

**TOWN OF ESSEX  
SELECTBOARD  
REGULAR MEETING  
April 19, 2021**

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

**ADMINISTRATION:** Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Brad Luck, EJP Director; Dennis Lutz, Public Works Director; Sarah Macy, Finance Director; Allyson Vile, Director of Parks & Recreation.

**OTHERS PRESENT:** Al Bombardier, Bob Burrows, Matt Carmolli, Alise Certa, Marcus Certa, Raj Chawla, Heidi Clark, Kevin Collins, Annie Cooper, J. Cote, Patty Davis, Jon Demeritt, Erin Dickinson, Will Dodge, Erin Ennis, Michael Fink, Maureen Gillard, Megan Humphries, Tamara Jaques, River Jo, Ethan Lawrence, Rachael Lizotte, Timothy Miller, Lulu Mills, Toni Morgan, Jessica Neiles, Adam Newhard, Mary Post, Betty Poulin, Roseanne Prestipino, Angel Segarra, Brian Shelden, Ken Signorello, Bill Silverstrim, Gabrielle Smith, Harlan Smith, Margaret Smith, Saramichelle Stultz, Mike Sullivan, Mike Thorne, George Tyler, Doug Wilson, Irene Wrenner, Lorraine Zaloom, Sharon Zukowski, Bill \_\_\_\_\_, Deb \_\_\_\_\_, Dennis \_\_\_\_\_, Janet \_\_\_\_\_, Jeanne \_\_\_\_\_, Johnson \_\_\_\_\_, M \_\_\_\_\_, RM, Rob\_\_\_\_\_.

**1. CALL TO ORDER**

Andy Watts called the meeting of the Town of Essex Selectboard to order at 6:30 pm.

**2. AGENDA ADDITIONS/CHANGES**

Tracey Delphia asked to move the minutes of the April 5, 2021 Selectboard meeting from the Consent Agenda to Business Item 5g and asked to move the Adoption of 2021 Local Emergency Management Plan Update from the Consent Agenda to Business Item 5h.

**3. AGENDA APPROVAL**

**DAWN HILL-FLEURY made a motion, and TRACEY DELPHIA seconded, to adopt the agenda with the following changes: Add Minutes of April 5, 2021 as Business Item 5g; Add Adoption of 2021 Local Emergency Management Plan Update as Business Item 5h. The motion passed 5-0.**

**4. PUBLIC TO BE HEARD**

Patrick Murray and Vince Franco apologized to the Selectboard and the public for texting each other and a former Selectboard member during a recent Selectboard meeting.

Mr. Lawrence requested a speed study of Osgood Hill Road to potentially reduce the speed limit from 35 to 25 MPH, adding that the neighborhood is supportive of such a move as speed is a problem on the road.

Ms. Certa spoke about Mr. Franco and Mr. Murray's actions during a recent meeting and their apology at the beginning of this meeting. She said that this type of tension between the public and the

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46 Selectboard causes concern for the public about voicing their concerns, but also causes concern and  
47 hesitancy about running for public office in Essex.

48  
49 Mr. Silverstrim concurred with Mr. Lawrence about the speed limit reduction on Osgood Hill Road. He  
50 also read a prepared statement regarding the actions taken by Mr. Murray and Mr. Franco at the  
51 aforementioned meeting. He called for the resignation of Mr. Murray and Mr. Franco. He said that cell  
52 phones should not be used by town officials or the Selectboard during meetings.

53  
54 Ms. Post said she was disappointed in the public apologies of Mr. Murray and Mr. Franco, saying they  
55 deflected blame. She said she is uncomfortable with Mr. Murray being part of any negotiations with the  
56 Village on behalf of the Selectboard, citing concerns about bias.

57  
58 Mr. Signorello clarified that when he was presenting separation numbers during the March 25, 2021  
59 meeting he did not intend to make light of the calculations or denigrate staff.

60  
61 Ms. Zaloom spoke about the perceived lack of consensus among the Selectboard members as illustrated  
62 by the texting incident at the March 25, 2021 meeting. She called for censure of Mr. Murray and asked  
63 him to step down as Vice Chair because she does not feel represented by him.

64  
65 Ms. Davis requested an ethics committee for the Town of Essex, similar to what the Town of Shelburne  
66 has. She spoke about the lack of trust she has in public officials now.

67  
68 Ms. Humphries spoke about being an observer and an active voter. She said it is clear that there is so  
69 much pain in the community. She said the community is doing long-term damage to itself if it continues  
70 in this current direction.

71  
72 Mr. Newhard said that Mr. Franco and Mr. Murray have taken accountability for their actions, noting  
73 that they are on the receiving end of public abuse. He said it is important to call out bullying like this,  
74 and that the community needs to move forward.

75  
76 Ms. Margaret Smith said she agrees with equal representation. She noted her experience speaking to the  
77 Selectboard about the dog issue at Indian Brook Park and was disappointed with the response.

78  
79 Ms. Wrenner echoed the comments of Mr. Silverstrim, Ms. Post, and others who have expressed  
80 disappointment. She noted her own experiences of public abuse as a former Selectboard member but  
81 said she had never texted anyone to cope with the stress and that there are better outlets for stress.

82  
83 Ms. Gabrielle Smith asked about the public records request about texting. Mr. Murray clarified that it  
84 was specific to Elaine Haney. Ms. Smith said she is concerned that the person making the request  
85 singled out a specific person.

86  
87 Mr. Certa asked about the plans for potentially reopening Memorial Hall for rental. Mr. Teich replied  
88 that staff are looking at the structural integrity of the building because they received reports that one  
89 wall was sagging and are also conducted roof repairs. He said that the Town and Village will reassess in  
90 late spring whether to open buildings up to the public.

91

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92 Ms. Cooper said there is a precedent for setting time limits for speakers at the public comment portion of  
93 meetings. She also suggested that the Selectboard add language into its Communication Policy around  
94 utilization of phones during meetings. Mr. Watts said the Communications Policy was modified at the  
95 prior meeting to prohibit texting and phone calls during meetings. Ms. Delphia said she also added a  
96 prohibition on social media during meetings.

97  
98 Ms. Davis said she will be donating flowers to the Essex Experience.

99  
100 Ms. Zaloom spoke about Black Lives Matter vigils and verbal harassment from some people driving by.  
101 She asked that the Unified Manager and Police Chief be alerted to that. Mr. Teich replied that the Town  
102 does not normally schedule police attendance at protests and events unless they are expecting something  
103 negative to occur.

104  
105 Ms. Delphia said that her silence on the issue of texting during the March 25, 2021 meeting does not  
106 mean she condones the actions. She said it was important for leaders to give feedback and criticism in  
107 private and open a dialogue.

108  
109 Mr. Watts said there is no provision in Vermont statute for recall of an elected official and that the  
110 Selectboard cannot force an elected official to take on an “agreeable” position on any topic. He further  
111 noted that a vote of censure isn’t possible for the Selectboard as an attempt to modify the behavior of  
112 one of its members.

113  
114 **5. BUSINESS ITEMS**

115 **a. \*Interview and potential appointment: Michael Fink, Energy Committee**

116 Mr. Watts noted that Energy Committee seats have been advertised as open since July of last year.

117  
118 Mr. Fink introduced himself and said he works in the field of energy efficiency and renewable energy.  
119 Mr. Murray asked for further detail of his work history and background. Mr. Fink replied that his  
120 education is in chemistry and that he currently writes computer code with the aim of finding efficiencies  
121 and evaluating whether improvements are financial justifiable for evaluating carbon emissions for  
122 proposals.

123  
124 Mr. Watts asked if Mr. Fink has had the opportunity to attend any Energy Committee meetings and  
125 asked what he could bring to the table. Mr. Fink said he has not attended any Energy Committee  
126 meetings yet and that his experience as an analyst could bring skills to help find efficiencies for the  
127 community in terms of energy.

128  
129 Mr. Dodge said that the Energy Committee is delighted that Mr. Fink has volunteered to serve and is  
130 very qualified to participate on the Committee, specifically around energy efficiency data. He  
131 emphasized the importance of focusing on the Energy Plan that was adopted in 2019.

132  
133 **PATRICK MURRAY made a motion, and DAWN HILL-FLEURY seconded, to appoint Michael**  
134 **Fink to the Energy Committee for a term ending June 30, 2023. The motion passed 5-0.**

135  
136 **b. \*\*Consider approval of first-and-third-class liquor license renewal**

137 Mr. Duggan noted that the application for these licenses is complete but that police review has not yet  
138 occurred.

139  
140 **VINCE FRANCO made a motion, and PATRICK MURRAY seconded, that the Selectboard**  
141 **approve the First & Third Class Liquor License renewal for Lang Family LLC/DBA: Barns at**  
142 **Lang Farm pending approval from the Police Department. The motion passed 5-0.**  
143

144 **c. Presentation and discussion about Fiscal Year 2022 Essex Parks and Recreation Program**  
145 **Fund Budget**

146 Ms. Vile began by saying that the Parks and Recreation Department is an Enterprise Fund and is  
147 sustained independently of resident taxes. She noted that the pandemic impacted the department heavily  
148 and that programming has been delayed and restricted in other ways, but that they continue to bring  
149 programs back online. She said that in the spring of 2020, large programs weren't able to be run and  
150 space for programs in the fall of 2020 was limited. She said that this summer, the Explorers Day Camp  
151 and school vacation camps will be operated through the licensed child care department in the Essex  
152 Junction Recreation Department (EJRP) and that the Essex Parks and Recreation department will focus  
153 on specialty camp programming. She said they are conducting a cost recovery project to implement  
154 practices and pricing platforms to be more fiscally responsible when it comes to programming for  
155 communities.

156  
157 Ms. Vile then explained the Extended School Program budget, which is for additional activities after the  
158 school day that are held on site at schools. She said this year they have been more creative in how they  
159 utilize space and get kids to programming.

160  
161 Ms. Hill-Fleury asked about staffing during the COVID-19 pandemic. Ms. Vile replied that there have  
162 been some difficult times but also there have been times where the hybrid school schedule has worked in  
163 the program's favor. She said the Essex Westford School District has been helpful with being creative  
164 with space and conducting activities in school spaces.

165  
166 Mr. Watts said noted discussions at Vermont League of Cities and Towns meetings about the American  
167 Rescue Plan Act funding and how there will be funds available for municipalities to access based on lost  
168 revenues due to covid. He asked if this funding is being pursued. Ms. Vile replied in the affirmative,  
169 saying some of the prior funding was applied last summer. Mr. Teich said the Finance Department is  
170 still waiting for guidance from the federal and state governments about this next round of fund usage.

171  
172 Mr. Watts opened the discussion up for public comment.

173  
174 Mr. Signorello asked about budget calculations and whether net revenue is down or up. Ms. Macy  
175 replied that they are budgeting for a small surplus.

176  
177 **d. Presentation and discussion about Fiscal Year 2022 Water and Sewer Budget and Rates**

178 Mr. Lutz began by noted that the water and sewer budgets are also part of an enterprise fund. He said the  
179 Town's water comes from the Champlain Water District (CWD) and that wastewater is treated by the  
180 Essex Junction water treatment plant. He said pump stations are owned and operated by CWD, which  
181 owns the transmission lines, but that the Town owns all other lines outside the Village of Essex  
182 Junction. He said the Town has 16 pump stations for sewage outside the Village.

183  
184 He noted that in fiscal year 2021, there was a 3.7% increase in charges from CWD, 1.9% from  
185 wastewater in the treatment plant, and a 3% increase in labor rates. He said that because Covid made it  
186 difficult for some to pay their utilities, the overall rate increase was 1% and the Department absorbed the  
187 excess cost. He said that they did not budget to meet expenses but budgeted for Covid, which is not  
188 sustainable long-term.

189  
190 He discussed water rates, requesting a 2.8% increase in rates and a 3.5% increase in overall budgeted  
191 line items. He said that the Town is trying to keep its annual rates at or around 3% or lower. He noted a  
192 small increase proposed for the initiation fee. He said the minimum water rate charge hasn't changed.  
193 He said sewer was budgeted for a 3.7% increase in line item costs but a 3% increase in rates.

194  
195 Mr. Lutz outlined items that continue to impact the budget. He spoke about efforts to maintain the  
196 system stabilization fund, which is close to what the estimated costs are per year to make system  
197 improvements over a 50-year period. He spoke about the need to finish the meter replacement program.  
198 He spoke about the need to continue to reduce unaccounted for water/wastewater.

199  
200 Mr. Watts said the tables show history of water and sewer flow and that they are both trending  
201 downward. He asked what is driving the downward trend. Mr. Lutz replied that when businesses leave,  
202 the water demand decreases. He also said it is due to efficiencies, like low-flow showerheads. Mr. Lutz  
203 outlined water and sewer rates as compared to neighboring communities, noting that Essex is close to  
204 the average rate.

205  
206 **e. Consider warning public hearing for Fiscal Year 2022 Water and Sewer Budget and Rates**

207  
208 **TRACEY DELPHIA made a motion, and DAWN HILL-FLEURY seconded, that the Selectboard**  
209 **warn a public hearing for the Fiscal Year 2022 water and sewer budget and rates, for 6:35 p.m. on**  
210 **May 3, 2021. The motion passed 5-0.**

211  
212 **f. Discuss results of merger vote, Village of Essex Junction's exploration of Plan of**  
213 **Separation, and potential next steps for Town**

214 Mr. Duggan said this is an opportunity to discuss the merger vote and the Village's advisory vote on  
215 separation. Mr. Teich added that this is an opportunity to discuss next steps. He said that though merger  
216 is challenging, separation is also challenging. He noted that any charter change needs to be approved by  
217 the State legislature.

218  
219 Mr. Franco asked whether the Selectboard should begin estimating separation numbers as a Town and  
220 whether some preparatory work should be conducted. Mr. Teich said that staff could flesh out impacts  
221 once more specifics are known, but that any analyses depend on many assumptions. Mr. Duggan said it  
222 would be helpful for the Selectboard and Village Trustees to work together on which assumptions staff  
223 should incorporate into analyses. Ms. Hill-Fleury said the Town should be providing assistance and  
224 support to the Trustees if they need it.

225  
226 Mr. Murray said the Town needs to determine the fiscal impacts of Village separation on the Town. He  
227 said a November 2021 separation vote could have impacts for Fiscal Year 2023, should the separation  
228 take place in the beginning of calendar year 2022. He said the Town needs to determine what the budget

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229 looks like for the Town without the Village and that the Town needs to determine who controls the  
230 Police Department. Ms. Delphia agreed that anticipated separation scenarios need to be planned for.  
231  
232 Mr. Watts said that the Selectboard should focus on the business of the Town, which has been deferred  
233 due to merger discussions. He disagreed that the Selectboard should focus on the Village's separation.  
234 He said a workable separation agreement would be difficult to draft in the next six months. He suggested  
235 that the Town and Village work on compromise positions.  
236  
237 Mr. Watts opened the discussion up to the public.  
238  
239 Ms. Dickinson spoke in support of planning for anticipated separation scenarios. She also asked whether  
240 Selectboard members who are Village residents would have to recuse themselves. Mr. Watts replied that  
241 no one can force a position of a conflict of interest upon any Board member and that recusal is up to a  
242 member's discretion.  
243  
244 Ms. Davis suggested that the Town hire an attorney for defensive purposes.  
245  
246 Ms. Post said that Village residents who are Selectboard members should recuse themselves from  
247 discussion about separation. She also asked whether costs around pursuing separation are being paid for  
248 by the Town or if they are being incurred by the Village.  
249  
250 Ms. Lizotte expressed disappointment about the outcome of the merger vote, the propaganda and  
251 misinformation surrounding the vote, and the discord that has been sown by this conversation between  
252 the Town and Village.  
253  
254 Mr. Bombardier agreed with an earlier comment about a defense attorney. He also stressed the  
255 importance of public updates and public input.  
256  
257 Mr. Chawla expressed appreciation for moving quickly on this issue.  
258  
259 Ms. Humphries said separation would sow more division in the community and would be more  
260 damaging than beneficial.  
261  
262 Ms. Certa asked how annexation could work. Mr. Watts replied that it is a process where a Village can  
263 add additional territory. He said the Selectboard is not involved unless it participates in hearings about  
264 annexation. He said that if a group petitions to join a Village, a judge and independent committee are  
265 appointed to assess whether it's in the best interest of all parties to be annexed and then both the Village  
266 and annexed area vote on whether to join.  
267  
268 Mr. Sheldon said the Village's vote to hold a separation vote in November behooves the Town to plan  
269 for and anticipate the impacts of that vote.  
270  
271 Mr. Tyler said it isn't the intention of the Trustees to take anything away from the Town or harm the  
272 Town in any way. He also hoped for good relations and an open dialogue between the Village and the  
273 Town.  
274

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275 Ms. Gabrielle Smith said that merger feels futile at this point and that the community should focus on  
276 separation and then move forward.

277  
278 Ms. Wrenner said that the highway tax was paid for by the Town outside the Village for decades and  
279 proposed a Town outside the Village tax district to pay for legal services related to separation.

280  
281 Mr. Smith said the Town Selectboard needs to consider that it represents both the Village and the Town  
282 outside the Village.

283  
284 The Selectboard will attend the Village Trustees meeting on April 27, 2021 to discuss the separation  
285 issue. The Selectboard directed staff to research hiring an attorney for the Town.

286  
287 **g. Minutes of meeting – April 5, 2021**

288  
289 **DAWN HILL-FLEURY made a motion, and PATRICK MURRAY seconded, to approve the**  
290 **minutes as amended. The motion passed 5-0. The following amendments were made:**

- 291 • **Line 165-167: Strike the two sentences beginning “Cell phones or other electronic handheld**  
292 **devices....(such as ‘silent’ or ‘vibrate’).”**
- 293 • **Line 168: Strike “Additionally”**

294  
295 **h. Consider adoption of 2021 Local Emergency Management Plan**

296  
297 **TRACEY DELPHIA made a motion, and DAWN HILL-FLEURY seconded, to approve the 2021**  
298 **local emergency management plan update and authorize staff to make changes to staffing,**  
299 **program, and providers as needed. The motion passed 5-0.**

300  
301 **6. CONSENT ITEMS:**

- 302 **a. Consider approval of Wastewater Allocation Request for 4.0 E.U (800 GDP of wastewater**  
303 **flow) 1 Kana Lane**
- 304 **b. Consider appointment: Joseph Teegarden, Cemetery Commission**
- 305 **c. \*\*Consider approval of outdoor consumption permits for M&M Management LLC/DBA**  
306 **The Food Bar and Mark BBQ, LLC/DBA Heart n Soul**
- 307 **d. \*\*\*Consider adoption of 2021 Local Emergency Management Plan Update (now agenda**  
308 **item 5h)**
- 309 **e. Approve minutes: April 5, 2021 (now agenda item 5g)**
- 310 **f. Check Warrant: #17845-4/9/21;**

311  
312 **DAWN HILL FLEURY made a motion, and VINCE FRANCO seconded, to approve the consent**  
313 **agenda. The motion passed 5-0.**

314  
315 **\*\*Selectboard will be acting as Board of Liquor Control Commissioners during this agenda item**

316  
317 **7. READING FILE:**

- 318 **a. Board member comments:** Ms. Hill-Fleury and Mr. Franco thanked Ms. Cooper for her service  
319 on the Economic Development Committee. Mr. Murray thanked Ms. Sheppard for her service on  
320 the Town Meeting TV board.

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- 321       **b. Colchester-Essex VT-15 Multi-Use Path Project**  
322       **c. Memo from Dennis Lutz re: Status of Winter Operations through April 5, 2021**  
323       **d. Letter from Andrew Ferguson re: Sanitary Survey Letter, Essex Town Water System**  
324       **e. Email from Annie Cooper re: Economic Development Commission**  
325       **f. Email from RaMona Sheppard re: TMTV resignation**  
326       **g. Upcoming meeting schedule**  
327

328 **8. EXECUTIVE SESSION:**

- 329       **a. \*An executive session may be necessary to discuss the appointment of public officers**  
330       **b. \*\*\*An executive session may be necessary to discuss security or emergency response**  
331           **measures**  
332

333 **9. ADJOURN:**

334  
335 **TRACEY DELPHIA made a motion, and PATRICK MURRAY seconded, to adjourn the**  
336 **meeting. The motion passed 5-0 at 10:51 PM.**  
337

338 Respectfully Submitted,  
339 Amy Coonradt  
340 Recording Secretary  
341

342 Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021  
343

344 **(see minutes of this day for corrections, if any)**  
345

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