



TOWN OF ESSEX SELECTBOARD REGULAR MEETING AGENDA

Online
Essex Junction, VT 05452
Monday, June 7, 2021
6:30 PM

E-mail: manager@essex.org

www.essexvt.org

Phone: (802) 878-1341

Due to the Covid-19 pandemic, **this meeting will be held remotely**. Available options to watch or join the meeting:

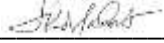
- **WATCH:** the meeting will be live-streamed on [Town Meeting TV](#).
- **JOIN ONLINE:** [Join Microsoft Teams Meeting](#). Depending on your browser, you may need to call in for audio (below).
- **JOIN CALLING:** Join via conference call (*audio only*): (802) 377-3784 | Conference ID: 351 279 122#
- **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 HEARING**
 - a. Public Hearing on revisions to Title 7, Motor Vehicles, Traffic and Parking, of the Municipal Ordinance [6:35 PM]
5. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
6. **BUSINESS ITEMS**
 - a. *Interview and potential appointment: Dorothy Bergendahl, Energy Committee
 - b. *Interview and potential appointment: Tom Yandow, Zoning Board of Adjustment
 - c. **Consider approval of first-class liquor license: 1st Republic Brewing Co, LLC dba 1st Republic Brewing Co, LLC
 - d. **Consider renewal of first- and third-class liquor license: Fong LLC dba Joyce’s Noodle House
 - e. Discussion and potential action on request to invite Secretary of State to upcoming Selectboard meeting to discuss Open Meeting Laws and Public Records Act
 - f. Consider approval of final passage of revisions to Title 7, Motor Vehicles, Traffic and Parking, of the Municipal Ordinance
 - g. Consider approval of COVID true-up bonuses for employees
 - h. Consider approval of revisions to Town of Essex Personnel Guidelines
 - i. Presentation, discussion, and potential action to update Community Development fees
 - j. ***Legal discussion on Village of Essex Junction’s proposed separation from Town of Essex

****Selectboard will be acting as Board of Liquor Control Commissioners during this agenda item**
7. **CONSENT ITEMS**
 - a. Consider authorizing the Town to apply for the 2021 VTRANS Bike and Pedestrian Grant to complete final design and construction of a segment of a path on VT Route 15
 - b. Consider awarding bid for construction at Allen Martin Drive and VT Route 15
 - c. Consider awarding bid for purchase of replacement road grader
 - d. Approve minutes: May 17, 2021; May 24, 2021 - Joint
 - e. Check Warrants: #17864 – 5/21/21; 17867 – 5/28/21; #17871 – 6/4/21
8. **READING FILE**
 - a. Board member comments
 - b. Email from Jenny Willingham re: June 19th award ceremony honoring Mountain View Cemetery Commission for Restoration of the Common Burial Ground Cemetery
 - c. Letter from Barbara A. Higgins re: Resolution to Investigate an Amicable Separation
 - d. Email from Liz Subin re: Supporting Equity Work in Essex
 - e. Essex Juneteenth Celebration
 - f. Upcoming meeting schedule
9. **EXECUTIVE SESSION**
 - a. *An executive session may be requested to discuss the appointments of public officials

b. ***An executive session is anticipated 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:  6/4/2021

SELECTBOARD

TOWN OF ESSEX SELECTBOARD MEETING MINUTES Monday, June 7, 2021

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

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Ron Hoague, Police Chief; Sharon Kelley, Zoning Administrator; Owiso Makuku, Town of Essex Community Development Director; Robin Pierce, Village of Essex Junction Community Development Director

OTHERS PRESENT: Dorothy Bergendahl, Bob Burrows, Patty Davis, John Demeritt, Betsy Dunn, Bruce Post, Mary Post, Margaret Smith, Ken Signorello, Mike Sullivan, Tom Yandow, Irene Wrenner, Jeanne _____

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 that Business Item "I" be moved directly in front of Business Items "G" and "H."

3. APPROVE AGENDA

PATRICK MURRAY made a motion, seconded by TRACEY DELPHIA, that the Selectboard amend the agenda to move Business Item "I" above "G" and "H." The motion passed 5-0.

4. PUBLIC HEARING

a. Public Hearing on revisions to Title 7, Motor Vehicles, Traffic and Parking, of the Municipal Ordinance

Mr. Duggan said that, at a previous Selectboard meeting, the Board gave preliminary approval to these revisions. This public hearing is the next step to potential approval, which could occur later during this meeting. Mr. Watts officially opened the public hearing. There were no comments from the public.

PATRICK MURRAY made a motion, seconded by DAWN HILL-FLEURY, to close the Public Hearing regarding changes to Title 7, Motor Vehicles, Traffic and Parking, of the Municipal Ordinance. The motion passed 5-0.

5. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Ms. Post requested that Town employee salaries be published in the Annual Report. Mr. Watts said that this information is available on request, however the Board has not discussed publishing it.

Ms. Smith discussed problems that she had on the website while attempting to join the meeting via the link on the agenda. Ms. Delphia offered some suggestions to remedy this.

Ms. Davis said that she would like the Selectboard to use some of the fund balance to hire an attorney to represent the Town Outside the Village (TOV) exclusively.

Ms. Wrenner said that Mr. Watts is spending too much time on the concerns of the Town Inside the Village (TIV) residents and needs to pay more attention to the needs of the TOV, whom she described as

marginalized. She said that the priorities regarding a potential separation of the TIV drafted at a recent retreat between the Trustees and Selectboard were highly skewed toward the Village. She strongly encouraged the Selectboard to hire professional staff that would represent TOV interests and disallow the TIV to annex any TOV properties. Mr. Murray said that Ms. Wrenner's comparison of separation efforts in the TIV to racial justice and systemic racism is horrific and an affront to the racial justice work taking place in Essex. Ms. Wrenner said that, as a female member of a patriarchal society, she understands oppression and that a white male should not be telling her that she does not understand this concept.

Ms. Dunn expressed her support for having an attorney to exclusively advocate for the TOV. She also expressed concern for the Selectboard telling others that they cannot voice their opinions. Mr. Watts said that the Town of Essex, the corporate entity, does have an attorney. Ms. Smith asked if the attorney represents the TOV, or the Town of Essex as a whole. Mr. Teich said that the entire Town of Essex is the corporate entity, and that this is what the Town Attorney is hired to represent. Mr. Sullivan said he feels represented by any attorney who represents the interests of the Town as a whole.

6. BUSINESS ITEMS

a. Interview and potential appointment: Dorothy Bergendahl, Energy Committee

Ms. Bergendahl said she had lived in Essex in the 1970s, and then moved back in 2011. She has served on the Brownell Library Board of Trustees, the Central Vermont Public Service's Customer Panel, and the Essex Area Senior Center Program Committee. Ms. Bergendahl has an interest in energy and would like to continue to volunteer on this committee. Mr. Watts asked Ms. Bergendahl if she has anything unique to bring to the committee. Ms. Bergendahl said that her volunteer work on the Central Vermont Public Service's Customer Panel helped her to be able to see the inner workings of many aspects of the electrical power grid, such as the inside of Vermont Yankee.

VINCE FRANCO made a motion, seconded by DAWN HILL-FLEURY, to appoint Dorothy Bergendahl to the Essex Energy Committee. The motion passed 5-0.

b. *Interview and potential appointment: Tom Yandow, Zoning Board of Adjustment

Mr. Yandow said that he has lived in Essex since 1999 and has a background in construction consulting. He serves as the Town and Village Facilities manager and previously worked for Yandow Associates. Ms. Delphia asked if his employment with Yandow Associates would present a conflict of interest. Mr. Yandow assured her that it would not, as the company is essentially closed. Mr. Watts said that, in full disclosure, Mr. Yandow is a friend of his.

TRACEY DELPHIA made a motion, seconded by VINCE FRANCO, to appoint Thomas Yandow to the Essex Zoning Board of Adjustment, for a term ending on June 30, 2022. The motion passed 5-0.

c. **Consider approval of first-class liquor license: 1st Republic Brewing Co, LLC dba 1st Republic Brewing Co, LLC

****Selectboard will be acting as Board of Liquor Control Commissioners during this agenda item**

Mr. Duggan said that staff has reviewed this application and is comfortable with the Selectboard giving approval.

PATRICK MURRAY made a motion, seconded by VINCE FRANCO, to approve the first-class liquor license to for 1st Republic Brewing, LLC. The motion passed 5-0.

d. **Consider renewal of first- and third-class liquor license: Fong LLC dba Joyce's Noodle House
**Selectboard will be acting as Board of Liquor Control Commissioners during this agenda item

Mr. Duggan said that staff has reviewed this application and is comfortable with the Selectboard giving approval.

PATRICK MURRAY made a motion, seconded by DAWN HILL-FLEURY, to approve the renewal of a first- and third-class liquor license for Fong LLC dba Joyce's Noodle House. The motion passed 5-0.

e. Discussion and potential action on request to invite Secretary of State to upcoming Selectboard meeting to discuss Open Meeting Laws and Public Records Act

Mr. Duggan said that staff received a letter, addressed to Mr. Watts, encouraging them to invite the Secretary of State to an upcoming meeting to engage the Board, staff, and general public on Vermont's Open Meeting Laws and Public Records Act. Mr. Post and Ms. Dunn authored the letter, and Mr. Watts invited them to speak to the Board regarding this request. Mr. Post said that this training would be helpful for all to learn more about these issues and that it was not due to a specific issue or concern. He cited concerns regarding texting during meetings and potential overuse of executive session as reasons that this training is necessary. Mr. Post also questioned the legality of the early meetings between the Selectboard and Trustees to begin the process of merger, as well as concerns about two members of the Board meeting to draft resolutions. Ms. Dunn said that she saw two situations within the last six months where egregious violations of the open meeting law occurred, adding that there needs to be repercussions for these actions. Ms. Dunn said she never received an apology for being criticized by Board members during recently published Facebook Messenger conversations between Mr. Murray and former Chair Ms. Haney.

Mr. Franco, Ms. Delphia, and Ms. Hill-Fleury indicated their support for this idea. Mr. Murray questioned Mr. Post and Ms. Dunn's motives for this request, saying that Mr. Post's wife said at a previous meeting that she would continue to bring up the Facebook Messenger conversation between Mr. Murray and Ms. Haney until there were consequences for Mr. Murray for participating.

Ms. Davis and Mr. Sullivan voiced their support. Mr. Sullivan said training would be helpful for members of the public. Mr. Watts said there was a consensus to have some type of training and Mr. Teich said he will contact Jim Condos, Secretary of State, to see if this could be held sometime in the fall.

f. Consider approval of final passage of revisions to Title 7, Motor Vehicles, Traffic and Parking, of the Municipal Ordinance

There were no comments from the board. Mr. Murray extended his compliments to Chief Hoague for his hard work.

PATRICK MURRAY made a motion seconded by DAWN HILL-FLEURY, to approve final passage of the revised provisions to Title 7, Motor Vehicles, Traffic and Parking of the Town of Essex Municipal Ordinance, effective immediately. The motion passed 5-0.

i. Presentation, discussion, and potential action to update Community Development fees

Ms. Makuku said the department is proposing an increase to fees, which has not been done in twenty years. Doing so would better align the fees in Essex with other communities in the area. Permitting is labor intensive for staff in various departments, and this is not being reflected in the current fees. As a

result, the true cost of permitting is being borne by the taxpayers. Ms. Makuku worked with Village Community Development staff to review the fees in both communities. She mentioned that, in the future, the Essex Community Development Department would like to offer fee waivers as incentives for development projects that are in line with Essex values, such as affordable housing or green energy. Mr. Pierce highlighted the differences between the Village of Essex Junction and Town of Essex fee structures, which mainly consist of engineering costs being borne by the applicant in the Village. The Selectboard agreed to discuss this topic further at a future meeting.

g. Consider approval of COVID true-up bonuses for employees

Mr. Teich said that Town employees received a lower-than-normal salary increase last year due to economic uncertainty around COVID. Property tax collections did not diminish as initially feared and the Town did not see a reduction in revenue. Mr. Teich and Mr. Franco praised staff for their work during COVID. Ms. Delphia asked if this would be taxed as a bonus or as regular income. Mr. Teich said that he was unsure, but that including it as a part of regular income would have other financial implications.

TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard authorize bonuses to all employees defined as “Full-Time,” “Part-Time,” or “Regular Part-Time,” in the Town Personnel Guidelines, who received a COVID-19 related reduced pay raise in Fiscal Year 2021 in an amount equal to .50% of their annual base rate to be paid in the last pay check in June of 2021. The motion passed 5-0.

h. Consider approval of revisions to Town of Essex Personnel Guidelines

Mr. Teich said that there have been efforts over the years to align the Village and Town Personnel guidelines. Revisions had also been made as a result of the most recent union negotiations and legal changes. Mr. Teich said Essex hopes to stay competitive in order to attract and retain employees.

PATRICK MURRAY made a motion, seconded by VINCE FRANCO, that the Selectboard adopt the proposed revisions to the Town of Essex Personnel Guidelines. The motion passed 5-0.

j. *Legal discussion on Village of Essex Junction’s proposed separation from Town of Essex**
This discussion happened later during executive session.

7. CONSENT ITEMS

a. Consider authorizing the Town to apply for the 2021 VTRANS Bike and Pedestrian Grant to complete final design and construction of a segment of a path on VT Route 15

b. Consider awarding bid for construction at Allen Martin Drive and VT Route 15

c. Consider awarding bid for purchase of replacement road grader

d. Approve minutes: May 17, 2021; May 24, 2021 - Joint

e. Check Warrants: #17864 – 5/21/21; 17867 – 5/28/21; #17871 – 6/4/21

TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY to approve the consent agenda. The motion passed 5-0.

8. READING FILE

a. Board member comments: Mr. Murray said that volunteers are needed for the Essex Juneteenth Celebration on June 19th from 11 AM-1 PM. Ms. Hill-Fleury said there will be a Daughter’s of the American Revolution ceremony at the Essex Town Cemetery earlier in the day on June 19th. Mr. Watts said the next joint Board meeting will be on June 15th, not June 29th. Mr. Teich said that a new schedule would be posted soon.

- b. Email from Jenny Willingham re: June 19th award ceremony honoring Mountain View Cemetery Commission for Restoration of the Common Burial Ground Cemetery
- c. Letter from Barbara A. Higgins re: Resolution to Investigate an Amicable Separation
- d. Email from Liz Subin re: Supporting Equity Work in Essex
- e. Essex Juneteenth Celebration
- f. Upcoming meeting schedule

9. EXECUTIVE SESSION

~~a. *An executive session may be requested to discuss the appointments of public officials~~

b. ***An executive session is anticipated to discuss legal matters

TRACEY DELPHIA made a motion, seconded by VINCE FRANCO, 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.

TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, 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.

DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to exit executive session. The motion passed 5-0 at 9 PM.

10. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, that the Selectboard adjourn the meeting. The motion passed 5-0 at 9 PM.

Respectfully Submitted,
Darby Mayville
Recording Secretary

Approved this 21st day of June, 2021

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



Tracey Delphia, Clerk, Selectboard