



**Town of Essex
Selectboard**

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AMENDED Special Meeting Agenda

**Thursday, May 26, 2022 – 6:30 PM
REMOTE ONLY**

This meeting will be held REMOTELY. Available options to watch or join the meeting:

- **VISIT** www.essex.org/zoomselectboard for direct meeting links and options to participate.
- **JOIN ONLINE:** Zoom Meeting ID: 987 8569 1140; Passcode: 032060 or <https://zoom.us/j/98785691140?pwd=WENqeFhITGVDS0Q5blROdkhuS3RkZz09>
- **JOIN CALLING:** (toll free audio only): (888) 788-0099 | Meeting ID: 987 8569 1140; Passcode: 032060

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 and potential action about filling a vacancy on Essex Westford School Board
6. **EXECUTIVE SESSION**
 - a. An executive session may be necessary to discuss the appointment of a public officer

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Certification:  05/24/2022

**TOWN OF ESSEX SELECTBOARD
SPECIAL MEETING
May 26, 2022**

SELECTBOARD: Andy Watts, Chair; Tracey Delphia, Vice Chair; Kendall Chamberlin; Dawn Hill-Fleury.

ADMINISTRATION: Greg Duggan, Town Manager.

OTHERS PRESENT: Erin Knox, Essex Westford School District Board; Margaret Smith; Kate Vanni; Lorraine Zaloom.

1. CALL TO ORDER

Andy Watts called the meeting of the Town of Essex Selectboard to order at 6:30 p.m.

2. AGENDA ADDITIONS/CHANGES

There were no agenda additions or changes.

3. AGENDA APPROVAL

With no proposed changes to the agenda, no approval was needed.

4. PUBLIC TO BE HEARD

a. Comments from the Public on Items Not on Agenda

No one spoke during Public to be Heard.

5. BUSINESS ITEMS

a. Discussion and potential action about filling a vacancy on Essex Westford School Board

Mr. Watts said that state law requires the Selectboard to act in consultation with the Essex Westford School Board in filling a vacancy on the School Board. He said there is no case law or interpretation of what "in consultation" means.

Ms. Knox, chair of the Essex Westford School Board, said the board has three applicants. She said a selection committee of five School Board members will interview all three candidates on May 31, and then make a recommendation to the School Board on which candidate to appoint.

Mr. Watts noted that the applicants' letters of interest are confidential. He asked if the interviews would also be done confidentially in executive session. Ms. Knox confirmed that the interviews would be held in executive session, as would deliberations. Ms. Delphia asked if the letters of interest would eventually be shared publicly, and asked if the confidentiality was an equity issue. Ms. Knox said it was how the School Board has always handled the process. Ms. Knox said the letters were personal information, as if the candidates were applying for a job. Mr. Chamberlin said it was unusual in these times to have such a confidential selection. Mr. Watts said the Selectboard's practice is

to make letters public and do interviews in public, with deliberations about the appointments in executive session.

Mr. Watts presented the Selectboard's options to give "consultation" to the School Board: the Selectboard could discuss and make a recommendation for one of the candidates; could accept Ms. Knox's offer to have a Selectboard member on the interview panel, noting that the School Board has the vote on who to appoint; could let the School Board go through its process and have the Selectboard comment on the School Board's choice; could consider other options; or could say it had no objections to the candidates. Ms. Hill-Fleury said she preferred not to get involved in the School Board's decision.

Mr. Watts explained his understanding of the statute was that the Selectboard was to be consulted because eight members of the School Board would vote to appoint a candidate, with only three of the members coming from the district that would be represented by that candidate.

Ms. Delphia asked if any of the other Selectboard members felt strongly about having someone on the selection committee. Mr. Chamberlin said yes, if a Selectboard member had a child in the school system, and Mr. Watts added that the Selectboard member would need to be available for the interviews. Ms. Delphia said she was a parent of a child in the district, but didn't feel the need to have a voice in the decision.

TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard convey to the School Board that it does not raise objection with any of the three candidates, and authorizes the School Board to move ahead with the process as defined.

Mr. Watts noted that there had not been an opportunity for public comment. The Selectboard agreed to take public comment.

Ms. Smith said she feels the situation is a lot like what happened on the Selectboard when someone resigned right after an election. She said she was surprised that since once of candidates was on the ballot and got votes, that person was not automatically appointed. She said she was uncomfortable with people not in her district voting on the representative.

Mr. Watts said the appointment had to be made within 30 days of the Selectboard being notified, and there was not time for new election.

Ms. Zaloom said she wanted to understand the process and the statute that required this meeting. Mr. Watts said the statute took effect at the same time as unified union school districts. He said the Selectboard and School Board had discussions with their respective legal counsels about what "in consultation" means. Ms. Knox said the statute is vague, and the School Board wants to know if the Selectboard has any concerns or objections. Ms. Zaloom asked if the

appointed candidate would serve until the next election. Ms. Knox said the person would be appointed to fill the remainder of the vacated term, which is how the School Board has handled similar instances in the past based on its interpretation of statute. Ms. Zaloom asked that lawyers look into the statute and practice for the Selectboard and School Board. She said the names of the candidates should be publicized for transparency. Ms. Knox and Mr. Watts said the names of the candidates are public, and Mr. Watts named the candidates: Al Bombardier, Megan Humphries, and Jemima Talbot.

Ms. Hill-Fleury said when she was on the Town of Essex School Board years ago, an opening was filled only until the following election. Ms. Knox said there may have been different practices in place before the unified Essex Westford School District formed, and that she would look into the history.

The motion passed 4-0.

6. EXECUTIVE SESSION

a. An executive session may be necessary to discuss the appointment of a public officer

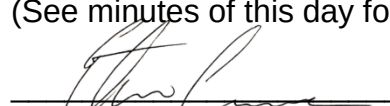
An executive session was not requested.

7. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by KENDALL CHAMBERLIN, to adjourn the meeting. The motion passed 4-0 at 7:01 p.m.

Respectfully Submitted
Greg Duggan, Town Manager

Approved this 6th day of June, 2022
(See minutes of this day for corrections, if any)



Ethan Lawrence, Selectboard Clerk