Town of Essex Selectboard
Draft Regular Meeting Minutes
Monday September 15, 2025

Selectboard Members at the Meeting: Tracey Delphia – Chair, Kendall Chamberlin – Vice Chair, Shannon Jackson – Clerk, Ethan Lawrence, Andy Watts.

Administration and Staff: Greg Duggan – Essex Town Manager, Karen Adams – Deputy Town Manager, Tammy Getchell – Assistant to the Manager, Cathy Conrad – Human Resources Director, Aaron Martin – Public Works Director, Annie Costandi – Water Quality Director, Karen Lemnah – Assessor.

Others Present at Meeting – Anna Von Gal, Anne Miller, Brian Bigelow, Irene Wrenner, Joe Duncan, Ken Signorello, Lois Whitmore, Peter Bero, Reed Von Gal, Sally Conart, Sally Fleury, Scott Yeager.

Others Present on Zoom – Abby Matchette - Burlington Friends, Anna Brouillette, Cheryl Van Epps, Dawn Hill-Fleury, Elizabeth Dunn, Gina Halpin Barrett, Irene Wrenner, Lorraine Zaloom, Margaret Smith, Sharon Zukowski, Brandy, AM.

1. **Call to Order**
   a. Ms. Delphia called to order the Essex Selectboard meeting for Monday, September 15, 2025, at 6:30 PM.
2. **Agenda Changes/Additions**
   a. Ethan Lawrence asked if we could pull the minutes and add them as a business item.
   b. Ethan Lawrence, seconded by Shannon Jackson made a motion to make the minutes a business item. Tracy Delphia proposed to move the minutes to business item 6.c. Motion passed 5-0.
3. **Approval of Agenda**
   a. Ethan Lawrence, seconded by Shannon Jackson, made a motion to approve the agenda as amended. Motion passed 5-0.
4. **Public To Be Heard**
   a. Comments from the public on Consent Items and Items not on the agenda.
   b. Sally Flurry of 85 Flurry Rd thanked the Selectboard, Staff, and Public Works for the crosswalks. Lorraine Zaloom of 74 Center Rd, ditto to Sally Flurry comment. Has a question about 2025, technology, and minutes and are we going to move to a full and searchable transcription with a summary and a link to them. She is concerned about minutes being reduced using the present format.
5. **Consent Items**
   ~~a. Approve minutes: August 18, 2025~~ (moved to business item 6.c.)
   b. Approve check warrants: #_18290- 8/14/25; #_ 18291- 8/22/25 #18292 - 08/29/25 # 18293 - 09/05/25
   c. Consider approval of Amendment No. 1 to Highway Garage Salt Shed Design Contract

- **d. Andy Watts, seconded by Shannon Jackson, made a motion to approve the Consent Items as amended. Motion passed 5-0.**

6. <u>Business Items</u>

- a. * Interview and possible appointment of a volunteer to serve on the Housing Commission - Lois Whitmore
  - i. Lois Whitmore spoke about herself and why she is interested in the Housing Commission. She spoke about an increase in traffic and unaddressed speeding and her background as a university teacher. She has experience in engineering and writing technical reports. She spoke about adding universal design to our housing concepts and creating housing surveys. The board members asked her questions regarding her application and experience.
  - **ii. Ethan Lawrence made a motion seconded Shannon by Jackson to appoint Lois Whitmore to the Housing Commission for the term that expires June 30, 2028. Motion passed 5-0.**
- b. *Interview and possible appointment of a volunteer to serve on the Economic Development Committee - Anne Miller
  - i. Anne Miller spoke about her tenure in Essex and her background in new products and business development. Collecting data and customer information and translating that into something. She quotes, philosophically, that if you are not part of the solution, you are part of the problem as a driving factor to help the committee. This can be accomplished in some ways by outreach. She has been an active attendee in the farmer market, attends meetings, and questions vendors and businesses on how they think they can grow. She feels she can help Essex grow and retain business. The board members asked her questions about her prior experience and her ideas on the town plan and why this committee.
  - **ii. Ethan Lawrence made a motion seconded by Shannon Jackson to appoint Anne Miller to the Economic Development Commission for the term that would run through June 30th, 2028. Motion passed 4-1. Kendall Chamberlain Nay.**
- **c.** Approve minutes from August 18, 2025.
  - **i.** Ethan Lawrence has a procedural question and is concerned that the minutes are not capturing the full extent of the conversation. Some conversations seem to have more information in them depending on the night or conversation and some things seem to be summarized more but do not truly reflect the words that were said. Do I need to transcribe the minutes and bring the changes forward? Or is there a way to have the minutes reviewed and looked at without me having to do it. Tracy Delphia said that typically, board members would bring corrections and then ask the staff to take a listen on any discrepancies. Shannon Jackson said that we have people that do the minutes offline and what are the procedural criteria as to what level of detail we want. Greg Duggan reviewed what requirements that Vermont law has for minutes. It is basic information that is required. The guidance he gives to the minute takers is to go above and beyond the bare minimum that

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statute requires and try to capture the gist of the meeting, of each business item. The minutes are not meant to be a transcript. We do have videos that are available and posted. Kendall Chamberlain suggested it would be helpful if all minutes had a link to the video. Greg Duggan thinks this might be possible to do. Andy Watts said that the Charter requires them to approve minutes at the very next meeting. Tracy Delphia agreed with Andy Watts comment. Also, we could approve and then amend it at a later meeting.

ii. Public comment. Sharon Zukowski does not agree with the minimum standard set by the state for minutes. This should not be our goal. Minutes are easier to read than to search a video. Minutes should have more detail. Lorraine Zaloom thinks we should have transcriptions through AI from the video that is also summarized. It is hard to get intent from video, and we need searchability. Betsy Dunn does not get why you cannot have a vote. She cited quorum rules as a precedent for this. Logan Skinner of Town Meeting TV said there should be clickable agenda titles to move through the video faster to find a specific conversation.

iii. Andy Watts made a motion seconded by Kendall Chamberlain to approve the minutes of August 18, 2025. Ethan Lawrence said that on line 76 there was an answer to a question, but no question. Tracy Delphia suggested that in due diligence we could table the motion to the next meeting. Shannon Jackson agrees with the Tracy Delphia suggestion with the addition that we could put time stamps in the recording. Shannon Jackson made a motion seconded by Ethan Lawrence to table the motion to approve the minutes from August 18, 2025. Motion passed 4-1. Andy Watts Nay.

d. Discussion and potential action on well waiver requests and Chapter 10: Water Use Ordinance.

i. Tracy Delphia reviewed previous discussion and that at the last meeting there was a 2-2 vote. The motion was not granted and the waiver failed. Our options are to reconsider the motion if the board is willing, but the only members that can move to do this are members who voted yea previously. New information would be present or a changed situation as well. Greg Duggan said the staff as no additional new information. Reed Von Gal in the audience has some new and relevant information he would like to present. Staff have no information that would make them reconsider at this time.

ii. Reed Von Gal introduced additional new information. He felt that his character was assassinated at the last meeting and that he met the requirements. The new information is that Greg Duggan, Public Works, and Kendall Chamberlain felt that Reed Von Gal would likely co-mingle and illegally tamper with the plumbing. Additionally, Reed Von Gal transcribed the previous minutes, but he did get an official quotation from an engineering construction company for putting in a new water line. The quotation was $22,500 plus wetland delineation, plus any engineering drawing required by public works with the final estimate being $25,000 and he has that documentation here now. He also talked to Bowman Consulting

Engineers. They said that co-mingling is a non-issue and that we are aware of back flow prevention that would prevent his water from entering the public water system if done in a proper way. He also mentioned that Greg Duggan contacted him and said that Public Works had new information as well and perhaps they would be available to discuss that.

iii. Greg Duggan said he could speak to the new Public Works information. Based on other brainstorming conversations, it was thought that Public Works might have something new to present, but they do not. Shannon Jackson referenced Roberts' Rules of Order on running meetings and preserving decency. There is not a prevailing side to a 2-2 vote. This is not a black and white case, and the decent thing is to reopen and get a full vote.

iv. Shannon Jackson seconded by Ethan Lawrence made a motion of suspension of the rules for reconsideration.

v. Tracy Delphia said about the prevailing side, a tied vote means it failed. Therefore, anyone who voted against the motion is on that prevailing side. She has no interest in overriding the vote due to all five members not being present for the vote. She does not want this approached as an individual issue and view it from a community wide perspective. Ethan Lawrence asked how long does this relevant case have to wait for a decision or resolution? As there is no existing timeline. Tracy Delphia said that Public Works is already looking at the ordinance to identify where the pain points are to solidify that with a vote this evening. This should be a community focused decision in order to move forward.

vi. Tracy Delphia asked the Selectboard if they would like to officially ask staff to come back with proposed ordinance changes in order to move forward with a standardized and streamlined repeatable approach. Ethan Lawrence called a point of order because Shannon Jackson called for suspension of the rules which I seconded which was ignored and then there also an appeal to the ruling of the chair which was also ignored. Andy Watts said in our orderly conduct of business, only the chair can ask for a motion. So if the chair has not asked for a motion, I don't think we can make one. Tracy Delphia said our orderly conduct of business comes before Roberts Rules of Order. Andy Watts upon looking up the section corrected himself and said that only the chair can call for a vote, not for a motion. So you can make a motion.

vii. Shannon Jackson seconded by Ethan Lawrence made a motion that Roberts Rules about the prevailing side be suspended so that anyone on the board can bring this topic back and forth. Tracy Delphia said she will not call for a vote on that motion.

viii. Andy Watts seconded by Ethan Lawrence made a motion to reconsider. Motion failed 2-3. Tracy Delphia, Andy Watts, Kendall Chamberlain Nay.

ix. Tracy Delphia seconded by Andy Watts made a motion to ask staff to identify and investigate any amendments to chapter 10, the water use ordinance, would be appropriate to come back to us at a future time. Kendall Chamberlain discussed that he would like all the amendments that

do not approve that do include criteria for approval of a well in the water district. He would like other options than a well. Make it clear that staff will look for those options as well. Shannon Jackson said the ordinance as it reads right now says there is an opportunity for the Selectboard to approve a waiver, but there are no criteria for that. I think it is necessary that a situation be outlined in which a well that doesn't touch the water source could have been approved. Motion passed 5-0.

e. Consider first approval of Handbook for Boards, Committees and Commissions and their Staff Representatives.

   i. Tammy Getchell went over various discussion dates and noted that there were subsequent changes and that everyone has seen this and tonight is the continued draft with marked changes to open meeting law and other wordings. Tammy Getchell collected the meeting comments and written comments (in the packet) for additional proposals to the handbook. Does the Selectboard have any additional questions?

   ii. Shannon Jackson suggested that on page 12 changing staff should to staff shall and to put time stamps on minutes for ease in finding things in the video. Andy Watts asked if all meetings need to be recorded. Tammy Getchell responded it depends on if it is a non-advisory or an advisory board. We keep the video per normal retention guidelines. Tracy Delphia suggested we try timestamps before we put it in the handbook.

   iii. Ken Signorello went over several issues. One not all committees have discussed this in committee yet. This is important. Open meeting law highlights item A. 1. The town of Essex requires. Why is this Town of Essex if the subject is open meeting law. Also, to say All are required and then say there are exceptions is a strange juxtaposition. Section 4. Vi. Staff representatives – Staff has limited time to support but section A lists a long list of duties and the committee should take on more of this. Agendas should be the responsibility of the chair and not involve staff and various other subjects that he felt should be changed. The Selectboard and Staff did acknowledge and respond to some of his points.

   iv. Anna Brouillette spoke that her concern is about the process of bringing this to the committees to review and not having enough time and there might be some gaps in communication. Sharon Zukowski felt that the timeline was very rushed to get feedback in and not had time to discuss as a group.

   v. Ethan Lawrence asked how easy would it be to amend this in the future. Greg Duggan said it would be up to the Selectboard on the amendment process and what kind of change is being requested. Tammy pointed out that some changes are based on law and some on community feedback. Lois Whitmore said that no one is talking about the fact that staff are paid and volunteers are not so the respect for volunteer time, except when doing so, you are putting yourself out there to commit a certain amount of time and if a board needs a longer meeting then staff should assist with the extra time the board members want to contribute. Dawn Gill-Fleury mentioned that she has not

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seen a revised copy but we should make staff sign the document so we know they have read it.

vi. **Andy Watts seconded by Ethan Lawrence made a motion that the Selectboard make first approval of the handbook for boards, committees, commissions and their staff representatives to be finalized at a future date. Motion passed 4-1. Kendall Chamberlain Nay.**

f. Consider approval of updated Capital Budget for fiscal year 2026.

i. Karen Adams said that all our predictions of where the updated capital budget would land are spot on at right around $325,000. She is proposing some projects and purchases that this money might be put towards. The board discussed some of the items she went over. Greg Duggan said that the staff is just proposing a few different areas where this could be and where it could go. Andy Watts said he supports the staffs recommendations. Kendall feels that we are short in capital for items that we need that we can't fund now.

ii. **Andy Watts seconded by Shannon Jackson made a motion that the Selectboard adopt an updated fiscal year 2026 capital budget in the amount of $3,114,889 to support the projects described in the attached memo. Motion passed 4-1. Ethan Lawrence Nay.**

g. Discussion about Selectboard budget goals for fiscal year 2027.

i. Greg Duggan said this is to recap what was discussed at the last meeting with the attached memo. Kendall Chamberlain said we have thrown out like two to three percent, but many places are looking at the rate of inflation plus 1% as an upper limit for budget increases.

h. Consider designating voting delegate for annual business meeting of Vermont League of Cities and Towns, VLCT Property and Casualty Intermunicipal Fund, and VLCT Employment Resources and Benefits Trust.

i. Andy Watts said he usually covers this meeting, but he has other commitments that day and is looking for coverage. This is a great learning experience for someone, and he will cover it if need be. Ethan Lawrence said he would cover the event on October 7th, 2025.

ii. **Andy Watts seconded by Shannon Jackson made a motion to designate Ethan Lawrence as our delegate to the VLCT annual meeting. Motion passed 5-0.**

i. ** Discussion on extension of shared service agreement with Essex Junction for Assessing Services.

j. *** Discussion about the negotiating or securing of real estate purchase or lease options.

k. **** Discussion about pending or probable civil litigation or a prosecution.

l. * Consider approval of bonus for Town Manager for achievement of fiscal year 2025 goals and objectives.

7. <u>Reading File</u>

a. a. Board member comments

i. Shannon Jackson wants to congratulate Tammy Getchell, the staff, Lorraine Zaloom, and others that were involved with planning the opioid dinner. It was excellent. Andy Watts is happy to see the community garden survey discussion and all the parks and recreation items. Tracy Delphia congratulates parks and recreation for the great work they have been doing. Ethan Lawrence wants to ditto all the comments by Andy Watts and give heartfelt thanks to public works for all they do. Also thank to staff as well. Kendall Chamberlain made a general note that he thinks that folk may take staff for granted but they are exemplary on a number of items that other towns are striving to reach. Thank you to everybody.

b. b. Upcoming meeting schedule
c. c. Letter of Commendation - Actions Prevent Greater Fire Damage
d. d. Community Gardens Survey
e. e. Essex Parks & Recreation Summer 2025
f. f. Recreation Needs Assessment Community Listening Sessions
g. g. Community Day: Saturday, September 20 at Foster Road Park
h. Upcoming meeting schedule

8. <u>Executive Session</u>

a. ** An executive session is anticipated to discuss contracts.
   - **i. Andy Watts, seconded by Shannon Jackson, made a motion that the Selectboard make the specific finding that general public knowledge of contracts would place the town at a substantial disadvantage. Motion passed 5-0.**
   - **ii. Andy Watts, seconded by Ethan Lawrence, made a motion that the Selectboard enter into executive session to discuss contracts pursuant to 1 V.S.A. § 313 (a)(1)(A) to include the Town Manager and the Deputy Town Manager and Town Assessor. Motion passed 5-0.**

b. *** An executive session is anticipated to discuss the negotiating or securing of real estate purchase or lease options.
   - **i. Shannon Jackson seconded by Ethan Lawrence, made a motion that the Selectboard enter into executive session to discuss the negotiating or securing of real estate purchase or lease options in accordance with 1 V.S.A. § 313 (a)(2) to include the Town Manager and the Deputy Town Manager. Motion passed 5-0**

c. **** An executive session is anticipated to discuss pending or probable civil litigation or a prosecution, to which the public body is or may be a party.
   - **i. Andy Watts seconded by Shannon Jackson made a motion that the specific finding that general public knowledge of pending or probable civil litigation to which the public body is or maybe a party would place the town at a substantial disadvantage. Motion passed 5-0.**
   - **ii. Andy Watts seconded by Ethan Lawrence, made a motion that the Selectboard enter into executive session to discuss pending or probable civil litigation to which the public body is or may be a party in accordance**

with 1 V.S.A. § 313 (a)(1)(e) to include the Town Manager and the Deputy Town Manager. Motion passed 5-0.

d. * Consider approval of bonus for Town Manager for achievement of fiscal year 2025 goals and objectives.

  i. Andy Watts seconded by Ethan Lawrence made the motion that the Selectboard enter into executive session to discuss contracts in the appointment or employment or evaluation of a public officer or employee pursuant to 1 V.S.A. § 313 (a)(3) to include the town manager. Motion passed 5-0.

e. **Ethan Lawrence made a motion, seconded by Shannon Jackson, to exit executive session. The motion passed 5-0 at 10:36 p.m.**

f. **Andy Watts made a motion, seconded by Ethan Lawrence, to extend a bonus to the Town Manager in the amount of $3,000. The motion passed 5-0.**

9. <u>Adjourn</u>

a. **Shannon Jackson made a motion, seconded by Ethan Lawrence, to adjourn. The motion passed 5-0 at 10:40 p.m.**

Respectfully Submitted,
Kariella Tabone
Secretary

Approved this _______ day of ______________, 2025.
(see minutes of this day for corrections, if any)

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Signed by Name, Title

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