

**SELECTBOARD
(DRAFT)**

**TOWN OF ESSEX SELECTBOARD
DRAFT REGULAR MEETING MINUTES
TUESDAY, JANUARY 18, 2022**

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

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Courtney Bushey, Finance Director; Greg Duggan, Deputy Manager; Dennis Lutz, Public Works Director

OTHERS PRESENT: Brian Armstrong, Natalee Braun, Andrew Brown, Marcus Certa, Raj Chawla, Kevin Collins, Annie Cooper, Bella D., Karen Dolan, Yves Dubief, Erin Dickinson, Betsy Dunn, Kathy Flynn, Mariah Flynn Sanderson, Christine Gaynor-Patterson, Maureen Gillard, Gina Halpin Barrett, Tamara Jacques, Irene Keithcart, Darrell Langworthy, Rachael Lizotte, Resa M., Meredith Mann, Deb McAdoo, Timothy Miller, Karen Moino, Greg Morgan, Nathan O'Connor, Mary Post, Shaun Robinson, Brian Shelden, Ken Signorello, David Skopin, Gabrielle Smith, Gillian Smith, Margaret Smith, Mike Spaeder, Liz Subin, Dennis Thibeault, Michael Thorne, Kemener Whalen, Irene Wrenner, TJ Yandow, Lorraine Zaloom, Sharon Zukowski, Bob, Cathleen, Deb, Joe

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 an Executive Session addition to discuss and potentially take action on a contract. Mr. Watts requested that the minutes from December 20th be removed from the consent agenda, and Ms. Delphia made the same request of the minutes from January 3rd.

3. APPROVE AGENDA

DAWN HILL-FLEURY made a motion, seconded by **TRACEY DELPHIA**, to amend the agenda to include item 6l, "Discuss and potentially take action on a contract," 6m, "Approve minutes: December 20, 2021" and 6n, "Approve minutes: January 3, 2022." The motion passed 4-0.

4. PUBLIC TO BE HEARD

Ms. Post questioned Mr. Watts's comment at a previous meeting regarding it being "malicious" for Town outside the Village residents to vote regarding separation. Mr. Watts said that warning a vote could be seen as an attempt to thwart separation. Ms. Cooper reminded the Board that the Town outside the Village is not a separate municipal entity.

5. PUBLIC HEARING

a. Public hearing on proposed fiscal year 2023 capital budget and five-year plan

DAWN HILL-FLEURY made a motion, seconded by **PATRICK MURRAY**, to open the public hearing. The motion passed 4-0.

Mr. Lutz said that the Capital budget is \$2,840,296. He discussed some of the future capital needs in the next 3-5 years including library maintenance, water tower repairs, improvements at the public works facilities, and the potential for new spaces for the Recreation and Fire Departments. Mr. Watts requested public comment, and Ms. Gabrielle Smith asked why the Capital Plan funds projects primarily in the Town outside the Village. Mr. Lutz highlighted

50 improvements that would benefit the entirety of Essex, such as the police facility, Memorial Hall
51 and ash tree removal. Approximately \$100,000 is being prioritized inside the Village and the rest
52 is intended for projects that benefit all of Essex. Ms. Cooper expressed concern about Village
53 property owners funding an unfair portion of capital projects outside the Village. Ms. Davis asked
54 if grant funding determines how and where money is spent; Mr. Lutz said this is generally not the
55 case.

56
57 **DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to close the public**
58 **hearing. The motion passed 4-0.**

59
60 **6. BUSINESS ITEMS**

61 **a. Consider adoption of fiscal year 2023 capital budget and five-year plan**

62
63 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to approve the**
64 **fiscal year 2023 capital budget and five-year plan. The motion passed 4-0.**

65
66 **b. Interview and potential appointment to Economic Development Commission: Ken**
67 **Signorello**

68 Mr. Signorello said he has been a business owner since 1981, and currently operates the
69 Darkroom Gallery in Essex Junction. Ms. Hill-Fleury asked Mr. Signorello if he feels there is a
70 conflict of interest between serving on the EDC and his reporting for the Essex ReTorter. Mr.
71 Signorello said that he does not own the Essex ReTorter, and if he is able to serve on a
72 committee, he will have less time to write articles. Ms. Delphia asked Mr. Signorello his opinions
73 on the top priorities for the EDC. He said additional meetings, focus on agricultural businesses,
74 and the creation of a business database. Mr. Watts asked if Mr. Signorello was interested in
75 serving on the Conservation and Trails Committee, for which he had interviewed at the previous
76 Selectboard meeting, and the EDC, and he answered affirmatively.

77
78 **c. Consider 30-day extension of Town of Essex Rule Requiring Wearing Face Coverings**
79 **Indoors in Public Spaces**

80 Mr. Duggan said the current face covering rule will expire on January 21, and the Board is able
81 to extend this by 30-day intervals until the end of April. Mr. Watts said that he had receiving
82 many e-mails in favor of extending this regulation. In public comment, Mr. Certa, President of the
83 Essex Players, asked if masks would be required for their performers. Mr. Watts said that an
84 additional discussion needs to occur regarding this. Mr. Langworthy said that, as a business
85 owner, he has an issue with how quickly this decision was made and the burden that this put on
86 local business owners. He said that he has seen a loss of business due to boycotts. Mr. Chawla
87 asked the Board to spend some time thinking about the ramifications before deciding on the
88 Essex Player's request. Ms. Cooper, Ms. Gaynor-Patterson, Ms. Smith, Mr. Dubief, and Mr.
89 O'Connor expressed support. Mr. Sheldon and Ms. Zukowski expressed support for
90 enforcement measures for the mandate. The Board expressed support for continuing the
91 mandate, however decided against adding penalties for non-compliance.

92
93 **DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to extend the**
94 **mask mandate by 30 days, as originally stated. Motion passed 4-0. Friendly amendment**
95 **by GREG DUGGAN to state that the mandate will be extended to February 20th. Motion**
96 **passed 4-0.**

97

98 **d. Consider approval of statement in regards to Village of Essex Junction separation from**
99 **Town of Essex**

100 Mr. Watts said he intends to present this statement when the legislature considers separation.
101 Mr. Murray said he does not believe that the Board should take a position on this issue and said
102 there was some language that could be seen as biased in this document. Ms. Hill-Fleury said
103 she agrees that there is no need for the Board to make any type of further statement, as they
104 have already stated that they will not prevent the Village from becoming independent. The Board
105 discussed the wording present regarding voting totals in bullet number two. In public comment,
106 Mr. Brown thanked the Selectboard for thinking this over, and encouraged the Board to abandon
107 this statement, as their only statement needs to be that they do not oppose separation.

108
109 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the**
110 **Selectboard approve a statement in regards to the separation of the Village of Essex**
111 **Junction from the Town of Essex, removing “as proposed” from bullet number two.**
112 **Motion failed 2-2, with ANDY WATTS and PATRICK MURRAY dissenting.**

113
114 **e. Consider request from Conservation and Trails Committee to increase membership to**
115 **nine seats**

116 Mr. Spaeder said he is Vice Chair of the Conservation and Trails Committee (CTC), and that the
117 CTC is requesting that their charter be changed to increase the number of members from seven
118 to nine. Mr. Murray questioned the need for a larger board. Ms. Delphia and Ms. Hill-Fleury
119 expressed support for increasing membership. In public comment, Ms. Dunn, Ms. Wrenner and
120 Ms. Post expressed support for increasing the membership of the CTC. Ms. Cooper expressed
121 concern that one of the candidates may not have public interest at heart.

122
123 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to approve the**
124 **request of the Conservation and Trails Committee to increase their membership to nine.**
125 **Motion passed 3-1, with PATRICK MURRAY dissenting.**

126
127 **f. Consider authorizing Unified Manager to sign letter in support of Unified Planning Work**
128 **Program requests**

129 Mr. Lutz said the Town hopes to submit a request for funding for of three projects: televising of
130 storm pipes, assistance in conducting traffic counts, and assistance in performing road
131 evaluations.

132
133 **DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to authorize the**
134 **Unified Manager to sign a letter in support of the Unified Planning Work Program**
135 **requests. Motion passed 4-0.**

136
137 **g. Discussion and potential action about including retail cannabis opt-in vote on Town**
138 **Meeting ballot**

139 Mr. Watts said a petition was turned into the Selectboard requesting a retail cannabis opt-in
140 vote, however, approximately 250 of the signatures were not valid. He also said the Board had
141 asked the petitioner to wait on submitting a petition last fall so that the ballot item could be
142 placed voted on during Town Meeting instead of at a special election. Ms. Hill-Fleury
143 encouraged the Board to put this on the ballot so that they can continue discussions on the
144 possibility of cannabis in the community. Mr. Murray said the petitioner could easily get more
145 signatures, and that the Selectboard should put it on the ballot now rather than have a special

146 election. In public comment, Mr. Chawla encouraged the Board to push off this vote to the
147 November elections, consider a local option tax to go along with it, and questioned the Board's
148 understanding of the implications of this vote. Ms. Dunn, Ms. Mann, Mr. Armstrong, Mr. Whalen,
149 and Ms. Zaloom expressed support for adding the vote to the Town meeting ballot. Ms. Flynn
150 Sanderson and Ms. Moino spoke against doing such. Ms. Wrenner encouraged the Board to
151 warn this vote for April to allow for additional educational opportunities for the community.

152
153 **DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to approve putting**
154 **the opt-in/opt-out question of retail cannabis on the Town Meeting Ballot, and to have**
155 **staff direct the wording of said vote. Motion passed 4-0.**

156
157 **h. Discussion and potential action on tentative agreements about shared services**
158 **between Town of Essex and independent City of Essex Junction**

159 This was discussed during executive session.

160

161 **i. Discussion and possible action about Town Meeting process and ballots**

162 Mr. Duggan said the governor authorized towns to complete Town Meeting business by
163 Australian ballot and can add all questions to the ballot. An informational meeting will be held via
164 Zoom on February 28.

165

166 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the**
167 **Selectboard vote to move all articles to Australian ballot. Motion passed 4-0.**

168

169 **j. Discuss and assign Selectboard outreach efforts for Town Meeting**

170 The Selectboard will hold informal listening session on the budget with two members present in
171 each. Mr. Watts and Mr. Duggan will make a presentation on the budget for public television.

172

173 **k. *Consider appointment to Conservation and Trails Committee: Erin De Vries, Stephen**
174 **Dowd, Ken Signorello**

175 This was discussed during executive session.

176

177 **l. Discuss and potential action on a contract**

178 This was discussed during executive session.

179

180 **m. Approve minutes: December 20, 2021**

181 Mr. Watts asked that the word "daily" be removed from line 176.

182

183 **n. Approve minutes: January 3, 2022**

184 Ms. Delphia said that Mr. Brown's statement on setting local option tax on utilities in the January
185 3, 2021 minutes is incorrect.

186

187 **ANDY WATTS made a motion, seconded PATRICK MURRAY, to approve the December**
188 **20, 2021 minutes as amended and the January 3, 2021 minutes as written. Motion passed**
189 **4-0.**

190

191 **7. CONSENT AGENDA**

192 **TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, to approve the**
193 **Consent Agenda. The motion passed 4-0.**

- 194 ~~a. Approve minutes: December 20, 2021; January 3, 2022~~
195 ~~b. Check warrants: #17938--1/7/2022; #17941--1/14/2022~~

196
197 **8. READING FILE**

- 198 **a. Board member comments:** Mr. Murray thanked Public Works staff for their hard work during
199 recent storms.
200 **b. Memo from Marguerite Ladd re: Update on American Rescue Plan Act funding**
201 **c. Memo from Greg Duggan re: Meeting remotely in response to increase in covid cases**
202 **d. Memo from Dennis Lutz re: Status of Winter Operations through 2 January 2022**
203 **(INFORMATION)**
204 **e. Upcoming meeting schedule**

205
206 **9. EXECUTIVE SESSION**

- 207 **a. An executive session is anticipated to discuss the appointment of public officials**

208
209 **PATRICK MURRAY made a motion, seconded by DAWN HILL-FLEURY, that the**
210 **Selectboard enter into executive session to discuss the proposed public official**
211 **appointment(s) in accordance with 1 V.S.A. Section 313 (a)(3) and to include the Deputy**
212 **Manager. Motion passed 4-0.**

- 213
214 **b. An executive session may be needed to discuss negotiation of contracts and**
215 **agreements between the Town of Essex and Village/City of Essex Junction**

216
217 **TRACEY DELPHIA made a motion, seconded by PATRICK MURRAY, that the Selectboard**
218 **make the specific finding that general public knowledge of contracts would place the**
219 **Town at a substantial disadvantage. Motion passed 4-0.**

220
221 **TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the**
222 **Selectboard enter into executive session to discuss contracts in accordance with 1 V.S.A.**
223 **Section 313 (a)(3) and to include the Deputy Manager. Motion passed 4-0.**

224
225 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to exit executive**
226 **session. Motion passed 4-0 at 10:48 p.m.**

227
228 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to appoint Erin**
229 **DeVries to the Conservation and Trails Committee for a term ending June 30, 2024.**
230 **Motion passed 4-0.**

231
232 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to appoint Stephen**
233 **Dowd to the Conservation and Trails Committee for a term ending June 30, 2024. Motion**
234 **passed 4-0.**

235
236 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to appoint Ken**
237 **Signorello to the Conservation and Trails Committee for a term ending June 30, 2022.**
238 **Motion passed 3-1, with PATRICK MURRAY dissenting.**

239
240 **DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to amend its**
241 **motion from December 20, 2021 approving a Separation Agreement Between the Town of**

242 **Essex, Village of Essex Junction and Evan Teich, to approve the Separation Agreement**
243 **Between the Town of Essex, Village of Essex Junction and Evan Teich that was approved**
244 **by the Village Board of Trustees on January 11, 2022. Motion passed 4-0.**
245

246 **9. ADJOURN**

247 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, for the Selectboard**
248 **to adjourn. Motion passed 4-0 at 10:54 PM.**
249

250 Respectfully Submitted,
251 Darby Mayville
252 Recording Secretary
253
254
255