



Town of Essex

Selectboard

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Regular Meeting Agenda

Tuesday, January 17, 2023 – 6:30 PM
81 Main St., Essex Junction, VT 05452

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

- **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. **PUBLIC HEARINGS**
 - a. First of two public hearings on proposed amendments to the Town of Essex Charter
 - b. First of two public hearings on Fiscal Year 2024 Municipal Budget
 - c. First of two public hearings on Fiscal Year 2024 Capital Budget and Five-Year Plan
6. **BUSINESS ITEMS**
 - a. Consider approval of a Resolution in Appreciation of Jerry Firkey
 - b. Consider approval of mailing ballots to all active voters for 2023 Annual Town Meeting
 - c. Consider approving letter to Vermont Agency of Transportation to install crosswalk and flashing beacon on VT Route 128
 - d. *Discussion and potential action on evaluation standards for Town Manager
 - e. *Discussion of the appointment or evaluation of a public officer or employee
 - f. **Discussion and potential action about Memorandum of Understanding with Essex Police Employees Association Lodge #081, Fraternal Order of Police
 - g. ***Discussion of the negotiating or securing of real estate purchase or lease options
7. **CONSENT ITEMS**
 - a. Approve minutes: January 3, 2023
 - b. Approve check warrants: # 18075- 12/30/22
 - c. Consider approval of Front End Loader bid award
8. **READING FILE**
 - a. Board member comments
 - b. Upcoming meeting schedule
 - c. Letter from Greater Burlington Industrial Corp. re: thank you
 - d. Essex News - January 6, 2023 edition
 - e. Letter from Essex Rescue re: Response to the Letter from the Towns
 - f. Status of Winter Operations through January 01, 2023
9. **EXECUTIVE SESSION**
 - a. *An executive session is anticipated to discuss the appointment or evaluation of a public officer or employee
 - b. **An executive session is anticipated to discuss contracts and labor relations agreements with employees
 - c. ***An executive session is anticipated to discuss the negotiating or securing of real estate purchase or lease options

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Certification: _____ 01/13/2023 _____

SELECTBOARD

TOWN OF ESSEX SELECTBOARD REGULAR MEETING MINUTES TUESDAY JANUARY 17, 2023

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

ADMINISTRATION and STAFF: Greg Duggan, Town Manager; Aaron Martin, Public Works Director; Daniel Roy, Finance Director; Katherine Sonnick, Community Development Director

OTHERS PRESENT: Patty Davis, Maryse Dunbar, Brett Gaskill, Gina Halpin-Barrett, Ken Signorello, Faith Skerritt, Gillian Smith, Lynn Smith, Margaret Smith, Dennis White, Lorraine Zaloom

1. CALL TO ORDER

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

2. AGENDA ADDITIONS/CHANGES

Mr. Duggan requested the following changes:

- That evaluation forms be added to Item 6d: Discussion and potential action on evaluation standards for Town Manager.
- Add Item 6f: Discuss pending or probable civil litigation. This will be discussed in executive session.

3. APPROVE AGENDA

MOTION by ANDY WATTS, second by ETHAN LAWRENCE, that the Selectboard accept the manager evaluation forms that were provided this evening for reference and an additional executive session for pending or probable civil litigation. Motion passed 5-0.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Ms. Zaloom asked if it was possible to get a quarterly update on sign-ups for the new Town newsletter and asked if there was a way that all Town meetings be uploaded to YouTube. Mr. Duggan said that he would investigate both. Ms. Davis expressed concern about the brush and trees blocking the sidewalk on Allen Martin Rd.

5. PUBLIC HEARINGS

a. First of two public hearings on proposed amendments to the Town of Essex Charter

Mr. Watts requested public comment. Ms. Margaret Smith said that the proposed charter does not specify how the minutes would be kept, stating that she believes that a paper copy should always be kept. Mr. Watts said that this language is identical to what is in the current charter and said that the Selectboard plans to look through the document section by section to review at a later date.

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY to close the public hearing on proposed amendments to the Town of Essex Charter. Motion passed 5-0.

b. First of two public hearings on Fiscal Year 2024 Municipal Budget

Mr. Duggan said that this will be a big transition year post-separation from the Village. He also noted inflationary pressures, especially with health insurance premiums. While the budget and tax levy has gone down from the previous year, taxes will go up by 22%. Mr. Watts requested public input. Mr. White asked why health insurance costs are increasing. Mr. Duggan said that most of the cost was due to increases in Vermont Health Connect. Mr. White expressed concern that residents cannot take on such a tax increase at this time, referred to it as an injustice to the community. Mr. Chamberlin said that he feels that the increase is very reasonable considering inflationary pressures and separation.

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY to close the public hearing on the Fiscal Year 2024 Municipal Budget. Motion passed 5-0.

c. First of two public hearings on Fiscal Year 2024 Capital Budget and Five-Year Plan

Mr. Duggan said that the Town has a \$.02 capital tax, which will bring in \$322,000 this year. Due to separation, this is significantly less than in previous years. He expressed concern about this, and suggested raising the tax to \$.035, which would require a vote. Mr. Watts requested public input. Mr. White asked if the increase would be one-time, Mr. Duggan said that it would be permanent. Mr. Signorello asked if the anticipated increase in the Grand List due to reassessment was factored into these calculations, Mr. Watts said that it was not. Mr. Chamberlin expressed concern that the Capital Budget may be underfunded.

ETHAN LAWRENCE made a motion, seconded by DAWN HILL-FLEURY to close the hearing on the Fiscal Year 2024 Capital Budget and Five-Year Plan. Motion passed 5-0.

6. BUSINESS ITEMS

a. Consider approval of a Resolution in Appreciation of Jerry Firkey

Mr. Duggan said that Mr. Firkey has been providing services to the Town for approximately fifty years, both as the Zoning Administrator and Health Officer.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE that the Selectboard approve the Resolution of Appreciation for Jerry Firkey. Motion passed 5-0.

Mr. Lawrence read the following resolution:

WHEREAS, Jerry Firkey was hired and served as Zoning Administrator for the Town of Essex from November 1971 until 1977 and again from November 1980 until April 2006; and,

WHEREAS, Jerry was appointed as Health Officer in 1972 taking on this important duty for several municipalities including Essex;

WHEREAS, Jerry retired after 31 years of service as Zoning Administrator, but remained active in his contribution to the community as Health Officer for 50 years; and,

WHEREAS, Jerry performed focused and diligent work as Health Officer even when the rules and guidelines that exist today were not in place to support the professional position in earlier years; and,

WHEREAS, Jerry investigated public health hazards and acted to prevent or remove potential public health risks for the good of the residents of Essex; and,

WHEREAS, Jerry completed his term and final appointment as Health Officer on December 31, 2022; and,

92 WHEREAS, Jerry's dependability, dedication, and loyalty will be missed and difficult to
93 replace; now therefore be it

94 RESOLVED, that on the occasion of Jerry's final year as Health Officer that the Essex
95 Selectboard, on behalf of the staff and citizens of the Town of Essex, hereby extend our most
96 sincere appreciation to Jerry Firkey for 50 years of continuous service in investigating, enforcing,
97 and resolving public health issues to support and maintain a high quality of life for the Essex
98 community.

99 Adopted this 17 day of January by the Essex Selectboard.

100
101 **b. Consider approval of mailing ballots to all active voters for 2023 Annual Town Meeting**

102 Mr. Duggan said that this has been done over the past few years due to COVID mitigation, and the state of
103 Vermont has authorized communities to do this on a permanent basis. The cost of this is approximately
104 \$19,400 (providing return postage is included) or \$14,700 (if return postage is not included. Mr.
105 Lawrence said that he does not believe that all people should be mailed a ballot, but that ballots (with
106 postage) should be given to anyone who asks for it. Mr. Watts said that a metered permit via the post
107 office is available for \$1,000 a year which will allow the Town to only pay for postage of what was mailed
108 back.

109
110 Mr. Watts requested public comment. Mr. White encouraged the Board to save money by not
111 implementing this, and said that mail-in ballots are a threat to democracy. Ms. Lynn Smith said that she is
112 opposed to the blanket mailing of ballots, and said it contributes to fraud. Ms. Davis expressed support for
113 the metered permit proposal and said that her neighborhood only gets their mail four days a week. Ms.
114 Zaloom said that there is minimal ballot fraud from mail-in ballots and described paying a return postage
115 as "paying for a vote." Ms. Dunbar said that it is important to save money, and that ballots should only be
116 mailed to those who request them. Mr. Signorello asked what was budgeted for the election, and Mr. Roy
117 stated that it was budgeted for all ballots to be mailed. Mr. Duggan said that Town staff recommends that
118 ballots be mailed to all voters due to higher turnout. Ms. Hill-Fleury said that, as someone who has
119 worked on elections for fifty years, ballots should be requested with return postage. Mr. Lawrence and
120 Ms. Delphia concurred. Mr. Chamberlin said that this year has a large budgetary increase, as well as
121 charter questions, and that it is important that there be no perceived impediment to voting.

122
123 **DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE that the Selectboard**
124 **return to requested ballot voting for the March Town Meeting. Not voted upon, motion failed.**

125
126 **DAWN HILL-FLEURY made a motion that voting for Town Meeting occurs in-person unless an**
127 **absentee ballot is requested. Motion withdrawn.**

128
129 **ANDY WATTS made a motion, seconded by KENDALL CHAMBERLIN, that the Selectboard vote**
130 **to mail ballots to all active voters for the budget and election of officers. Motion failed 3-2, with**
131 **TRACEY DELPHIA, DAWN HILL-FLEURY, and ETHAN LAWRENCE voting nay.**

132
133 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to put return postage**
134 **on those ballots that are verbally requested. Motion withdrawn.**

135
136 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to include return**
137 **postage on absentee ballots. Motion passed 5-0.**

c. Consider approving letter to Vermont Agency of Transportation to install crosswalk and flashing beacon on VT Route 128

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, to approve the letter to the Vermont Agency of Transportation requesting permission to install a crosswalk and flashing beacons on VT Route 128. Voting is below.

Mr. Watts suggested updating the motion to add in a reference to the existing road sign.

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE to update the motion on the table to add in a reference to the existing road sign. Motion passed 5-0.

d. Discussion and potential action on evaluation standards for Town Manager

Mr. Duggan said that the Board and the manager will work together to develop evaluation standards for the manager. He included examples from other communities as well as what has been used by the Town of Essex in the past. Mr. Watts suggested that Mr. Duggan work on his self-evaluation and that the Board complete their full evaluation at their next meeting.

e. Discussion of the appointment or evaluation of a public officer or employee

This was discussed in executive session.

f. Discussion and potential action about Memorandum of Understanding with Essex Police Employees Association Lodge #081, Fraternal Order of Police

This was discussed in executive session.

g. Discussion of the negotiating or securing of real estate purchase or lease options

This was discussed in executive session.

h. Discuss pending or probable civil litigation

This was discussed in executive session.

7. CONSENT AGENDA

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to approve the Consent Agenda as presented. Motion passed 5-0.

a. Approve minutes: January 3, 2023

b. Approve check warrants: # 18075- 12/30/22

c. Consider approval of Front End Loader bid award

8. READING FILE

a. Board member comments: Ms. Hill-Fleury thanked everyone who worked on recent planning meetings. Mr. Watts said that he and Mr. Lawrence had the opportunity to participate on the Town tour last week, and that it was a great opportunity. Mr. Chamberlin asked for an update on Essex Rescue. Mr. Lawrence said that they are holding a Board of Directors meeting tomorrow, and that he plans to attend.

b. Upcoming meeting schedule

c. Letter from Greater Burlington Industrial Corp. re: thank you

184 d. Essex News - January 6, 2023 edition

185 e. Letter from Essex Rescue re: Response to the Letter from the Towns

186 f. Status of Winter Operations through January 01, 2023

187
188 **9. EXECUTIVE SESSION**

189 a. An executive session was held to discuss the appointment or evaluation of a public officer or
190 employee

191 DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to move that the
192 Selectboard enter into executive session to discuss the appointment or employment or evaluation of
193 a public officer or employee in accordance with 1 V.S.A. Section 313(a)(3), to include the Town
194 Manager. Motion passed 5-0.

195
196 b. An executive session was held to discuss contracts and labor relations agreements with employees
197 DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA that the Selectboard
198 make the specific finding that premature general public knowledge of the Town's position
199 concerning ongoing contract negotiations and labor relations agreements with employees would
200 place the Town at a substantial disadvantage. Motion passed 5-0.

201
202 DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE that the Selectboard
203 enter into executive session to discuss contracts and labor relations agreements with employees
204 pursuant to 1 V.S.A. § 313(a)(1)(A) and 1 V.S.A. § 313(a)(1)(B), to include the Town Manager.
205 Motion passed 5-0.

206
207 c. An executive session was held to discuss the negotiating or securing of real estate purchase or
208 lease options

209 DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE to move that the
210 Selectboard enter executive session to discuss the negotiating or securing of real estate purchase or
211 lease options in accordance with 1 V.S.A. Section 313(a)(2) and to include the Town Manager.
212 Motion passed 5-0.

213
214 d. An executive session was held to discuss pending or probable civil litigation

215 ETHAN LAWRENCE made a motion, seconded by KENDALL CHAMBERLIN that the
216 Selectboard make the specific finding that general public knowledge of pending or probable civil
217 civil litigation, to which the public body is or may be a party would place the Town at a substantial
218 disadvantage. Motion passed 5-0.

219
220 ETHAN LAWRENCE made a motion, seconded by TRACEY DELPHIA that the Selectboard enter
221 into Executive Session to discuss pending or probable civil litigation, to which the public body is or
222 may be a party pursuant to 1 V.S.A. Section 313(a)(1)(e) and to include the Town Manager. Motion
223 passed 5-0.

224
225 DAWN HILL-FLEURY made a motion, seconded by KENDALL CHAMBERLIN, to exit executive
226 session. Motion passed 5-0 at 8:57 p.m.

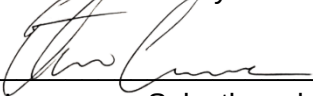
DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to authorize the Town Manager to execute a Memorandum of Understanding with the Essex Police Employees Association Lodge #081, Fraternal Order of Police. Motion passed 5-0.

10. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by ETHAN LAWRENCE, for the Selectboard to adjourn. The motion passed 5-0 at 9:05 PM.

Respectfully Submitted,
Darby Mayville
Recording Secretary

Approved this 30th day of January, 2023
(see minutes of this day for corrections, if any)


Ethan Lawrence, Selectboard Clerk