

TOWN OF ESSEX
SELECTBOARD MEETING MINUTES
Monday January 11, 2021

SELECTBOARD: Elaine Haney, Chair; Vince Franco; Dawn Hill-Fleury; Patrick Murray; Andy Watts

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Tammy Getchell, Assistant to the Manager; Ron Hoague, Chief of Police; Sarah Macy; Finance Director / Assistant Manager; Linda Mahns, Administrative Assistant; Harlan Smith, Grounds & Facilities Director

OTHERS PRESENT: John Alden; Gilman Allen; Andrew Brown; Jeanne Bull; Diane Clemens; Annie Cooper; Patty Davis; Tracey Delphia; Erin Dickinson; Karen Dolan; Betsy Dunn; Allen Gilman; Sayamwong Hammak; Sachi Hergesheimer; Dan House; Adam Kavanaugh; Max Levy; Reese Marin; Linda Meyers; Timothy Miller; Hubert Norton; Jayne O'Connell; Brian Shelden; Ken Signorello; Harlan Smith; Margaret Smith; Daryl Stultz; Sara Stultz; Liz Subin; Mike Sullivan; Mike Thorne; Tom Torti; Melanie Tupaj; George Tyler; Corey Wood; Irene Wrenner; Sharon Zukowski; Alison; Heidi; Matt

1. CALL TO ORDER

Ms. Haney called the Essex Selectboard to order at 6:30 PM.

2. AGENDA ADDITIONS/ CHANGES

Mr. Teich requested an additional document for agenda item 6b: *Draft Essex Merger Charter compared changes document (11/16/2020 version to 1/11/2021 version)*. He also requested the addition of agenda item 8g: *Letter from Andrew Brown, President to Town of Essex Selectboard re: Please Vote Yes on Merger Plan*. He requested an additional handout be included with 8g: *Letter from Andrew Brown sent by email on 1/9/2021 to Town of Essex Selectboard re: Please Vote Yes on Merger Plan*.

3. AGENDA APPROVAL

VINCE FRANCO made a motion, seconded by DAWN HILL-FLEURY, to approve the agenda, as amended. The motion passed 5-0.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Ms. Dunn wondered whether a meeting needed to be warned, if more than three Selectboard members are anticipated for the upcoming school board meeting. Ms. Haney clarified that Selectboard members would be attending as guests, so a warning is not required.

5. PUBLIC HEARING

b. Public Hearing on addition to Title 7, Motor Vehicles, Traffic and Parking, of the Municipal Ordinance, Section 7.12.015 to change speed limit on portion of Sand Hill Road from 30 mph to 25 mph.

Ms. Haney opened the public hearing at 6:35 PM.

Ms. Dunn said she liked the idea of changing the speed limit on Sand Hill Road and suggested extending the reduced speed limit to the intersection of Route 15.

Ms. Cooper requested that people turn off their videos, to alleviate distractions, if they were not called on to speak during public speaking times in this meeting.

53 Ms. Clemens said more clarity of location, based on addresses, would help people know where
54 the speed change would begin. She suggested the change be on Sand Hill Road, extending from
55 Allen Martin Parkway to Route 15 because of the high number of pedestrians. She also suggested
56 that strategies be implemented to educate people on the speed limit change so it is not ignored.
57

58 Ms. Haney closed the Public Hearing at 6:39 PM.
59

60 **6. BUSINESS ITEMS**

61 a. **Consider approval on addition to Title 7, Motor Vehicles, Traffic and Parking, of the**
62 **Municipal Ordinance, Section 7.12.015 to change speed limit on portion of Sand Hill Road**
63 **from 30 mph to 25 mph.**

64 Mr. Lutz talked with the Selectboard about the proposed speed limit reduction change. He said a
65 completed traffic study supported the reduced speed limit and location. He recommended that the
66 Selectboard approve the municipal ordinance change at this meeting, and if they wanted to
67 consider expanding it further down the road, to conduct that business at a later date. Mr. Watts
68 said posted signs already installed can begin flashing lights to notify drivers of the reduced speed.
69 Mr. Murray wondered if a crosswalk was considered for Sand Hill Road. Mr. Teich said the traffic
70 study revealed an issue with the line of sight, which would preclude implementing a crosswalk.
71

72 **VINCE FRANCO made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard**
73 **approve the final passage of the additional provision to Title 7 Motor Vehicles, Traffic and**
74 **Parking, of the Municipal Ordinance, Chapter 7.12, Section 7.12.015, as written, to change the**
75 **speed limit on portion of Sand Hill Road from 30 mph to 25 mph, to become effective**
76 **immediately. The motion passed 5-0.**
77

78 b. **Consider approval of the Plan for Merger of the Town of Essex and Village of Essex**
79 **Junction and the proposed Charter for the merged communities.**

80 Ms. Haney introduced the issue of whether to approve the Plan for Merger and proposed Charter
81 for the merged communities. She said the Selectboard already approved for staff to prepare to
82 place the merger question on the March ballot and Village voters already passed a version of the
83 Charter. She stated that if the Town version of the Charter also passes, both versions would go to
84 the legislature where Government Operations (Gov. Ops.) would help reconcile them. Mr. Teich
85 said the plan for merger and proposed charter were devised through research, negotiation, and
86 discussions with the public as well as help from a separate attorney.
87

88 Mr. Brown read his letter regarding this agenda item on behalf of the Town residents who live in
89 the Village. He encouraged the Selectboard to approve their proposed Charter knowing that the
90 Legislature can help to reconcile the two Charter versions. He said the Selectboard's version is
91 good and talked about the work as well as the negotiations that went into the process of crafting it.
92

93 Mr. Tyler discussed the proposed charter's Special District and Tax Reconciliation Plan. He said
94 these strategies received positive reviews from: the Gov. Ops, legal counsel, the VT Tax
95 Department, and Essex State delegates. He said the process of devising this Plan for Merger and
96 Charter included compromises and withstood the test of time and scrutiny. He said charters are
97 living documents: never perfect but able to be changed. He requested the Selectboard approve
98 the Plan for Merger and proposed Charter as written.
99

100 Mr. House said he is a 16-year resident of the Town outside the Village (TOV), who served on the
101 school board for 7 years and during the school merger vote. He said it is time for the Plan for
102 Merger and proposed Charter to be put on the ballot so voters can decide for or against it.
103

104 Mr. Sullivan acknowledged how far the working sessions on the charter and proposed merger
105 have come. He agreed with Mr. House's comments and said, "a vote delayed is a vote denied."
106

107 Mr. Smith requested that the proposed Charter and Merger plan be put to a public vote. He said
108 he respects the charter's 3+3 governance model but does not have a preference. He requested
109 Selectboard members explain their reasoning if they vote to not approve the Charter.
110

111 Ms. Davis said she does not trust the current leaders and disagrees with the Selectboard's at-
112 large configuration. She said no solutions are included in the plan to positively effect Town outside
113 the Village (TOV) residents. She said these residents have been scrutinized and she demanded
114 equal voice representation with some shared services with the Village.
115

116 Mr. Torti said he has been a TOV resident since 1989 and served the municipality in various
117 capacities. He said he believes the municipal leaders and elected officials are people of good faith
118 and good will who want to make Essex better. He said voters are urging the elected officials to be
119 able to have a voice, so the merger should be put on the ballot.
120

121 Mr. Levy said he is a TOV resident who was on the Selectboard for 12 years, as chair for 5 years.
122 He said, "There is never a perfect document because perfection is a subjective concept." He
123 stated the elected officials wanted to plan for a bright future through opportunities within the
124 merger and proposed Charter. He requested the Selectboard unanimously vote for it and let the
125 voters decide.
126

127 Ms. Meyers said she was also a former chair of the Selectboard. She urged the Selectboard to put
128 the proposed Charter on the ballot because it can provide unification. She said the merger
129 decision should now be made by the voters and if changes are warranted to the Charter the
130 legislature can make them. She requested unanimous approval by the Selectboard.
131

132 Mr. Sheldon seconded the former Selectboard members' requests for the Selectboard to
133 unanimously approve the proposed Charter for a vote.
134

135 Ms. Cooper agreed with speakers' kind words of the elected officials. She said she never
136 questioned the Selectboard members' trustworthiness or integrity. She requested their unanimous
137 vote for the proposed Charter. She acknowledged that the 3+3 governance model stalled the
138 process but she and others are now ready to support it with their vote in March.
139

140 Mr. Allen said he also trusts the elected leadership and he trusts the voters. He agreed that a vote
141 delayed is a vote denied.
142

143 Mr. Norton said that the current COVID-19 restrictions would exclude people from the opportunity
144 of full discussion of the Charter at an open meeting. He requested the vote be postponed until
145 next year, not as a statement against the document, but so members of the public can engage.
146

147 Ms. Subin said that, while serving as the School Board's Clerk, she learned about how a merger
148 can take place. She requested that the Selectboard allow voters to decide on the Town's Plan of
149 Merger and proposed Charter, now that so much hard work has been put into it.
150

151 Ms. Dolan said that over 3000 Town voters--who live inside the Village--want a merger to pass.
152 She said it is time to move forward with a vote and residents are very engaged. She commented
153 that more people appeared to be discussing and learning about the merger in virtual Selectboard
154 meetings than when meetings were in-person, and there have been many social media
155 discussions on the topic.
156

157 Ms. Stultz agreed with statements made regarding moving ahead with the proposed Charter vote.
158 She acknowledged municipal leaders' years of hard work on it and countered statements of
159 mistrust that suggested outside the box ideas were not included. She demanded the opportunity
160 to vote for tax equity.
161

162 Ms. Wrenner requested the vote be postponed to allow for greater public debate. She said not
163 enough people have shown up to discuss the complexities of the Plan for Merger because
164 people's lives have been disrupted by COVID-19.
165

166 Ms. Marin said there is no perfect time for a meeting, when every resident can attend, and the
167 merger vote was supposed to be in November but was postponed. She requested the vote take
168 place in March because if it is not on the ballot people cannot share their voices.
169

170 Mr. Signorello said many people in the Town are not online so if they receive a ballot in the mail it
171 may be their first time hearing about the merger. He said he did not think many will be informed.
172

173 Ms. Dunn requested the Selectboard use strategies to reach out to people who do not have
174 access to computers. She suggested they send the full document to all homes in Essex.
175

176 Ms. Clemens agreed that the Plan of Merger and proposed Charter should be sent to all voters
177 because she thinks many cannot go online. She stated that before Australian ballot, people could
178 not attend Town meeting to vote but if information is sent, voters will be able to decide on Merger.
179

180 Ms. Zukowski suggested that, instead of sending the whole, lengthy document to everyone, each
181 individual should be sent a one-page summary that includes directions for how to get a copy of
182 the document from the Town Office.
183

184 Ms. Delphia said most people surveyed by KSV (toward the beginning of this Merger's planning)
185 said they wanted information to be directly mailed to them.
186

187 Ms. Smith said she was having trouble accessing this meeting by computer so she called in. She
188 said, as a resident of the TOV, she always felt excluded from Village happenings but is concerned
189 by the tax increase to TOV residents in the Plan for Merger. She said the final Charter must have
190 a 3+3 governance model and suggested the vote be delayed so people can engage in-person.
191

192 Ms. Haney thanked the public for their engagement and invited the Selectboard to discuss the
193 Plan for Merger and proposed Charter.
194

195 Mr. Watts and Ms. Hill-Fleury talked about why they believed the Plan for Merger and proposed
196 Charter were not ready for their votes. Mr. Watts said that although charters do not have to be
197 perfect and could be changed in future, he had concerns with the Sidewalk and Capital District
198 strategies. He said he did not think the Sidewalk District would save enough money to individual
199 taxpayers for the challenge of implementing it. He said he could not justify it to the public while it
200 was unclear whether the funding mechanism would need to be recalculated year-to-year or if it
201 could be one cost, broken up over 12 years. He also was concerned with the wording of the
202 Sidewalk District in the Charter because some plowing--like at the library-- seemed to be beyond
203 its' scope. Ms. Haney, Mr. Richardson, and Mr. Teich discussed Mr. Watts' concerns with him.
204 Ms. Haney said the planned \$125,000 cost of the Sidewalk District was included as a fixed cost
205 each year. Mr. Teich said it was calculated for two full-time employees, plus machines, road
206 supplies, and overtime. Mr. Murray said the Sidewalk District was included as one of the
207 strategies to bring down the tax burden to the TOV as much as possible. Mr. Richardson
208 explained that funding toward the Sidewalk District should be attributed to costs associated with

209 the district but related activities within the district are legally acceptable. Mr. Watts also said he
210 was concerned that the plan's Capital District would be for 12 years, but the current Village
211 Capital Plan is written for 5 years. Ms. Hill-Fleury said she thought the Charter should not go to
212 vote until ordinances are aligned and she sees clear gains to the TOV residents through merger.
213

214 Mr. Franco, Mr. Murray, and Ms. Haney discussed what they saw as the Plan for Merger and the
215 proposed Charter's strengths. Mr. Franco said the Merger Plan was solid and the Charter was a
216 well thought-out document which could establish a good place to start a merged community. Mr.
217 Murray said major concerns were addressed through research and compromise while crafting the
218 Plan and the proposed Charter. He said he was satisfied that tax inequity in Essex could be
219 solved as a single community where residents could have access to equal services. Mr. Murray
220 said he believed the vote should not be postponed again and accessibility to information on the
221 vote should include multiple strategies to overcome technology barriers. Ms. Haney said the
222 proposed Charter outlined plans for each aspect of merger with next steps for the transition and
223 long-run. She said it would establish: one budget in the Town; streamline finances and operations;
224 implement solutions for tax inequities and paying for infrastructure; and provide equal access for
225 residents to services, including Parks and Rec. childcare. She also noted that the charter would
226 establish same-day voting for the school and Town budgets.
227

228 **VINCE FRANCO made a motion, seconded by PATRICK MURRAY, that the Selectboard finalize**
229 **and approve the Plan of Merger of the Town of Essex and Village of Essex Junction and the**
230 **proposed Charter for the merged communities dated January 11, 2021, before warning a vote**
231 **for the ballot in March. The motion passed 3-2 by roll call, with Andy Watts and Dawn Hill-**
232 **Fleury dissenting.**
233

234 **c. Consider approval of merger vote informational materials**

235 Ms. Haney asked the Selectboard to consider approving a mailing of informational materials as a
236 booklet to include: a copy of the Charter and a summary; explanations of taxation, timeline, and
237 districts; the Plan for Merger's history and answers to other Frequently Asked Questions (FAQs).
238 Mr. Teich explained the printing timeline for it to be ready in time for early and absentee voting.
239 Ms. Hill-Fleury suggested revisions to fix redundancies. Mr. Watts said he emailed suggested
240 revisions. He requested clarification of the cost. Mr. Teich said the cost would be \$4,733 to print
241 and \$1,775 to ship, in addition to staff time. He thanked Ms. Mahns for her efforts on the
242 documents. Ms. Haney said a vote on the document would take place once it is revised.
243

244 Ms. Dunn asked if anyone could submit recommendations for changes to the materials and Ms.
245 Haney said suggestions could be shared with the board members who would decide what to
246 include or not include.
247

248 Ms. Cooper requested people not speak out of turn in the virtual meeting's chat window and to,
249 instead, make comments when public comments are requested.
250

251 Ms. Wrenner said that, because there is already one Town of Essex, language used in written
252 materials, or when the Selectboard members are speaking, should not suggest otherwise.
253

254 **d. Consider approval of Fiscal Year 2020 Fund Balance Assignments – Sarah Macy**

255 Ms. Macy introduced the issue of assigning FY2020 fund balance. She explained: the Town's
256 Fund Balance Policy; reviewed non-spendable and restricted fund balance items; explained
257 reasons for fund balance in existing budget categories; and described funding reassignments. Mr.
258 Teich talked about planning initiatives and outstanding bills that will continue to spend down
259 funds. Mr. Watts said he would like budgeted money to be accurate and spent for its intended
260 purposes. He verified with Mr. Teich and Ms. Macy about specific areas where money will be

261 spent by the end of the year. He pointed out that Merger-related costs and K9 Supplies
262 assignments could impact the FY2022 budget. He wondered if FY2022 budget requests related to
263 COVID contingencies could be filled using fund balance instead of adding them to the FY2022
264 budget. Ms. Macy discussed proposed FY2022 fund balance assignments to future tax reduction
265 and transfer to capital. Mr. Watts wondered if \$50,000 could be used from the existing \$93,721
266 assigned for future tax reduction. Ms. Haney tabled approval of the fund balance assignments,
267 until after item 6d, to determine if any other funds could be used in the reassignment for tax
268 reduction.
269

270 Ms. Dunn requested that funds be made available to use by the Board of Civil Authority (BCA) for
271 property tax abatement and wondered if fund balance assignment could be used for this purpose.
272 Mr. Murray said strict rules required the BCA, once they voted to not abate the first COVID related
273 case, to adhere to the same determination for other similar claims thereafter. Ms. Dunn said the
274 first determination--to not approve abatement on the basis of COVID--was influenced by concerns
275 that so many people might approach the BCA with similar cases that there would not be enough
276 money to cover them all. She said money should be available for the BCA so that in the future,
277 concerns about lack money do not influence setting a precedent to not abate.
278

279 Mr. Signorello said the recurrence of unspent, budgeted funds, to hire Town police officers, should
280 not be rolled into another fiscal budget. He said he was glad most of the fund balance is
281 recommended to go back to taxpayers. He agreed with Ms. Dunn about BCA funds for abatement.
282

283 Ms. Wrenner requested that the Selectboard should try to minimize how much fund balance will
284 be left unassigned to allow more money for taxpayers.
285

286 Ms. Smith suggested that if new police or CDL snowplow candidates are not available in Vermont,
287 Essex should consider applicants from other states.
288

289 **e. Continue Fiscal Year 2022 Budget Work Session**

290 Ms. Macy proposed a list of suggested adjustments to the FY2022 Town General Fund budget
291 presented Monday January 4, 2020. She talked about the driving forces for the FY2022 budget
292 increase. She proposed: decreases to the police salaries and benefits budget line and the CCRP
293 budget; increases to the GMT contribution; and increases to Non-tax revenue from the
294 Wastewater Treatment Facility (WWTF). She said this would reduce the estimated tax rate, to be
295 a 3% increase over FY2021. She introduced additional budget adjustment proposals for the
296 Selectboard to consider that could result in only a 2.5 % increase over the FY2021 tax rate.
297

298 Mr. Watts said he also had suggestions for budget adjustments, mostly based on history of
299 spending vs. current requests that may result in an additional of \$30,000 in savings. He
300 questioned the cost of off-year election expenses at the rate of \$20,000. He also noted potential
301 savings in K-9 supplies and landfill certification. The Selectboard agreed to consider Mr. Watts full
302 list during the meeting in order to determine the exact amount of FY2021 fund balance left to be
303 used for tax reduction. Mr. Franco suggested changing the FY2022 tax reduction to \$400,000 and
304 assign \$200,000 for tax reduction in future years. Ms. Macy talked about risk tolerance when
305 determining an amount tax rate offset amounts. Mr. Watts and Mr. Franco discussed how 15% of
306 unassigned fund balance is supposed to be used to address emergencies. They talked about the
307 role the Selectboard plays in determining assignments. They considered how risk adverse the
308 budget would need to be over then next few years. Mr. Teich said Essex's highest risk is property
309 tax income because the budget relies 90% on this. Ms. Getchell suggested that if the Selectboard
310 did not approve the budget at this meeting a special meeting may need to be warned in order to
311 avoid bumping up against deadlines for budget hearings in time for the public vote.
312

Ms. Haney called a meeting recess at 9:46 PM and called the meeting back to order at 9:50 PM.

Ms. Haney invited Ms. Macy to go through and consider Mr. Watts' list of proposed budget changes. Mr. Murray and Mr. Franco expressed concern with making changes to the budget without input from department heads. Ms. Macy considered and talked about each of Mr. Watts' cost reduction suggestions in: admin and Community Development printing and binding; election expenses; IT capital; assessment's budget for advertising; Economic Development; canine supplies; admin travel; Parks and Rec. small tools and equipment; Senior Center purchased services; Library rental equipment, trainings/ conferences, and tech subscriptions; landfill expenses; public admin building expenses; stormwater purchased services; the Village highway fund transfer and Selectboard merger related expenses. Upon discussion, it was determined that the suggested changes to the bigger line items were not possible. Only \$2,000 of reductions were made, which did not result in changes to the FY2021 Fund Balance. Ms. Macy agreed to add \$2,500 from the Landfill Budget to the fund balance assignment. She said the budget changes resulted in a 2.1% tax rate increase over FY2021. She said the budget's bottom line is a 4% increase over the previous year, mostly from new initiatives, and a change to the Human Services budget.

Mr. Signorello stated that because the Town underspent the budget by \$780,000 and has a track record of underspending each year, the suggestion to reduce the FY2022 budget by \$300,000 should be more seriously considered. He recommended if the Selectboard sees a need to save money to be used for future emergencies, they might want to adjust the 15% fund balance assignment rate.

Ms. Cooper agreed with the decision to not decrease the Clerk's election budget without input from Ms. McNamera-Hill.

Ms. Dunn wondered if, in the future, the school budget presentation and the Town budget presentation could be done together.

f. Consider approval of warning for public hearing on Fiscal Year 2022 Operating Budget

ANDY WATTS made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard warn a public hearing for the fiscal year 2022 operating budget for the Town of Essex, in the amount of \$15,985,320, to be held January 19, 2021 at 6:35 PM online. The motion passed 5-0.

6d. Continued:

The Selectboard took back up agenda item 6d. Ms. Macy recommended, based on their budget discussions and the reassignment of \$2,500 from landfill monitoring, that the Selectboard use \$402,500 in unassigned funds to reduce property taxes in FY22; then change the Reduce property taxes future years line accordingly to \$197,500.

PATRICK MURRAY made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard assign balance in the following amounts:

- **Reduce Property Taxes in FY2022 in the amount of \$402,500. Details: assignment for future budgeted tax reduction**
- **Reduce Property Taxes in future years in the amount of \$197,500. Details: FY2022 proposed budget includes increase in use of fund balance, this will need to be stepped back gradually to avoid a spike in tax rate.**
- **Transfer to Capital in the amount of \$189,717. Details: transfer balance to Capital Fund for total Additional assignments in the amount of \$789,717.**

The motion passed 5-0.

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g. Approve minutes: December 28, 2020 Joint

Mr. Watts requested that lines 232-234 be moved to just after the Trustees' adjournment.

Ms. Wrenner requested the following changes to the minutes:

- Line 96 should be changed to say the motion passed "4-0" instead of "5-0".
- Lines 100-102, "Elect" should be added before delegates Vyhovsky, Black, Lyons, Chittenden, and Ram.
- Line 181, "Elect" should be added before Vyhovsky.
- Line 180, change "community-wide" to "state-wide", with Mr. Murray's approval.

VINCE FRANCO made a motion, seconded by PATRICK MURRAY, to approve the Joint Meeting Minutes December 28, 2020, as amended. The motion passed 5-0,

7. CONSENT ITEMS

DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to approve the Consent Agenda:

a. Approve Annual Report dedication

Approval of a joint dedication with the Village Trustees of the Town Annual Report and the Village of Essex Junction Annual Report in memory of those who died from the COVID pandemic and in honor of those who are essential to our economy and society and continue to sacrifice daily for our nation's safety and wellbeing.

b. Approve minutes: December 21, 2020; ~~December 28, 2020 Joint~~

c. Check Warrant: 12/31/20; #17815 – 1/8/21

The motion passed 5-0.

8. READING FILE

- a. Board member comments
There were no comments from the board members at this time.
- b. Fiscal Year 2022 Capital Budget Binder
- c. Memo from Dennis Lutz re: Proposed VT15 Waterline Project
- d. Email from Nancy Benerofe re: Town Meeting Ballot Question
- e. Town 2021 Annual Meeting/Election Preparation Schedule
- f. Upcoming meeting schedule

9. EXECUTIVE SESSION

a. *An executive session is not expected.

An executive session did not take place.

10. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by VINCE FRANCO, to adjourn. The motion passed 5-0 at 10:36 p.m.

Respectfully Submitted,
Cathy Ainsworth
Recording Secretary

Approved this _____ day of _____, 2021
(See minutes of this day for corrections, if any)

416 _____
417 Vince Franco, Clerk, Selectboard