

**TOWN OF ESSEX
SELECTBOARD
REGULAR MEETING
May 3, 2021**

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

ADMINISTRATION: Evan Teich, Unified Manager; Chris Ashley, Animal Control Officer; Greg Duggan, Deputy Manager; Bill Ellis, Town Attorney; Rick Garey, Police Support Services Director; Tammy Getchell, Assistant to the Manager; Ron Hoague, Police Chief; Wendy Hysko, Brownell Library Director; Lt. Rob Kissinger, Police; Dennis Lutz, Public Works Director; Brad Luck, Essex Junction Recreation & Parks Director.

OTHERS PRESENT: Bob Burrows, Raj Chawla, Kevin Collins, Annie Cooper, Patty Davis, Jon Demeritt, Karen Deutscher, Erin Dickinson, Karen Dolan, Betsy Dunn, Erin Ennis, Maureen Gillard, Susan Hale, Megan Humphries, Tamara Jaques, Lisa LaBerge, Amber Leventry, Rachael Lizotte, Deb McAdoo, Timothy Miller, Scott Moore, Adam Newhard, Sarah Nosek, Shannon Osborne, Bruce Post, Mary Post, Roseanne Prestipino, Nathaniel Quealy, Mark Roberts, Angel Segarra, Brian Shelden, Ken Signorello, Bill Silverstrim, Gabrielle Smith, Harlan Smith, Margaret Smith, Liz Subin, Mike Sullivan, Melanie T., Mike Thorne, George Tyler, Phyllis Willey, Irene Wrenner, Dennis _____, Jeanne _____, Joe _____, RM.

1. CALL TO ORDER

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

2. AGENDA ADDITIONS/CHANGES

None at this time.

3. AGENDA APPROVAL

No approval needed, as no changes were made.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

None at this time.

5. PUBLIC HEARING

a. Public Hearing about Fiscal Year 2022 Water and Sewer Budget and Rates

Mr. Lutz spoke about the proposed water and sewer budget and rates. He noted that the State will contribute professional staff and equipment to examine the Town's water loss issues, based on surveillance data reporting conducted by the Town on its sites.

He noted that the proposed water budget for FY2022 increased by 3.5%, and the proposed rate increase is 2.8%; and the proposed sewer budget for FY2022 increased by 3.7% and the proposed rate increase is 3%. He said that drivers of the increases include salary, fringe, and benefits (one third of the increase), the cost of water from Champlain Water District, and cost to treat it at the Village of Essex Junction

47 wastewater treatment plant. 83% of budget increases are tied to these three areas. He said that an
48 average water bill for an average user (200 gallons per day) would result an increase in \$32.85 per year.
49

50 Ms. Dunn asked if there is asbestos in the water lines. Mr. Lutz replied that in the 1950s and 1960s,
51 there were sections installed that have asbestos water lines but that they pose no threat to anyone
52 because they are sealed, and the asbestos is tested regularly. The only danger that it poses is if workers
53 need to cut those asbestos pipes and they breathe it in. He said the EPA is more focused on lead in the
54 water lines, especially those to houses (but not the water main).
55

56 **DAWN HILL-FLEURY made a motion, and VINCE FRANCO seconded, to close the public**
57 **hearing. The motion passed 5-0.**
58

59 **6. BUSINESS ITEMS**

60 **a. Consider adoption of Fiscal Year 2022 Water and Sewer Budget and Rates**
61

62 **PATRICK MURRAY made a motion, and TRACEY DELPHIA seconded, to approve the**
63 **proposed budget as submitted, resulting in the following changes to the rate and billing**
64 **structure:**

65 **Water Rates/Fees: 1) increase the water rate from \$5.62/1,000 gallons to \$5.78/1,000 gallons**
66 **2) Increase the water initiation fee at \$1000 base fee per connection plus \$5.73/gpd of**
67 **capacity to \$1000 base fee plus \$5.78/gpd of capacity 3) set the water minimum charge per**
68 **year at \$180. 4) Interim or Final Billing request at \$35 2) ;**

69 **Sewer Rates/Fees: 1) increase the sewer operating fee from \$9.64/1,000 gallons to**
70 **\$9.93/1,000 gallons 2) maintain the sewer initiation fee at \$1,000 base fee per connection**
71 **plus \$10.30/gpd of capacity. 3) Interim or Final Billing request at \$35;**
72

73 **Additionally, the rate change and interim/final billing request would go into effect on all**
74 **water/sewer usage with the billing period starting after the spring 2021 billings. The first**
75 **Town-wide billing under the new rates would not occur until the fall of 2021.**
76

77 **The motion passed 5-0.**
78

79 **b. Hearing for Dog Bite Complaint**

80 Mr. Duggan noted that on April 26, the Town Manager's Office received a complaint of a vicious dog
81 attack and the victim made the request to have a dog hearing. He noted that the Town is required to hold
82 a hearing within seven days of the complaint.
83

84 The Animal Control Officer, Ms. Ashley, spoke about the incident, noting that it occurred on April 25 at
85 Autumn Pond Way. She said that Ms. Osborne (the complainant) was mauled by a dog coming around a
86 corner of the apartment building's hallway and that she was taken to the hospital and received six
87 stitches. She said that Ms. Boulanger had been walking the dog and that the dog was spooked when they
88 met suddenly with Ms. Osborne when they entered the building and the dog subsequently lunged at Ms.
89 Osborne. She said that Mr. Quealy (the dog's owner) is taking measures to keep his dog under control,
90 including: training classes, the use of muzzles, an electric collar, and a short lead and choke collar. She
91 noted that this is not the first dog bite incident with this dog (there was one on March 19, 2021), and that
92 there is the potential for future incidents since the apartment complex is large. She further noted that Mr.

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93 Quealy has said he is moving to a house at the end of the month, which should alleviate that risk. She
94 finally noted that she thinks the measures that Mr. Quealy is taking are appropriate and is interested in
95 further measures the Selectboard thinks are appropriate.
96

97 Ms. Delphia asked if the dog has since been registered. Mr. Garey said the dog has not been registered
98 (registration lapsed in 2020), but that Mr. Quealy has been instructed that it must be. He said that
99 registrations are significantly down due to Covid.
100

101 Ms. Osborne was sworn in. She said the reports by Mr. Garey and Ms. Ashley are factual and that she has
102 nothing else to add.
103

104 Mr. Murray asked if Ms. Osborne approves of the measures taken thus-far to deal with the incident. Ms.
105 Osborne replied that she would like to avoid euthanasia. She added that despite muzzles and safety
106 precautions, the dog is not socialized properly to be around people and that she has had prior encounters
107 with the animal.
108

109 Mr. Quealy expressed remorse to Ms. Osborne for the incident. He noted that his dog, Titan, is a 110-
110 pound German shepherd. He disagreed with Ms. Osborne's statement that the dog is poorly socialized
111 around strangers, since he hadn't exhibited this behavior prior to March and has been extensively
112 trained. He said the dog had been spooked by dogs outside and then again when entering the apartment
113 complex. He said he is now the only one who takes Titan out, that he has a muzzle, shock collar, and
114 short lead on at all times outside, and that he tries to take him out at times when there are the fewest
115 people around.
116

117 Mr. Murray noted that Mr. Quealy was a state trooper and asked whether this is a police canine. Mr.
118 Quealy replied no.
119

120 Mr. Watts asked about a timeline for additional training. Mr. Quealy replied that he doesn't have a
121 timeline yet, but that he has a trainer in mind and will work with the trainer to establish a timeline and
122 payment plan.
123

124 Mr. Watts noted that many of the options listed have been put in place already. He said he would
125 recommend the muzzle and the short leash. Mr. Murray suggested banning the dog from dog parks. Ms.
126 Delphia said that she would also like to include immediately enrolling the dog in further training classes.
127 She said this is the second event in two months. Mr. Murray said as far as available trainers, it might not
128 be possible for Mr. Quealy to complete that within a month.
129

130 **VINCE FRANCO made a motion, and DAWN HILL-FLEURY seconded, that the Selectboard**
131 **enforces the following restrictions on the dog known as Titan:**

132 **That the dog be on a leash and muzzled whenever outside, that he be barred from entry to all dog**
133 **parks and other parks including Indian Brook Park, and that his owner is required to within 30**
134 **days provide proof that he has a training scheduled for the dog within six months to address**
135 **behavioral issues. The motion passed 5-0.**
136

137 c. ***Consider resident request that Selectboard share potential texts and messages created**
138 **during past Selectboard meetings**

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139 Mr. Duggan said the Selectboard has received a request from Mr. Silverstrim to turn over all text and
140 Facebook messages produced in the past (either 2 months or 1 year) during Selectboard meetings. Mr.
141 Silverstrim asked that Selectboard members turn them over voluntarily and not through a public records
142 request, though staff have recommended that the Selectboard treat this like a public records request to
143 ensure that precedent is followed, the process is transparent, and that all rights are protected.
144

145 Mr. Silverstrim said he would also like any Facebook chat messages in a group of three or more
146 Selectboard members, regardless of when they took place (since that constitutes a quorum). He also
147 asked whether the Secretary of State and Attorney General be involved.
148

149 Mr. Post spoke about transparency as an essential element to open democratic government. He spoke
150 about the strong transparency requirements for public officers in Vermont. He said the Selectboard
151 should consider inviting the Secretary of State to conduct a presentation on transparency for the
152 Selectboard, staff, and public.
153

154 Mr. Demeritt asked if the Selectboard members to which this pertains could be excluded from executive
155 sessions on the issue. Mr. Watts replied that all Selectboard members need to be present in the session,
156 especially any members who are violating policy.
157

158 Ms. Wrenner noted that voicemails and emails also fall under the purview of open meeting law and
159 public records requests.
160

161 Ms. LaBerge asked that the Selectboard also consider that these texts and communications are a
162 violation of open meeting law and need to be investigated as such.
163

164 The Selectboard will discuss further in executive session.
165

d. Consider approval of Human Services Funding for Fiscal Year 2021

167 Ms. Getchell said new guidelines have been put into place to guide applicants through the process of
168 applying for Human Services Funding. She said that this year the Town received 33 applications and
169 \$270,000 in requests, which is a 45% increase over last year. She said this shows that the Town has been
170 able to get the word out and make the pool of applicants more diverse. She noted that the total grant
171 funding available is \$153,322 and that some grants were recommended to be funded at 90% or 75% of
172 their original ask.
173

174 Mr. Teich asked what improvements have been made in the application process in the last several years.
175 Ms. Getchell said she researched what had been done in the past as well as what other municipalities
176 have done in terms of this kind of funding. She said she and the volunteer committee devoted to Human
177 Services Funding then put together a draft policy, draft guidelines, and a timeline for applying for this
178 funding in a standardized fashion. Other changes included revising the focus areas for grants and adding
179 a category for diversity, equity, and inclusion. Ms. Getchell also noted that she conducts rigorous
180 communication and outreach to alert potential applicants to this funding opportunity.
181

182 Ms. LaBerge asked about the inclusion of the ecumenical ministry as one of the grantees. Mr. Watts
183 clarified that the ecumenical ministry is a 501(c)(3) organization and doesn't conduct religious outreach.
184

185 **TRACEY DELPHIA made a motion, and DAWN HILL-FLEURY seconded, that the Selectboard**
186 **approve contribution to the human services agencies as presented in the attached list, with the**
187 **caveat that the recommendations for Voices for Inclusion in Essex and Westford is contingent**
188 **upon their being granted 501(c)(3) status. The motion passed 5-0.**
189

190 **e. Consider approval of focus areas for Human Services Funding in Fiscal Year 2022**

191 The Selectboard reviewed the categories included as eligible for these grants. They are access to health
192 and behavioral health; affordable housing or housing assistance; child or family support for health
193 relationships; diversity, equity and inclusion; and emergency food and disaster relief. Mr. Watts said the
194 categories are based on the Chittenden County Regional Planning Commission's ECOS report, the
195 University of Vermont Medical Center's community needs assessment, and Selectboard requests.
196

197 **TRACEY DELPHIA made a motion, and VINCE FRANCO seconded, that the Selectboard**
198 **approve the focus areas as presented in Attachment C as human services priorities for FY2022**
199 **Human Services Funding. The motion passed 5-0.**
200

201 **f. Consider transferring portion of remaining merger funding to Village of Essex Junction for**
202 **separation exploration**

203 Mr. Teich said that in the past several years, the Selectboard has chosen to use surplus funds for the
204 purposes of the merger discussion, for legal opinions, printing costs, or extra costs related to the
205 elections. He noted that roughly \$70,000 in surplus funds remains, and with the Village now exploring
206 separation, he asked whether the Town Selectboard would consider reallocating some of that funding to
207 the Village to conduct work related to pursuing separation.
208

209 Ms. Hill-Fleury said that given that the funding came from surplus funds and was designated for now-
210 dead merger, the funds should be returned to the surplus and designated later on.
211

212 Mr. Franco said the funding could be used for the Town to evaluate separation without using the
213 Village's tax dollars to do so. Mr. Murray agreed with this, saying that this is an equitable way to pay
214 for legal fees for both entities.
215

216 Ms. Delphia said that until scope and timeline around separation are better understood, this conversation
217 about surplus funding is premature.
218

219 Mr. Watts said that by approving, this would reallocate surplus funds for a new purpose.
220

221 Ms. Dunn expressed concerns about reallocating funding for the Village to pursue separation while they
222 are conducting the pursuit behind closed doors.
223

224 Ms. Lizotte said she missed public to be heard, and spoke about accessibility to local government,
225 saying that the Town Selectboard's meetings, while more inviting to participation given that they are
226 currently held virtually, are not held at a time or duration that is accessible for the general public. She
227 said the population who will be most adversely impacted by separation are unable to attend these
228 meetings. Mr. Watts replied that the first discussion about separation will occur later this meeting.. He
229 also noted that the Village has not made a request for this funding.
230

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231 Mr. Silverstrim agreed that this discussion about moving funding is premature.
232
233 Mr. Moore noted that this funding was raised through Town taxes and that whichever way it is spent
234 will be for the benefit of all Town residents.
235
236 Mr. Roberts said that money should not be spent in ways that will not benefit the Town. He suggested
237 either returning it to the General Fund or using it for the Town's legal fees.
238
239 Ms. Ennis said the Village residents are also Town residents and that he supports splitting the funding
240 equitably.
241
242 Ms. Humphries said the funding in question includes both Town and Village tax dollars. She echoed
243 thoughts about making these meetings more accessible.
244
245 Ms. Davis asked if one Town attorney could be the attorney representing two components of the Town.
246 Mr. Watts replied that there are different legal entities involved for the Town and the Village.
247
248 Mr. Smith said that these fees could be used for outreach in addition to legal fees. Mr. Watts replied that
249 a question arose at a prior meeting about the fairness of Village residents paying Town legal fees and
250 vice versa, which is where this legal discussion came in. He said the money was intended for any
251 purpose around merger, which does include outreach.
252
253 Ms. Cooper reiterated how confusing it is in the context of merger or separation conversations that
254 Village residents are also Town residents.
255
256 Ms. Gabrielle Smith said this is less about actual money than about a feeling of equity and fairness
257 during the separation conversation. She expressed appreciation that the Selectboard is willing to weigh
258 these options.
259
260 Mr. Post said this is a question of giving money to a separate municipality. He said that given how much
261 of a tax increase could potentially occur were separation to move forward, the Town should retain as
262 much funding as possible to prepare for that.
263
264 Ms. Wrenner commented that any funding from the Town should be used to protect the Town's
265 interests.
266
267 Ms. McAdoo spoke about long-held tax inequities between the Town and Village and urged
268 collaboration to fix it.
269
270 Mr. Signorello said the funding should be allocated to the Town as a whole's cost of separation that it
271 would be likely to encounter.
272
273 Ms. Dunn said that since merger has ceased to be an issue, the surplus funds should go into the General
274 Fund and should be determined by the Selectboard how they should be used.
275

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276 Mr. Franco said that any negotiations that will occur will be between the Selectboard and the Trustees,
277 not with residents. He said that reallocating the funds would be a show of good faith.

278
279 Ms. Delphia said that any money spent on communications and public relations benefit the entire Town,
280 including the Village. She said that a clear scope and timeline need to be defined if these funds are to be
281 used for legal fees.

282
283 Ms. Hill-Fleury asked if the Selectboard can legally use funds that were dedicated for one initiative to
284 somewhere else. Mr. Watts replied that yes, they can be reallocated to another source if the Selectboard
285 chooses to do so. Ms. Hill-Fleury added that she would like to see a plan prior to allocating this funding.

286
287 The Selectboard will continue discussion of this item at its May 17, 2021 meeting.

288
289 **g. Discuss American Rescue Plan Act (ARPA) money and possible process for sharing**
290 **funding with Village of Essex Junction**

291 Mr. Teich noted that billions of dollars have been set aside for states and municipalities in federal funds
292 related to ARPA. He said the federal government will use 2019 census data to allocate funds on a per-
293 capita basis. Details are still not known about requirements around the funding (how it can be spent and
294 on what). He noted that the funds will come to the Town for roughly 21,000 people and that the Town
295 will have roughly 3 years to expend the funds. He asked the Selectboard to contemplate how the monies
296 could be allocated between the Village and Town and processes for doing so.

297
298 Mr. Watts noted that he attended the latest Vermont League of Cities and Towns' advocacy meeting and
299 they'd noted that they anticipate receiving guidance from the U.S. Dept of Treasury this week. He also
300 noted that incorporated villages may get their own allocation, so it wouldn't be necessary to figure out
301 allocating between the Town and Village.

302
303 Mr. Murray suggested setting aside funding for a community committee, to receive community input on
304 how to use certain funds. Ms. Delphia concurred.

305
306 **h. *Legal discussion on Village of Essex Junction's proposed separation from Town of Essex**

307
308 This discussion happened later in executive session.

309
310 **7. CONSENT ITEMS:**

- 311 **a. Consider awarding 2021 Summer Paving Bids**
- 312 **b. Consider adoption of Fiscal Year 2022 Essex Parks and Recreation Program Fund Budget**
- 313 **c. Consider approval of annual Arbor Day Proclamation**
- 314 **d. Approve minutes: April 19, 2021**
- 315 **e. Check Warrants: #17848-4/16/21; #17851-4/23/21**

316
317 **DAWN HILL-FLEURY made a motion, and VINCE FRANCO seconded, to approve the consent**
318 **agenda. The motion passed 5-0.**

319
320 **8. READING FILE:**

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- 321 a. **Board member comments:** Ms. Hill-Fleury thanked Fran Kinghorn for her service on the
322 Cemetery Commission. Mr. Watts noted that this is public service recognition week and thanked
323 municipal staff, the Police Department, the Fire Department, teachers, and other invaluable
324 public service workers for their service.
- 325 b. **Essex Community Justice Center Spring 2021 Newsletter**
- 326 c. **Memo from Sarah Macy, re: Tax Sale Policy – Threshold for Tax Sale NOT met**
- 327 d. **Letter of resignation from Fran Kinghorn, Cemetery Commission**
- 328 e. **Committee on Equity for Essex Newsletter, April 2021**
- 329 f. **Letter from Andrew Brown re: Independent City of Essex Junction**
- 330 g. **Chittenden County Regional Planning Commission April newsletter**
- 331 h. **Upcoming meeting schedule**

332

333 **9. EXECUTIVE SESSION:**

- 334 a. ***An executive session may be necessary to discuss legal matters**
- 335

336 **TRACEY DELPHIA made a motion, and DAWN HILL-FLEURY seconded, that the**
337 **Selectboard make the specific finding that general public knowledge of confidential attorney-**
338 **client communications made for the purpose of providing professional legal services to the**
339 **body would place the Town at a substantial disadvantage. The motion passed 5-0.**

340

341 **TRACEY DELPHIA made a motion, and DAWN HILL-FLEURY seconded, that the**
342 **Selectboard enter into executive session to discuss confidential attorney-client communications**
343 **made for the purpose of providing professional legal services to the body, pursuant to 1 V.S.A.**
344 **§313(a)(1)(F) to include the Town Attorney, Unified Manager, and Deputy Manager. The**
345 **motion passed 5-0 and the Selectboard entered into executive session at 9:18 PM.**

346

347 **DAWN HILL-FLEURY made a motion, and VINCE FRANCO seconded, to exit executive**
348 **session. The motion passed 5-0 at 10:40 PM.**

349

350 **ANDY WATTS made a motion, and DAWN HILL-FLEURY seconded, that the Selectboard**
351 **treat Mr. Silverstrim’s request as a public records request and authorize staff to work with**
352 **Mr. Silverstrim to respond to the request. The motion passed 5-0.**

353

354 **10. ADJOURN:**

355

356 **TRACEY DELPHIA made a motion, and DAWN HILL-FLEURY seconded, to adjourn the**
357 **meeting. The motion passed 5-0 at 10:43 PM.**

358

359 Respectfully Submitted,
360 Amy Coonradt
361 Recording Secretary

362

363 Approved this _____ day of _____, 2021

364

365 (see minutes of this day for corrections, if any)