

**TOWN OF ESSEX
SELECTBOARD MEETING MINUTES
Tuesday August 17, 2021**

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

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Harlan Smith, EJRP Grounds & Facilities Director; Ron Hoague, Chief of Police

OTHERS PRESENT: Andy Champagne; Susan Cogley; Lana Cohen; Kevin Collins; J Cote; Patty Davis; Jon Demerritt; Karen Lee; Deb McAdoo; Erin Dickenson; Timothy Miller; Genevieve Melle; Bridget Meyer; J. Percy; Mary Post; Angel Segarra; Gabrielle Smith; Ken Signorello; Mike Sullivan; Dennis Thibeault; Mike Torne; Irene Wrenner; RM; Sue and Bob.

1. CALL TO ORDER

Mr. Watts called the Essex Selectboard to order at 6:30 PM.

2. AGENDA ADDITIONS/ CHANGES

Mr. Duggan requested the addition of Mr. Franco's letter of resignation from the Selectboard, along with a new agenda item: Discussion about acting to fill the open Selectboard seat. Mr. Watts added this as new item 5e. Ms. Delphia requested that the minutes from August 2, 2021, be pulled from the Consent Items and added to the Business Items. Mr. Watts moved this item to become 5f. Previous item 5e, Legal discussion on Village of Essex Junction's proposed separation from Town of Essex, became 5g.

3. AGENDA APPROVAL

PATRICK MURRAY made a motion, seconded by DAWN HILL-FLEURY, to approve the agenda as amended. The motion passed 4-0.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

Mr. Champagne posed multiple questions regarding: Town and Village board representation, service, structure, and historical make-up; board member election platforms and costs; hypothetical scenarios of power and control between the Town and Village; roles, and responsibilities in forming Selectboard agendas; and the status of charter change. He asked about what services the Village taxes pay for and what services the Town taxes pay for and suggested what he thought may happen if the municipalities separate. He said the discussion of separation should not be included in Selectboard agendas. Mr. Watts responded to Mr. Champagne's questions if information for a response was available and if the questions had a clear answer. He also pointed out when questions were based on assumptions, stances, or perspectives.

Ms. Davis requested wayfinding signs be placed at Saxon Hill so people using the park understand their distance from hunting locations. She said the maps already posted are ineffective and confusing. Ms. Davis said she would be willing to help pay for wayfinding signs. She also requested that a sign be posted reminding people to leash their dogs on the road and only unleash after they enter the Saxon Hill park gate. She asked why the Selectboard has not put this item on the agenda and said she has been requesting this for six years. Mr. Teich said he would discuss the issue with Mr. Lutz and Ms. Vile.

53 Mr. Teich announced that masks are now required in all public buildings, due to COVID-19, but
54 there is no plan to close the buildings. He said municipal meeting attendees must be masked and
55 socially distanced. Mr. Teich also announced that, after many weeks of discussion, the “interim”
56 label was removed from Ms. Makuku’s Community Development Director title.
57

58 Ms. Melle thanked the Selectboard members for their work and cooperation with the Trustees.
59 She said the situation with the Town and Village is difficult while some people do not understand
60 that the Village is also part of the Town.
61

62 **5. BUSINESS ITEMS**

63 a. **Discussion about first two public forums for the Essex community about how to prepare**
64 **for the Village’s coming separation vote and subsequent Vermont Legislature decision**

65 Mr. Duggan invited the Selectboard to discuss the recent Essex community forums and share any
66 feedback or adjustments to the agenda of August 21st forum. Ms. Delphia and Ms. Hill-Fleury
67 attended the first two forums and said they were grateful for community member attendance. Ms.
68 Hill-Fleury hoped more people who may not usually speak about their opinions would come out to
69 for the next forum to share their thoughts. Ms. Delphia praised Ms. ~~Knauer’s~~ agenda, ~~Knauer’s~~
70 facilitation skills, and summarization. She noticed that people who attended seemed concerned
71 about childcare but may not realize that the Village arranged childcare with the schools. Ms. Hill-
72 Fleury said community members expressed concerns about how merger and separation dynamics
73 may affect consolidated departments. Mr. Teich discussed Public Works budgeting dynamics
74 between the Town and Village.
75

76 There was consensus of the Selectboard that the next public forum be conducted with the same
77 facilitation plan as the first two meetings. Ms. Delphia suggested that the agenda be adjusted
78 accordingly to keep the forum from running over time.
79

80 b. **Discussion about sharing municipal services with an independent City of Essex Junction**

81 Mr. Watts provided an overview of the Selectboard’s work to provide a response to the Village
82 Board of Trustees’ prioritized list of topics, in connection with their proposed separation from the
83 Town. He said a summary was provided from legal counsel regarding some of the topics also
84 discussed in forums, including childcare, open/transparent communication and sharing police
85 services. Mr. Watts clarified that the Selectboard does not object to sharing police services with
86 the Village. He said the Selectboard has discussed how to share the cost of these services. Mr.
87 Watts said that, although they have made progress, the Selectboard cannot guarantee all of the
88 Selectboard’s responses to Trustees will be complete before their proposed deadline.
89

90 Mr. Murray said people in the Village are worried about the possibility of arriving at the November
91 separation vote date without specific agreements with the Town. Mr. Watts explained that the
92 Selectboard has been discussing concerns with the legality of locking into agreements before the
93 separation vote takes place. They said they have been working through many details in executive
94 session, to form their thoughts and ensure accuracy in their responses and possible frameworks.
95 Mr. Murray said he appreciates public patience with the process and thanked the public’s
96 feedback through a recent petition about sharing the Police Department. Ms. Delphia said that the
97 last paragraph of the memo in the packet should say the Selectboard will continue to work on an
98 official response to the Trustees’ proposals.
99

100 Ms. Smith thanked the Selectboard for working on this issue and asked that there be as much
101 transparency as possible, by including discussions and deliberations in open session. She said
102 she appreciated that they were working on accurate numbers. Mr. Watts and Mr. Teich clarified
103 that they are aiming for framework accuracy but there may not be numbers included yet.
104

105 Mr. Teich said that the Police Department, Town Selectboard, and Village Trustees agree they do
106 not want the department to change and discussions have focused on budget items and how much
107 of the Police Department's work is for the Village. He said they are working on equity of services
108 and costs, determining how to create a framework that can respond to changing future needs.
109

110 Ms. Meyer thanked the Selectboard and staff for hearing community members at the forums and
111 for addressing public frustration with not knowing what was happening in Executive Sessions. She
112 said she looks forward to the Joint meeting of the Trustees and Selectboard where the executive
113 session plans will be openly discussed. She talked about how she sees the history of the Police
114 Department's creation by both communities of Essex as relevant to the current discussions.
115

116 Ms. Davis requested that the Selectboard ensure equitable opportunity for back and forth
117 discussions during meetings.
118

119 **c. Discussion with Police Chief about incident on Pearl Street**

120 Chief Hoague talked about the Essex Police Department's response to a mid-July disturbance
121 that included multiple assaults. He said that, after an internal review of the incident, they
122 determined that a citation issuance should not have occurred until more facts of the case had
123 been gathered and the case was reviewed by the State's Attorney. He explained the steps being
124 taken to make the incident right, as detailed in a recent press release.
125

126 Chief Hoague explained how this incident has become a learning opportunity for the force. He
127 talked about how trainings with Tabatha Moore, former president of the Rutland branch of the
128 NAACP and State Director, will be revisited and more scheduled on how to effectively integrate
129 the training into daily jobs. Chief Hoague explained that a major lesson for the Police Department
130 was to not be hasty in issuing citations so all of the facts are considered. He talked about how
131 procedures can be changed to be more trauma-informed and how they can conduct better
132 investigations. He said the Police Department will be putting together a panel for the public to
133 learn about and discuss police procedures and how they determine what decisions are made.
134 Chief Hoague said this incident brought negative publicity to the Department and they see there
135 is more work to be done to better serve everyone in the community, especially those most
136 impacted by racism and inequality.
137

138 Mr. Murray acknowledged that the incident was unfortunate but said he was pleased that the
139 community was poised to make changes and the Police Department could quickly move on the
140 issue. He said Essex's efforts on racial equity and work from the Racial Justice Task Force
141 played a role in this. He said that this incident reveals how much work is being done to correct
142 issues.
143

144 Ms. Post agreed with Mr. Murray's comment and said there were many citizens also engaged in
145 pushing for police change. She said she likes the idea of learning from a panel about mechanics
146 of how things are done in the Department. Chief Hoague said citizen involvement is welcome.
147

148 Ms. Hill-Fleury thanked Mr. Watts and Chief Hoague for their leadership on working on the
149 municipality separation issue as it relates to the Police Department. Mr. Watts Congratulated the
150 Department for their successful National Night Out event.
151

152 **d. Discussion about planning for Fiscal Year 2023 budget**

153 Ms. Macy invited a discussion with the Selectboard about their goals and priorities for the FY2023
154 budget. She said she planned the budgeting process to be earlier by two months this year, to
155 avoid a rush to be ready for the Australian ballot. She said the Joint meeting of the Trustees and

156 Selectboard's will include a discussion of joint budget goals. The Selectboard members suggested
157 the following be included in FY2023 budgeting:

- 158 • Funding for racial justice and equity initiatives, including staff diversification efforts.
- 159 • Prioritizing efforts that impact climate change, toward a goal of zero footprint. Mitigation efforts
160 could include solar, hybrid vehicles, etc.
- 161 • Tighten spending, in preparation for potential loss of tax base if the Village separates and
162 consider using fund balance to help ease into the tax increase with loss of Village revenue.
- 163 • Determine which costs could be deferred to lessen the tax burden and make an explicit budget
164 list to address tax equity if the Village Separation effort fails.
- 165 • Strengthen local mental health supports and consider funding that could improve immediate
166 mental health services and wrap around support opportunities with policing. Create an explicit
167 line item to show intent and dedication to support this.
- 168 • With the entire southern border of Essex as waterfront, prioritize establishing river access.
- 169 • Discuss new revenue sources such as a Local Option Tax, review of fee structures, and/or an
170 increase to the Capital Tax.

171
172 Mr. Watts and Ms. Macy discussed the Capital Plan timeline and whether fund balance will be
173 known in time for budget discussions in November. Ms. Macy talked about the rollout of new
174 budgeting software's custom features that will be helpful with the upcoming budget season.

175
176 Ms. Davis expressed confidence in Mr. Watts' experience with money and budgeting.

177
178 Ms. Post agreed that limited mental health services in Essex is a big concern and said she was
179 shocked to hear there is a three-year waiting list for children to receive mental health help.

180
181 Ms. Wrenner said a plan, previously approved, to merge and combine Public Works budgets
182 should no longer move forward since the merger was defeated by public vote. She suggested
183 continuing separate budgets for services that have not been consolidated, such as the Fire
184 Department budgets, but if the Town of Essex pays for a merged service, the trucks should be
185 labeled so it is clear to the public.

186
187 Mr. Percy suggested that the Manager Salary's benefits be shared between the Town and Village,
188 as the salary already is. He was also curious about why the benefits are not already shared and if
189 there are other positions like this in Essex. Mr. Teich said this may be worth looking at again.

190
191 **e. Discussion about acting to fill the open Selectboard seat**

192 Mr. Duggan said Mr. Franco's letter of resignation from the Selectboard was received the day
193 before. He invited the Selectboard members to discuss how to proceed with filling this seat. He
194 said they could either hold a special election or conduct interviews and appoint someone.

195
196 Mr. Watts said they should keep in mind, in the discussion, that the topic was not well warned for
197 the public to consider. He said that it would be good to fill the seat soon, considering the budget
198 cycle is starting early November. He suggested interviewing candidates using questions they
199 drafted after the resignation of Ms. Cooper. The Selectboard members agreed with his
200 suggestions. They discussed with Mr. Duggan how long they should run an open advertisement
201 and also considered whether to hold a special meeting in September or October for the
202 interviews. Mr. Duggan said he would look at already scheduled meeting dates and suggest some
203 possible dates for a special meeting in late September or Early October, through a Doodle poll.
204 Ms. Delphia requested that they consider changing the wording of the position to say selectperson
205 instead of selectman. She also pointed out that this language is used in the Town Charter. The
206 Selectboard discussed state legislation being considered to address this issue as well. Mr. Teich

clarified that applicants normally provide their application with a cover letter and Ms. Hill-Fleury requested applicants also include a job history also. Mr. Duggan said he will begin to advertise the vacant Selectboard seat and begin collecting applications.

The Selectboard members thanked Mr. Franco for his service.

f. Approve Minutes: August 2, 2021

Ms. Delphia requested replacing the rest of the paragraph, beginning at the end of 201 with the word “The” with the sentences: “Due to issues of childcare, concerns over COVID and unfamiliarity with the technology available at Memorial Hall, the Selectboard members felt a hybrid meeting was preferable for the August 4th forum and decided to relocate the session to 81 Main Street. They agreed they would quickly and thoroughly update this change online and with signs.”

DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, to accept the minutes as corrected. The motion passed 4-0.

g. *Legal discussion on Village of Essex Junction’s proposed separation from Town of Essex

This agenda item took place in Executive Session as 8a.

6. CONSENT ITEMS

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to accept the Consent Agenda and with thanks to Grace Vinson for her service:

a. ~~Approve minutes: August 2, 2021~~

- Approval of minutes from August 2, 2021, took place as item 5f.

b. Check Warrants: # 17891 – 7/30/21; #17894 – 8/6/21; #17897 – 8/13/21

The motion passed 4-0.

7. READING FILE

a. Board member comments

- Mr. Teich said the Senior Center will be reopening on September 3rd. He thanked Essex Parks and Recreation staff for keeping in touch with seniors and continuing to run the Senior Van. He said there is still a shortage of drivers for the van but it is running as best it can be.
- Mr. Watts thanked Ms. Vinson for her service on the Conservation and Trails Committee. He thanked staff for the support provided to the Senior Swim Meet held at Sand Hill Pool, and acknowledged the successful National Night Out event. He also thanked staff for including thank you notes from the Essex Human Services funding recipients.

b. Memo from Chief Ron Hoague re: Recap of National Night Out

c. Email from Elaine Haney re: The Selectboard’s responsibility regarding sharing EPD

d. Letter from Betsy Terry re: experience at Sand Hill Pool

e. Email from Grace Vinson re: Resignation from Conservation and Trails Committee

f. Thank you notes from Essex Human Services

g. Upcoming meeting schedule

8. EXECUTIVE SESSION

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

DAWN HILL-FLEURY made a motion, seconded by PATRICK MURRAY, that the Selectboard make the specific finding that general public knowledge of confidential attorney-client

256 **communications made for the purpose of providing professional legal services to the body**
257 **would place the Town at a substantial disadvantage. The motion passed 4-0 at 8:16 PM.**
258

259 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that that the**
260 **Selectboard enter into executive session to discuss confidential attorney-client**
261 **communications made for the purpose of providing professional legal services to the body,**
262 **pursuant to 1 V.S.A. § 313(a)(1)(F) to include the Unified Manager and Deputy Manager with**
263 **legal counsel. The motion passed 4-0 at 8:18 PM.**
264

265 **DAWN HIL-FLEURY made a motion, seconded by PAT MURRAY, to exit executive session. The**
266 **motion passed 4-0 at 9:43 PM.**
267

268 **9. ADJOURN**
269

270 **DAWN HILL-FLEURY made a motion, seconded by PAT MURRAY, to adjourn. The motion**
271 **passed 4-0 at 9:44 PM.**
272

273 Respectfully Submitted,
274 Cathy Ainsworth
275 Recording Secretary
276

277 Approved this _____ day of _____, 2021
278 (See minutes of this day for corrections, if any)
279

280 _____
281 Tracey Delphia, Clerk, Selectboard