



**VILLAGE OF ESSEX JUNCTION TRUSTEES  
TOWN OF ESSEX SELECTBOARD  
SPECIAL MEETING AGENDA**

*Online and 81 Main Street  
Essex Junction, VT 05452  
Monday, December 13, 2021  
6:30 PM*

E-mail: [manager@essexjunction.org](mailto:manager@essexjunction.org)

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Phone: (802) 878-6951

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](#).
- **JOIN CONFERENCE CALL:** (audio only): (802) 377-3784 | Conference ID: 740 392 395#

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 on tentative agreements about shared services between Town of Essex and independent City of Essex Junction
  - b. \*\*Discussion about purchasing radio infrastructure for public safety
  - c. Presentation and potential action on Out & About in Essex
  - d. Discussion about retail cannabis and update on first public forum
  - e. Discussion of Essex Rescue funding request for fiscal year 2023
  - f. Discussion and possible action on Town of Essex payment to Village of Essex Junction for hire of Finance Director
  - g. Discussion about Tree Farm Business Plan and New Agreements
  - h. \*\*\*Discussion and possible action about contracts
6. **CONSENT AGENDA**
  - a. Approve minutes: November 22, 2021 – (Trustees only)
7. **READING FILE**
  - a. Board member comments
  - b. Questions & Answers about Town of Essex Rule Requiring Face Coverings Indoors in Public Spaces
  - c. Upcoming meeting schedule
8. **EXECUTIVE SESSION**
  - a. \*An executive session may be needed to discuss negotiation of contracts and agreements between the Town of Essex and Village/City of Essex Junction
  - b. \*\*An executive session may be needed to discuss security or emergency response measures, the disclosure of which could jeopardize public safety
  - c. \*\*\*An executive session is anticipated to discuss contracts
9. **ADJOURN**

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Certification: 12/10/2021

## SELECTBOARD & TRUSTEES

### TOWN OF ESSEX SELECTBOARD VILLAGE OF ESSEX JUNCTION TRUSTEES JOINT MEETING MINUTES MONDAY, DECEMBER 13, 2021

**SELECTBOARD:** Andy Watts, Chair; Sue Cook; Tracey Delphia; Dawn Hill-Fleury; Patrick Murray

**TRUSTEES:** Andrew Brown, President; Raj Chawla; Dan Kerin; Amber Thibeault

**ADMINISTRATION and STAFF:** Evan Teich, Unified Manager; Courtney Bushey, Interim Finance Director; Charlie Cole, Fire Chief; Greg Duggan, Deputy Manager; Bill Ellis, Town Attorney; Ron Hoague, Police Chief; Marguerite Ladd, Assistant Manager; Brad Luck, Essex Junction Recreation & Parks Director; Robin Pierce, Essex Junction Community Development Director; Tom Richards, Assistant Fire Chief; Alex Caron, Dispatcher

**OTHERS PRESENT:** Bob Burrows, Kevin Collins, Annie Cooper, Erin Dickinson, Essex ReTorter, Maureen Gillard, Deb McAdoo, Ken Signorello, Brian Shelden, Harlan Smith, Margaret Smith, Irene Wrenner, R M

#### **1. CALL TO ORDER**

Mr. Watts called the Town of Essex Selectboard to order for the joint meeting with the Village of Essex Junction Board of Trustees at 6:30 PM.

Mr. Brown called the Village of Essex Junction Board of Trustees to order for the joint meeting with the Essex Selectboard at 6:30 PM.

#### **2. AGENDA ADDITIONS/CHANGES**

Mr. Duggan requested to remove item 5g, "Discussion about Tree Farm Business Plan and New Agreements."

#### **3. APPROVE AGENDA**

**DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to amend the agenda to remove item 5g, "Discussion about Tree Farm Business Plan and New Agreements." The motion passed 5-0.**

**DAN KERIN made a motion, seconded by RAJ CHAWLA, to approve the agenda as amended. The motion passed 4-0.**

#### **4. PUBLIC TO BE HEARD**

Mr. Smith encouraged voting to be able to be done via electronic means for service members, as the current method makes it difficult to have their votes counted.

#### **5. BUSINESS ITEMS**

**a. Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction**

Mr. Brown said he hopes to approve specific agreements as they are discussed. Regarding the Memorandum of Understanding (MOU), Mr. Brown said the Shared Financial Services agreement has changed to a Clerk/Treasurer's Agreement due to recent staff changes. Mr.

Luck clarified that there is a need to create a Financial Services Agreement right now, and that it is no longer relevant to the MOU. The boards discussed the timing of separating the Clerk/Treasurer's office, and when the City would formally establish its own Clerk/Treasurer services. Public input was requested, and none was given.

**SUE COOK made a motion, seconded by TRACEY DELPHIA, that the Selectboard approve the tentative agreement for the Memorandum of Understanding. A friendly amendment was offered by TRACEY DELPHIA, and accepted by SUE COOK, that this approval includes the changes that were included in tonight's packet. Motion passed 5-0.**

**RAJ CHAWLA made a motion, seconded by DAN KERIN, to approve the tentative Memorandum of Understanding, including the changes listed in tonight's packet. Motion passed 4-0.**

Regarding the Delinquent Tax Agreement, Mr. Watts clarified that the Town would hold delinquencies for all taxes they collect, and the Village would do the same for the taxes that they collect. This agreement no longer details on-time tax collection. Mr. Watts asked for public input, none was given.

**SUE COOK made a motion, seconded by PATRICK MURRAY, that the Selectboard approve the Delinquent Tax Agreement as currently amended. Motion passed 5-0.**

**RAJ CHAWLA made a motion, seconded by DAN KERIN, to approve the Delinquent Tax Agreement as currently amended. Motion passed 4-0.**

Regarding the IT Agreement, Ms. Delphia requested that language regarding the City IT consultants, as well as City employees, not violating state or federal law be added into the document. Mr. Chawla said that this would be addressed in the City's agreement with their consultant, Ms. Cook countered that this agreement has not been developed yet. Mr. Watts requested public comment, and Mr. Smith said that he believes that liability for a City contractor would fall on the City.

**TRACEY DELPHIA made a motion, seconded by DAWN HILL FLEURY, that the Selectboard approve the Information Technology Agreement as presented in the packet, with the change to the sentence, "In the process of migration, the City shall not violate any state or federal regulations regarding protected data," to "In the process of migration, the City or it's contractor shall not violate any state or federal regulations regarding protected data. Motion passed 5-0.**

**RAJ CHAWLA made a motion, seconded by DAN KERIN, that the Trustees approve the Information Technology Agreement as presented in the packet, with the change to the sentence, "In the process of migration, the City shall not violate any state or federal regulations regarding protected data," to "In the process of migration, the City or it's contractor shall not violate any state or federal regulations regarding protected data. Motion passed 4-0.**

Regarding the Police Services Agreement, neither board, nor the public had any comment.

98 **DAWN HILL-FLEURY made a motion, seconded by SUE COOK, that the Selectboard**  
99 **approve the police services agreement as presented in the packet. Motion passed 5-0.**

100  
101 **DAN KERIN made a motion, seconded by RAJ CHAWLA, that the Trustees approve the**  
102 **Police Services Agreement as presented in the packet. Motion passed 4-0.**

103  
104 Regarding the Reappraisal and Assessor Services agreement, the boards discussed allocation  
105 of justices of the peace, addressed inconsistencies and clarified language throughout the  
106 document, and clarified the timing in the agreement in relation to potential appeals. Public input  
107 was requested, none was given.

108  
109 **SUE COOK made a motion, seconded by TRACEY DELPHIA, that the Selectboard approve**  
110 **the reappraisal and assessor services agreement with the amendments as represented in**  
111 **the document, and additional amendments to include, in Section 9, “upcoming**  
112 **reappraisal is completed, as defined when the change of real estate values are sent to**  
113 **property owners” and also in Section 9 “to replace this agreement with shared assessor**  
114 **services.” SUE COOK amended the motion to include renumbering the agreement.**  
115 **Motion passed 5-0.**

116  
117 **RAJ CHAWLA made a motion, seconded by DAN KERIN, that the Trustees approve the**  
118 **Reappraisal and Assessor Services Agreement with the amendments as represented in**  
119 **the document, and additional amendments to include, in Section 9, “upcoming**  
120 **reappraisal is completed, as defined when the change of real estate values are sent to**  
121 **property owners” and also in Section 9 “to replace this agreement with shared assessor**  
122 **services,” and renumber the agreement. Motion passed 4-0.**

123  
124 Regarding the Right of First Refusal, neither the boards nor the public had any comment.

125  
126 **DAWN HILL-FLEURY made a motion, seconded by SUE COOK, that the Selectboard**  
127 **accept the Right of First Refusal Agreement as presented in this evening’s document.**  
128 **Motion passed 5-0.**

129  
130 **RAJ CHALWA made a motion, seconded by DAN KERIN, that the Trustees accept the**  
131 **Right of First Refusal Agreement as presented in this evening’s document. Motion**  
132 **passed 4-0.**

133  
134 Regarding the Stormwater Agreement, Mr. Watts said that existing projects will be completed  
135 jointly, and beyond that projects will be done separately. Ms. Delphia suggested that these  
136 projects be listed out, the majority of the Selectboard agreed. Mr. Brown requested that this  
137 document be approved with the caveat that a list of projects be included, and Mr. Ellis confirmed  
138 that this is a reasonable request. The Selectboard discussed whether or not to approve the  
139 agreement without seeing the list of projects. In public comment, Ms. McAdoo said the  
140 Selectboard is dragging their heels, and not doing what is best for the people that they  
141 represent. Ms. Cooper encouraged the Selectboard to move forward in this process. Mr. Brown  
142 encouraged the Selectboard to move forward, and reminded them that these are tentative  
143 agreements.

DAWN HILL-FLEURY made a motion to table this discussion until the next Selectboard meeting. No second, motion failed.

TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard approve the Stormwater Agreement as presented, with the following change: Add in #5, which states, "This agreement may be amended or modified by mutual written agreement of the parties," and add in the following items: "and subject to receipt and approval of the currently approved project list." Motion passed 5-0.

DAN KERIN made a motion, seconded by RAJ CHAWLA, that the Trustees approve the Stormwater Agreement as presented, with the following change: Add in #5, which states, "This agreement may be amended or modified by mutual written agreement of the parties," and add in the following items: "And subject to receipt and approval of the currently approved project list." Motion passed 4-0.

DAWN HILL-FLEURY made a motion, seconded by SUE COOK, to amend the agenda to postpone the review of Brad Luck's letter and move on to the presentation of the public safety radio system. Motion passed 5-0.

RAJ CHAWLA made a motion, seconded by DAN KERIN, to amend the agenda to postpone the review of Brad Luck's letter and move on to the presentation of the public safety radio system. Motion passed 4-0.

#### **b. Discussion about purchasing radio infrastructure for public safety**

Town Police and Fire staff members gave an overview of the radio infrastructure that the Town and Village use, which is a receiver and microwave system that utilizes portable radios. This is a life safety tool and essential for public safety. Funding for replacement costs, including capital funding and grants, were discussed. The use of radio infrastructure by Public Works was discussed, as well as the dispatch services the Essex Police Department provides to other communities and if they should be compensated for doing so in the future.

#### **a. Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction**

Mr. Luck discussed a memo regarding current operations of Clerk/Treasurer and Finance, the possibility of continuing shared boards and commissions, and shared access to recreational services. The boards indicated approval with sharing indirect costs, as well as having both Finance Departments housed at 81 Main Street for a period. The boards indicated an interest in exploring the possibility of sharing the Essex BEST Committee, Committee on Equity for Essex, the Economic Development Commission, and the Housing Commission. This idea will be brought back to the boards and commissions for further review. The boards discussed collaboration in recreation services, including childcare, Indian Brook, and the pools. Mr. Luck clarified that Essex Junction Recreation and Parks will continue to provide afterschool and break childcare for students in the Essex Westford School District independent from this agreement. The boards expressed support for continuing to share the cost of senior services until at least 2025. In public comment, Ms. Wrenner said the Essex Energy Committee is meeting in two days and asked if members should discuss if they should collaborate with the Village in the future. Mr. Watts answered affirmatively. She also said that some Village residents may want to

have access to Town recreation programs and asked why the Village was going to have access to Indian Brook without financial remuneration.

**c. Presentation and potential action on Out & About in Essex**

Ms. Cooper said the second annual Out & About event was held the first weekend in October. Thirty-one businesses participated, 30 performers performed, several municipal departments and boards/committees volunteered, and over \$11,000 in vouchers were paid out. The boards thanked Ms. Cooper and the committee for their hard work.

**d. Discussion about retail cannabis and update on first public forum**

Mr. Pierce said additional public forums will be held on the issue, and that a requirement to keep cannabis sales a certain distance from schools are being considered. A vote will need to occur for municipalities to opt-in to cannabis sales, and additional public engagement will occur prior to this.

**e. Discussion of Essex Rescue funding request for fiscal year 2023**

Mr. Duggan said Essex Rescue has requested a large increase for the next fiscal, from a per capita rate of \$3.87 to \$10.91. This was done via a request to the Selectboard, however it will affect the Village via their taxes paid to the Town.

**f. Discussion and possible action on Town of Essex payment to Village of Essex Junction for hire of Finance Director**

Mr. Duggan said that the Finance Department is splitting into two departments, one for the Town and one for the Village. The Village is advertising for a Finance Director, and Courtney Bushey, former Assistant Finance Director, is the Interim Finance Director for the Town. The Village Trustees have requested \$60,000 to represent approximately six months salary for the Finance Director. Mr. Brown clarified that this is a request for funding back, as the Village has paid for services that they did not receive. The Boards debated this point, and staff will check the numbers and discuss this further at a future meeting.

~~**g. Discussion about Tree Farm Business Plan and New Agreements**~~

**h. Discussion and possible action about contracts**

This was discussed during executive session.

**6. CONSENT AGENDA**

**AMBER THIBEAULT** made a motion, seconded by **ANDREW BROWN**, to approve the Consent Agenda. The motion passed 4-0.

**a. Approve minutes: November 22, 2021 – (Trustees only)**

**7. READING FILE**

**a. Board member comments:** Mr. Watts requested that staff schedule future joint meetings into 2022.

**b. Questions & Answers about Town of Essex Rule Requiring Face Coverings Indoors in Public Spaces**

**c. Upcoming meeting schedule**

**8. EXECUTIVE SESSION**

~~a. An executive session may be needed to discuss negotiation of contracts and agreements between the Town of Essex and Village/City of Essex Junction~~

~~b. An executive session may be needed to discuss security or emergency response measures, the disclosure of which could jeopardize public safety~~

c. An executive session is anticipated to discuss contracts

SUE COOK made a motion, seconded by TRACEY DELPHIA, that the Selectboard make the specific finding that general public knowledge of contract negotiations with an employee would place the Town at a substantial disadvantage. The motion passed 5-0.

SUE COOK made a motion, seconded by TRACEY DELPHIA, that the Selectboard enter into executive session to discuss contract negotiations with an employee, pursuant to 1 V.S.A. § 313(a)(1)(A) to include the Trustees. The motion passed 5-0.

ANDREW BROWN made a motion, seconded by AMBER THIBEAULT, that the Trustees make the specific finding that general public knowledge of contract negotiations with an employee would place the Village at a substantial disadvantage. The motion passed 4-0.

ANDREW BROWN made a motion, seconded by DAN KERIN, that the Trustees enter into executive session to discuss contract negotiations with an employee, pursuant to 1 V.S.A. § 313(a)(1)(A) to include the Selectboard. The motion passed 4-0.

DAWN HILL-FLEURY made a motion, seconded by SUE COOK, for the Selectboard to exit executive session. Motion passed 5-0 at 10:57 PM.

ANDREW BROWN made a motion, seconded by DAN KERIN, for the Trustees to exit executive session. Motion passed 4-0 at 11 PM.

**9. ADJOURN**

DAWN HILL-FLEURY made a motion, seconded by SUE COOK, for the Selectboard to adjourn. Motion passed 5-0 at 11:03 PM.

ANDREW BROWN made a motion, seconded by DAN KERIN, for the Trustees to adjourn. Motion passed 4-0 at 11:05 PM.

Respectfully Submitted,  
Darby Mayville  
Recording Secretary

Approved this 20th day of December, 2021  
(See minutes of this day for corrections, if any)

  
Tracey Delphia, Clerk, Selectboard