the Selectboard should proceed when discussing separation of the Village of Essex Junction from the Town of Essex?” She said she feels it is important to know more about a candidate’s decision-making methodology, rather than an opinion on a single issue. Mr. Watts said a similar question was asked during the last appointment regarding merger. After some discussion, the Selectboard decided to keep the, as it could provide insight into each candidate. Ms. Delphia asked to add a question regarding whether the candidate plans to run for a seat on the Selectboard. All agreed to add the question and inform the candidates.

In public input, Ms. Wrenner urged the Board not to ask questions on separation, as this may not pass. She encouraged the Board to ask each candidate what issues besides separation are important to them. Mr. Watts said that question was answered by the candidates in their written questions.

i. Discussion of personnel

This was discussed in executive session.

j. Approve minutes: September 27, 2021 – Joint

Ms. Delphia asked the following line not be changed in the September 13th minutes, “Ms. Delphia wondered how often the retainer contracts would be reviewed.” The other correction to the September 13th minutes will now read as follows, “Mr. Murray asked Mr. Martin whether this method would be used for all contracting or just for emergencies.”

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to approve the minutes as amended. Motion passed 4-0.

6. CONSENT AGENDA

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA to accept the consent agenda. Motion passed 4-0.

- a. Approve minutes: September 27, 2021 – Joint**
- b. Check Warrants: #17908 – 9/17/21; #17910 – 9/24/21**

7. READING FILE

- a. Board member comments:** Ms. Hill-Fleury thanked everyone who helped to make the Out & About event a success. Mr. Watts thanked staff for their work on the Leak Detection Survey.
- b. Town of Essex/Village of Essex Junction report: Calendar year 2020: Progress on Implementation of All-Hazards Mitigation Plan**
- c. Memo from Aaron Martin re: FY2022 Leak Detection Survey Results**
- d. List of Boards/Committees/Commissions vacancies e. Upcoming meeting schedule**

8. EXECUTIVE SESSION

- a. An executive session is anticipated to discuss the appointments of public officials**

239 **PATRICK MURRAY** made a motion, seconded by **TRACEY DELPHIA**, that the Selectboard enter
240 into executive session to discuss the proposed public official appointment(s) in accordance with 1
241 V.S.A. Section 313(a)(3) and to include the Unified Manager, Deputy Manager, and the Town
242 Attorney. Motion passed 4-0.

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245 **b. An executive session is anticipated to discuss negotiation of contracts and agreements between the**
246 **Town of Essex and Village/City of Essex Junction**

247 **DAWN HILL-FLEURY** made a motion, seconded by **TRACEY DELPHIA**, that the Selectboard
248 make the specific finding that general public knowledge of contracts and confidential attorney-client
249 communications made for the purpose of providing professional legal services to the body would
250 place the Town at a substantial disadvantage. Motion passed 4-0.

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252 **DAWN HILL-FLEURY** made a motion, seconded by **PATRICK MURRAY**, that the Selectboard
253 enter into executive session to discuss contracts and confidential attorney-client communications
254 made for the purpose of providing professional legal services to the body, pursuant to 1 V.S.A. §
255 313(a)(1)(A) and (F) to include the Town Attorney, the Unified Manager, and Deputy Manager.
256 Motion passed 4-0.

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258 **c. An executive session may be needed to discuss personnel matters**

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260 **PATRICK MURRAY** made a motion, seconded by **DAWN HILL-FLEURY**, that the Selectboard
261 enter into executive session to discuss the employment of a public employee in accordance with 1
262 V.S.A. Section 313(a)(3), to include the Town Attorney, Unified Manager, and Deputy Manager.
263 Motion passed 4-0.

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265 **DAWN HILL-FLEURY** made a motion, seconded by **TRACEY DELPHIA**, to exit executive session.
266 Motion passed 4-0.

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268 **DAWN HILL-FLEURY** made a motion, seconded by **PATRICK MURRAY**, to appoint the
269 following people to the Conservation and Trails Committee: Shannon Jackson for a term ending
270 June 30, 2024; Lauren Cohen for a term ending June 30, 2023; Rusty Brink for a term ending June
271 30, 2022; and Betsy Dunn for a term ending June 30, 2022. Motion passed 4-0.

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273 The Selectboard encouraged the other candidates to continue attending Conservation and Trails
274 Committee meetings.

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276 **9. ADJOURN**

277 **DAWN HILL-FLEURY** made a motion, seconded by **TRACEY DELPHIA**, to adjourn. Motion
278 passed 4-0 at 11:18 p.m.

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280 Respectfully Submitted,
281 Darby Mayville
282 Recording Secretary

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