

LIST OF AGENDA AMENDMENTS AND HANDOUTS
TOWN OF ESSEX
REGULAR MEETING AGENDA
AUGUST 17, 2021

AGENDA ADDITIONS/CHANGES

BUSINESS:

5d. Discuss and possible action on the process for filling an open seat on the Selectboard

~~5d.~~ 5e. *Legal discussion on Village of Essex Junction's proposed separation from Town of Essex

ADDITIONAL HANDOUTS

5d. Memo from Greg Duggan, Deputy Manager re: Immediate opening on Selectboard

Memorandum

To: Selectboard; Evan Teich, Unified Manager
Cc: Marguerite Ladd, Assistant Manager
From: Greg Duggan, Deputy Manager
Re: Immediate opening on Selectboard
Date: August 17, 2021

Issue

The issue is for the Selectboard to discuss and possibly decide the process for filling an open seat on the Selectboard.

Discussion

Former Selectboard member Vince Franco resigned his position on August 16, 2021, effective immediately.

Per §117-203(c) of the Town of Essex Charter, "In the event of ... resignation ... of any selectmen, the remaining members of the Board may appoint a person eligible to fill that position. At the next annual meeting, the vacancy shall be filled by serving the remaining balance of the term. ... In the event the Board is unable to agree upon an interim replacement until the next annual Town meeting, a special election shall be held forthwith to fill the position."

If the Selectboard wishes to appoint a resident to fill the seat, staff can begin advertising the opening and scheduling interviews for a future Selectboard meeting: September 13, October 4, October 18, or a special meeting. This process would be similar to one that happened in 2020, when the Selectboard had an opening created due to a resignation.

If the Selectboard prefers to hold a special election, that would likely have to take place in October or November, to provide enough time to warn and prepare for the special Town Meeting. The Village of Essex Junction is also holding a special election on November 2 for its vote on whether or not to separate from the Town. Holding two elections at the same time or close to one another would create workload challenges for the Clerk's Office and potentially elections volunteers.

The Selectboard may wish to discuss their options and timelines for filling the open seat on the Selectboard.

Cost

None at this time. A special election is likely to cost at least \$14,000, although I have not had time to confirm the estimated cost.

Recommendation

The Selectboard may wish to make a decision on whether to authorize staff to advertise the opening and begin the process for interviewing candidates, or to begin planning a special election, or to add an item to the September 13 Selectboard agenda for further discussion and action.



TOWN OF ESSEX SELECTBOARD REGULAR MEETING AGENDA

Online & 81 Main St.
Essex Junction, VT 05452
Tuesday, August 17, 2021
6:30 PM

E-mail: manager@essex.org

www.essexvt.org

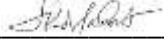
Phone: (802) 878-1341

This meeting will be held both remotely and in person. Available options to watch or join the meeting:

- **WATCH:** the meeting will be live-streamed on [Town Meeting TV](#).
- **JOIN ONLINE:** [Join Microsoft Teams Meeting](#). Depending on your browser, you may need to call in for audio (below).
- **JOIN CALLING:** Join via conference call (*audio only*): (802) 377-3784 | Conference ID: 756 974 832#
- **PROVIDE FULL NAME:** For minutes, please provide your full name whenever prompted.
- **CHAT DURING MEETING:** Please use "Chat" to request to speak, only. **Please do not use for comments.**
- **RAISE YOUR HAND:** Click on the hand in Teams to speak or use the "Chat" feature to request to speak.
- **MUTE YOUR MIC:** When not speaking, please mute your microphone on your computer/phone.

1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
5. **BUSINESS ITEMS**
 - a. Discussion about first two public forums for the Essex community about how to prepare for the Village's coming separation vote and subsequent Vermont Legislature decision
 - b. Discussion about sharing municipal services with an independent City of Essex Junction
 - c. Discussion with Police Chief about incident on Pearl Street
 - d. Discussion about planning for Fiscal Year 2023 budget
 - e. *Legal discussion on Village of Essex Junction's proposed separation from Town of Essex
6. **CONSENT ITEMS**
 - a. Approve minutes: August 2, 2021
 - b. Check Warrants: #17891 – 7/30/21; #17894 – 8/6/21; #17897 – 8/13/21
7. **READING FILE**
 - a. Board member comments
 - b. Memo from Chief Ron Hoague re: Recap of National Night Out
 - c. Email from Elaine Haney re: The Selectboard's responsibility regarding sharing EPD
 - d. Letter from Betsy Terry re: experience at Sand Hill Pool
 - e. Email from Grace Vinson re: Resignation from Conservation and Trails Committee
 - f. Thank you notes from Essex Human Services
 - g. Upcoming meeting schedule
8. **EXECUTIVE SESSION**
 - a. *An executive session may be necessary to discuss legal matters

Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the Chair, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the Chair. This agenda is available in alternative formats upon request. Meetings of the Selectboard, like all programs and activities of the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Town Manager's office at 878-1341.

Certification:  8/13/2021

**TOWN OF ESSEX
SELECTBOARD MEETING MINUTES
Tuesday, August 17, 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; Ron Hoague, Chief of Police

OTHERS PRESENT: Andy Champagne; Susan Cogley; Lana Cohen; Kevin Collins; J Cote; Patty Davis; Jon Demeritt; Erin Dickenson; Karen Lee; Deb McAdoo; Genevieve Melle; Bridget Meyer; Timothy Miller; J. Percy; Mary Post; Angel Segarra; Gabrielle Smith; Harlan Smith, Ken Signorello; Mike Sullivan; Dennis Thibeault; Mike Thorne; Irene Wrenner; RM; Sue and Bob.

1. CALL TO ORDER

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

2. AGENDA ADDITIONS/ CHANGES

Mr. Duggan requested the addition of Mr. Franco's letter of resignation from the Selectboard, along with a new agenda item: Discussion about acting to fill the open Selectboard seat. Mr. Watts added this as new item 5e. Ms. Delphia requested that the minutes from August 2, 2021, be pulled from the Consent Items and added to the Business Items. Mr. Watts moved this item to become 5f. Previous item 5e, Legal discussion on Village of Essex Junction's proposed separation from Town of Essex, became 5g.

3. AGENDA APPROVAL

PATRICK MURRAY made a motion, seconded by DAWN HILL-FLEURY, to 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. Champagne posed multiple questions regarding Town and Village board representation, service, structure, and historical make-up; board member election platforms and costs; hypothetical scenarios of power and control between the Town and Village; roles and responsibilities in forming Selectboard agendas; and the status of charter change. He asked about what services the Village taxes pay for and what services the Town taxes pay for and suggested what he thought may happen if the municipalities separate. He said the discussion of separation should not be included in Selectboard agendas. Mr. Watts responded to Mr. Champagne's questions if information for a response was available and if the questions had a clear answer. He also pointed out when questions were based on assumptions, stances, or perspectives.

Ms. Davis requested wayfinding signs be placed at Saxon Hill so people using the park understand their distance from hunting locations. She said the maps already posted are ineffective and confusing. Ms. Davis said she would be willing to help pay for wayfinding signs. She also requested that a sign be posted reminding people to leash their dogs on the road and only unleash after they enter the Saxon Hill park gate. She asked why the Selectboard has not put this item on the agenda and said she has been requesting this for six years. Mr. Teich said he would discuss the issue with Public Works Director Dennis Lutz and Parks and Recreation Director Ally Vile.

Mr. Teich announced that masks are now required in all public buildings, due to COVID-19, but there is no plan to close the buildings. He said municipal meeting attendees must be masked and socially distanced. Mr. Teich also announced that, after many weeks of discussion, the "interim" label was removed from Ms. Makuku's Community Development Director title.

Ms. Melle thanked the Selectboard members for their work and cooperation with the Trustees. She said the situation with the Town and Village is difficult while some people do not understand that the Village is also part of the Town.

5. BUSINESS ITEMS

a. Discussion about first two public forums for the Essex community about how to prepare for the Village's coming separation vote and subsequent Vermont Legislature decision

Mr. Duggan invited the Selectboard to discuss the recent Essex community forums and share any feedback or adjustments to the agenda of August 21st forum. Ms. Delphia and Ms. Hill-Fleury attended the first two forums and said they were grateful for community member attendance. Ms. Hill-Fleury hoped more people who may not usually speak about their opinions would come out to for the next forum to share their thoughts. Ms. Delphia praised Ms. Knauer's agenda, facilitation skills, and summarization. She noticed that people who attended seemed concerned about childcare but may not realize that the Village arranged childcare with the schools. Ms. Hill-Fleury said community members expressed concerns about how merger and separation dynamics may affect consolidated departments. Mr. Teich discussed Public Works budgeting dynamics between the Town and Village.

There was consensus of the Selectboard that the next public forum be conducted with the same facilitation plan as the first two meetings. Ms. Delphia suggested that the agenda be adjusted accordingly to keep the forum from running over time.

b. Discussion about sharing municipal services with an independent City of Essex Junction

Mr. Watts provided an overview of the Selectboard's work to provide a response to the Village Board of Trustees' prioritized list of topics, in connection with their proposed separation from the Town. He said a summary was provided from legal counsel regarding some of the topics also discussed in forums, including childcare, open/transparent communication and sharing police services. Mr. Watts clarified that the Selectboard does not object to sharing police services with the Village. He said the Selectboard has discussed how to share the cost of these services. Mr. Watts said that, although they have made progress, the Selectboard cannot guarantee all of the Selectboard's responses to Trustees will be complete before their proposed deadline.

Mr. Murray said people in the Village are worried about the possibility of arriving at the November separation vote date without specific agreements with the Town. Mr. Watts explained that the Selectboard has been discussing concerns with the legality of locking into agreements before the separation vote takes place. They said they have been working through many details in executive session, to form their thoughts and ensure accuracy in their responses and possible frameworks. Mr. Murray said he appreciates public patience with the process and thanked the public's feedback through a recent petition about sharing the Police Department. Ms. Delphia said that the last paragraph of the memo in the packet should say the Selectboard will continue to work on an official response to the Trustees' proposals.

Ms. Smith thanked the Selectboard for working on this issue and asked that there be as much transparency as possible, by including discussions and deliberations in open session. She said she appreciated that they were working on accurate numbers. Mr. Watts and Mr. Teich clarified that they are aiming for framework accuracy but there may not be numbers included yet.

Mr. Teich said that the Police Department, Town Selectboard, and Village Trustees agree they do not want the department to change and discussions have focused on budget items and how much of the Police Department's work is for the Village. He said they are working on equity of services and costs, determining how to create a framework that can respond to changing future needs.

Ms. Meyer thanked the Selectboard and staff for hearing community members at the forums and for addressing public frustration with not knowing what was happening in executive sessions. She said she looks forward to the joint meeting of the Trustees and Selectboard where the executive session plans will be openly discussed. She talked about how she sees the history of the Police Department's creation by both communities of Essex as relevant to the current discussions.

Ms. Davis requested that the Selectboard ensure equitable opportunity for back and forth discussions during meetings.

c. Discussion with Police Chief about incident on Pearl Street

Chief Hoague talked about the Essex Police Department's response to a mid-July disturbance that included multiple assaults. He said that, after an internal review of the incident, the police determined that a citation issuance should not have been issued until more facts of the case had been gathered and the case was reviewed by the State's Attorney. He explained the steps being taken to make the incident right, as detailed in a recent press release.

Chief Hoague explained how this incident has become a learning opportunity for the force. He talked about how trainings with Tabitha Moore, former president of the Rutland branch of the NAACP and State Director, will be revisited and more scheduled on how to effectively integrate the training into daily jobs. Chief Hoague explained that a major lesson for the Police Department was to not be hasty in issuing citations so all of the facts are considered. He talked about how procedures can be changed to be more trauma-informed and how they can conduct better investigations. He said the Police Department will be putting together a panel for the public to learn about and discuss police procedures and how they determine what decisions are made. Chief Hoague said this incident brought negative publicity to the Department and they see there is more work to be done to better serve everyone in the community, especially those most impacted by racism and inequality.

Mr. Murray acknowledged that the incident was unfortunate but said he was pleased that the community was poised to make changes and the Police Department could quickly move on the issue. He said Essex's efforts on racial equity and work from the Racial Justice Task Force played a role in this. He said that this incident reveals how much work is being done to correct issues.

Ms. Post agreed with Mr. Murray's comment and said there were many citizens also engaged in pushing for police change. She said she likes the idea of learning from a panel about mechanics of how things are done in the Department. Chief Hoague said citizen involvement is welcome.

Ms. Hill-Fleury thanked Mr. Watts and Chief Hoague for their leadership on working on the municipality separation issue as it relates to the Police Department. Mr. Watts congratulated the Department for their successful National Night Out event.

d. Discussion about planning for Fiscal Year 2023 budget

Ms. Macy invited a discussion with the Selectboard about their goals and priorities for the FY2023 budget. She said she planned the budgeting process to be earlier by two months this year, to avoid a rush to be ready for the Australian ballot. She said the August 23rd joint meeting of the Trustees and Selectboard's will include a discussion of joint budget goals. The Selectboard members suggested the following be included in FY2023 budgeting:

- Funding for racial justice and equity initiatives, including staff diversification efforts.
- Prioritizing efforts that impact climate change, toward a goal of zero footprint. Mitigation efforts could include solar, hybrid vehicles, etc.
- Tighten spending in preparation for potential loss of tax base if the Village separates and consider using fund balance to help ease into the tax increase with loss of Village revenue.
- Determine which costs could be deferred to lessen the tax burden and make an explicit budget list to address tax equity if the Village Separation effort fails.
- Strengthen local mental health supports and consider funding that could improve immediate mental health services and wrap around support opportunities with policing. Create an explicit line item to show intent and dedication to support this.
- With the entire southern border of Essex as waterfront, prioritize establishing river access.
- Discuss new revenue sources such as a Local Option Tax, review of fee structures, and/or an increase to the Capital Tax.

Mr. Watts and Ms. Macy discussed the Capital Plan timeline and whether fund balance will be known in time for budget discussions in November. Ms. Macy talked about the rollout of new budgeting software's custom features that will be helpful with the upcoming budget season.

Ms. Davis expressed confidence in Mr. Watts' experience with money and budgeting.

Ms. Post agreed that limited mental health services in Essex is a big concern and said she was shocked to hear there is a three-year waiting list for children to receive mental health help.

Ms. Wrenner said a plan, previously approved, to merge and combine Public Works budgets should no longer move forward since the merger was defeated by public vote. She suggested continuing separate budgets for services that have not been consolidated, such as the Fire Department budgets, but if the Town of Essex pays for a merged service, the trucks should be labeled so it is clear to the public.

Mr. Percy suggested that the Manager's benefits be shared between the Town and Village, as the salary already is. He was also curious about why the benefits are not already shared and if there are other positions like this in Essex. Mr. Teich said this may be worth looking at again.

e. Discussion about acting to fill the open Selectboard seat

Mr. Duggan said Mr. Franco's letter of resignation from the Selectboard was received the previous day. He invited the Selectboard members to discuss how to proceed with filling this seat. He said they could either hold a special election or conduct interviews and appoint someone.

Mr. Watts said they should keep in mind, in the discussion, that the topic was not well warned for the public to consider. He said that it would be good to fill the seat soon, considering the budget cycle is starting early November. He suggested interviewing candidates using questions they drafted after the resignation of Ms. Cooper. The Selectboard members agreed with his suggestions. They discussed with Mr. Duggan how long they should run an open advertisement and also considered whether to hold a special meeting in September or October for the interviews. Mr. Duggan said he would look at already scheduled meeting dates and suggest some possible dates for a special meeting in late September or Early October, through a Doodle poll. Ms. Delphia requested that they consider changing the wording of the position to say selectperson instead of selectman. She also pointed out that this language is used in the Town Charter. The Selectboard discussed state legislation being considered to address this issue as well. Mr. Teich clarified that applicants normally provide their application with a cover letter and Ms. Hill-Fleury

requested applicants also include a job history also. Mr. Duggan said he will begin to advertise the vacant Selectboard seat and begin collecting applications.

The Selectboard members thanked Mr. Franco for his service.

f. **Approve Minutes: August 2, 2021**

Ms. Delphia requested replacing the rest of the paragraph, beginning at the end of line 201 with the word "The" with the sentences: "Due to issues of childcare, concerns over COVID and unfamiliarity with the technology available at Memorial Hall, the Selectboard members felt a hybrid meeting was preferable for the August 4th forum and decided to relocate the session to 81 Main Street. They agreed they would quickly and thoroughly update this change online and with signs."

DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to accept the minutes as corrected. The motion passed 4-0.

g. ***Legal discussion on Village of Essex Junction's proposed separation from Town of Essex**

This agenda item took place in Executive Session as 8a.

6. CONSENT ITEMS

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to accept the Consent Agenda and with thanks to Grace Vinson for her service:

a. **~~Approve minutes: August 2, 2021~~**

- Approval of minutes from August 2, 2021, took place as item 5f.

b. **Check Warrants: # 17891 – 7/30/21; #17894 – 8/6/21; #17897 – 8/13/21**

The motion passed 4-0.

7. READING FILE

a. Board member comments

- Mr. Teich said the Senior Center will be reopening on September 3rd. He thanked Essex Parks and Recreation staff for keeping in touch with seniors and continuing to run the Senior Van. He said there is still a shortage of drivers for the van but it is running as best it can.
- Mr. Watts thanked Ms. Vinson for her service on the Conservation and Trails Committee. He thanked staff for the support provided to the Senior Swim Meet held at Sand Hill Pool, and acknowledged the successful National Night Out event. He also thanked staff for including thank you notes from the Essex Human Services funding recipients.

b. Memo from Chief Ron Hoague re: Recap of National Night Out

c. Email from Elaine Haney re: The Selectboard's responsibility regarding sharing EPD

d. Letter from Betsy Terry re: experience at Sand Hill Pool

e. Email from Grace Vinson re: Resignation from Conservation and Trails Committee

f. Thank you notes from Essex Human Services

g. Upcoming meeting schedule

8. EXECUTIVE SESSION

a. ***An executive session may be necessary to discuss legal matters.**

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 8:16 PM.

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, 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 with legal counsel. The motion passed 4-0 at 8:18 PM.

DAWN HIL-FLEURY made a motion, seconded by PAT MURRAY, to exit executive session. The motion passed 4-0 at 9:43 PM.

9. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by PAT MURRAY, to adjourn. The motion passed 4-0 at 9:44 PM.

Respectfully Submitted, Cathy Ainsworth Recording Secretary

Approved this 13TH day of September, 2021

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



Tracey Delphia, Clerk, Selectboard