



**TOWN OF ESSEX SELECTBOARD
VILLAGE OF ESSEX JUNCTION TRUSTEES
MEETING AGENDA**

Online
Essex Junction, VT 05452
Tuesday, May 26, 2020
7:15 PM

E-mail: manager@essex.org

www.essexjunction.org
www.essexvt.org

Phone: (802) 878-1341
(802) 878-6951

*Due to the Covid-19 pandemic, **this meeting will be held remotely**. Available options to watch or join the meeting:*

- The meeting will be live-streamed on [Town Meeting TV](#).
- [Join Microsoft Teams Meeting](#). Depending on your browser, you may need to call in for audio (below).
- Join via conference call (*audio only*): (802) 377-3784 | Conference ID: 567 879 777#
- For the purpose of recording minutes, you will be asked to provide your first and last name.
- When listening to the meeting, please keep your phone or computer on “mute” as to prevent interruptions during the meeting. For agenda items when it is appropriate for the public to speak, please unmute your phone or computer and introduce yourself before requesting the floor from the Chair/President.

The Selectboard and Trustees meet together to discuss and act on joint business. Each board votes separately on action items.

1. **CALL TO ORDER** [7:15 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
5. **BUSINESS ITEMS**
 - a. Update on COVID-19—Evan Teich
 - b. Discussion of whether to require masks in Essex—Greg Duggan
 - c. Accept Drug and Alcohol Testing Policy for Commercial Motor Vehicle Operators and Parks and Recreation Senior Van Drivers – Travis Sabataso
 - d. Schedule meeting to discuss merger – Greg Duggan
6. **CONSENT ITEMS**
 - a. Approve minutes: May 12, 2020 – (Trustees and Selectboard)
7. **READING FILE**
 - a. Board Member Comments
 - b. Memo from Travis Sabataso re: Fiscal Year end 2021 Delta Dental and VSP Vision Rates
 - c. Press release: Complete Count Committee asks residents to complete 2020 Census
 - d. Upcoming meeting schedule
8. **EXECUTIVE SESSION**
 - a. An executive session is not anticipated
9. **ADJOURN**

Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the Chair or President, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the Chair or President. This agenda is available in alternative formats upon request. Meetings, like all programs and activities of the Village of Essex Junction and the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Unified Manager's office at 878-1341 TTY: 7-1-1 or (800) 253-0191.

Certification: 05/22/2020

Memorandum

To: Trustees; Selectboard; Evan Teich, Unified Manager
Cc: Rick Garey, Police Chief/Public Safety Officer
From: Greg Duggan, Deputy Manager GSD
Re: Update on covid-19 and municipal services
Date: May 22, 2020

Issue

The issue is to update the boards on municipal services during the covid-19 pandemic.

Discussion

The Town and Village continue to adjust municipal services in accordance with the Governor's Stay Home, Stay Safe Order. Staff are making plans for slowly reopening municipal buildings. Nearly all employees are back to work in full, whether at home, in municipal buildings, or in the field.

Potential cost-saving options continue to be reviewed. Administration and the Public Safety Officer are making plans in case of future waves of COVID-19.

Cost

N/a

Recommendation

This memo is for informational purposes.

Memorandum

To: Trustees; Selectboard; Evan Teich, Unified Manager
From: Greg Duggan, Deputy Manager; Rick Garey, Police Chief
Re: Facemasks in public
Date: May 22, 2020

Issue

The issue is for the Trustees and Selectboard to discuss whether to implement a town-wide requirement to wear facemasks in public.

Discussion

Staff and some elected officials have had discussions about whether or not to require the use of facemasks in public, in Essex.

Both municipalities are requiring that visitors wear masks while in public buildings. Businesses have the option of requiring patrons to masks to enter their establishments.

Since the COVID-19 pandemic started, the municipalities have looked to the Center for Disease Control and the Vermont Department of Health for guidance, while also adhering to the Governor's orders. CDC and the Department of Health have recommended that people wears masks when in public and near other people. The Trustees and Selectboard could make similar recommendations to Essex residents.

Enforcing a town-wide requirement on masks poses a much larger challenge. To do so would mean creating an ordinance (a potentially lengthy process), which would include a fine structure, and then potentially going to court to fully enforce violations and collect fines.

The Police Department has already taken many calls about people not properly social distancing, and cannot respond to or enforce all violations. Advice from the Attorney General's office to the police has been to talk to people and guide them, and refer egregious violations to the AG's office for enforcement.

Responding to and enforcing mask violations would likely pose an even more difficult challenge.

As of May 22, the Governor's and Health Department data shows Vermont as having the second-lowest doubling rate in the country for infections, so our current practices are working. Staff does not see a current need to create additional requirements to what is already working.

Cost

n/a

Recommendation

Staff recommends the Selectboard and Trustees encourage the public to wear facemasks in public while the Governor's emergency order remains in effect.

Memorandum

To: Selectboard; Trustees; Evan Teich, Unified Manager
From: Travis Sabatase, HR Director JS
Re: Drug and Alcohol Testing Policy for Commercial Motor Vehicle Operators and Parks and Recreation Senior Van Drivers
Date: May 21, 2020

Issue

The issue is whether the Selectboard and Trustees will accept the Town of Essex/Village of Essex Junction Drug and Alcohol Testing Policy for Commercial Motor Vehicle Operators and Parks and Recreation Senior Van Drivers.

Discussion

This draft policy for the Town of Essex/Village of Essex Junction was crafted by combining the VLCT Model Policy and the current Town and Village Drug and Alcohol Testing policies. The enclosed draft has been reviewed by all Department Heads who supervise CDL Operators and Senior Van Drivers, as well as by VLCT and Town Legal Counsel. Feedback from all parties has been incorporated into this draft. The intent is that this policy will replace all existing policies of this nature for both the Town and the Village.

Cost

There is no cost associated with this issue.

Recommendation

It is recommended that the Selectboard and Trustees accept the policy, for adoption at a future meeting.

Drug and Alcohol Testing Policy for Commercial Motor Vehicle Operators and Parks and Recreation Senior Van Drivers	
Revision Number: 1.0	Town of Essex Selectboard Adopted on:
Revision Date: 05/21/2020	Village of Essex Junction Trustees Adopted on:
Effective Date:	

Introduction

This policy applies to employees and prospective employees of The Town of Essex & Village of Essex Junction who operate commercial motor vehicles (CMVs) or who will operate CMVs if they are hired, transferred or promoted. This policy also applies to Parks and Recreation Senior Van Drivers, who are governed by Federal Transit Administration (FTA) Drug Testing Requirements. Employees and prospective employees are not subject to this policy by virtue of holding a Commercial Driver's License (CDL) unless their job duties may require them to operate a CMV.

The policy was developed based on the requirements articulated by the U.S. Department of Transportation (DOT) in Title 49, of the Code of Federal Regulations (CFR).

This policy does not constitute a contract of employment. Employment with the Town of Essex & Village of Essex Junction is ***at will*** and not for any definite period or successive periods of time. Absent language in a collective bargaining agreement, the Town/Village or the employee may terminate employment at any time, with or without notice. The Selectboard and the Trustees reserve the right to amend any of the provisions of this personnel policy for any reason and at any time, with or without notice.

Section 1: Applicability

This policy applies to all Town of Essex & Village of Essex Junction employees and prospective employees who operate commercial motor vehicles (CMVs) while engaged in any municipal business. This policy also applies to Parks and Recreation Senior Van Drivers. This policy supersedes any provisions in the Town and Village Personnel Guidelines, and any other Town/Village policies regarding the consequences of the possession or use of drugs and alcohol as they pertain to CMV operators and Senior Van Drivers.

For purposes of this policy,

Commercial motor vehicle or CMV means a motor vehicle or combination of motor vehicles as follows:

- Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more.
- A combination vehicle with a gross combination weight rating (GCWR) of 26,001 or more pounds, provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.
- A vehicle designed to transport 16 or more passengers (including the driver).
- Any size vehicle which requires hazardous material placards or is carrying material listed as a select agent or toxin in 42 CFR part 73.

Individuals operating the above vehicles must have a valid commercial driver's license (CDL). Note that emergency vehicles (e.g. fire apparatus) are not CMVs.

Each employee who is subject to this policy is required to sign an acknowledgement that he or she has been provided a copy of this policy. This acknowledgement will be maintained in the Town's/Village's personnel files as part of the driver qualification file. An acknowledgement form is included as Appendix C.

Given the varied nature of municipal needs, employees who are employed to operate CMVs or the Senior Vans have the potential to serve in safety-sensitive functions during any part of their job. Therefore, employees are subject to this policy at all times while they are actively working and during periods when they may be called into work (e.g. to respond to weather-related incidents, respond to emergency situations, etc.). Safety-sensitive functions and other terms are defined in Appendix A: Definitions.

Section 2: Responsibility for Employee Information

The Town of Essex and Village of Essex Junction have assigned the Human Resources Director as the individual who can provide employees with information regarding this Drug & Alcohol Policy and answer related questions on the pertinent issues. Employees may also obtain information about applicable Federal regulations from 49 CFR. Sources of information are provided in Appendix B of this policy.

Section 3: Prohibited Conduct

Conduct listed in this section is prohibited.

- Having a verified positive, adulterated or substituted drug test result.
- Performing safety-sensitive functions after notification of a verified positive, substituted or adulterated drug test result or an Evidential Breath Testing Device (EBT) alcohol test result indicating a measured alcohol concentration of 0.02% or greater, regardless of when the drug or alcohol was ingested and regardless of whether or not the driver is under the influence of alcohol or using drugs, as defined in federal, state or local law.
- Reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.
- Consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. An on-call employee who has consumed alcohol must acknowledge the use of alcohol at the time that he/she is called to report for duty.
- Consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- Misusing or being impaired by authorized or prescribed drugs or over-the-counter medications which may affect work performance or pose a danger to the safety of the driver or to others. Drivers are required to inform the employer's designated representative of any therapeutic drug use that has the potential to impact the safe operation of equipment or motor vehicles.
- In cases where prescribed medication labeling suggests that machinery operation or driving may be compromised in any way, the driver shall obtain written authorization from the prescribing physician indicating that the driver is able to safely operate a CMV while using the substance. This must be provided to the municipality prior to operation of said CMV while using the prescribed substance(s).

- Reporting to work or remaining on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.02% or greater regardless of when the alcohol was consumed.
- Consuming alcohol for eight (8) hours following involvement in an accident or before submitting to any required post-accident drug/alcohol testing, whichever occurs first.
- Engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including municipal premises, vehicles, while in uniform or while on municipal business.
- Refusal to submit to alcohol or drug testing, as defined in Section 4, below.

Section 4: "Testing Refusal" Defined

Under federal law, a test refusal is considered as a positive test and has the same consequences. An employee or prospective employee is considered to have refused a test when s/he does any of the following:

- Fails to appear for any test within a reasonable time, as determined by the employer or testing pool administrator, after being directed to do so by the employer;
- Fails to remain at the testing site until the testing process is complete;
- Fails to provide a urine specimen for any drug test required by Part 40 or DOT agency regulations;
- In the case of an observed collection in a drug test, fails to permit the observation or monitoring of the collection of a specimen;
- Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Fails to provide an adequate amount of saliva or breath for any alcohol test required, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Fails or declines to take a second test that the employer or collector has directed the employee to take;
- Fails to undergo a medical examination or evaluation, as directed by the Medical Review Officer (MRO) as part of the verification process, or as directed by the Designated Employer Representative (DER) as part of the "shy bladder" procedures;
- Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process);
- If the MRO reports that there is verified adulterated or substituted test result.

Section 5: Testing

All testing and specimen collection prescribed under this policy will be done in accordance with federal requirements. Prescribed testing includes: pre-employment, random, reasonable suspicion, post-accident, return to duty, and follow-up, if applicable.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner, and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

Section 5a: The Drug Testing Process

The drug testing process will screen for drugs including marijuana, cocaine, opiates, opioids, amphetamines, and phencyclidine. The use of certain over-the-counter medications and other substances may result in a positive test.

After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection procedure. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a DHHS certified laboratory.

An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

If a drug test produces a result of negative-dilute, the donor will be required to submit to another specimen collection. The re-collection will not be done under direct observation. If the results of the second test are also negative-dilute, the Town of Essex and Village of Essex Junction will accept that result and cannot continue re-collections. The second test will be the test of record. Under federal law, an applicant/employee's refusal to submit to a re-collection for a negative-dilute result is a refusal to test.

The test results from the DHHS certified laboratory will be reported to an MRO. The MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a verified positive, substituted, or adulterated test result. The MRO will:

- Attempt to contact the employee to notify the employee of the non-negative laboratory result and provide the employee with an opportunity to explain the confirmed laboratory test result.
- Review any medical history and/or medical records that have been offered by the employee to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be confirmed as a verified positive or a refusal to test and reported to the Town of Essex and Village of Essex Junction DER. If a legitimate explanation is found, the MRO will report the test result as negative to the DER and no further action will be taken. If the test is invalid without a medical explanation, a retest will be conducted under direct observation.

Any covered employee who questions the results of a required drug test performed under this policy may request that the split specimen be tested. The employee's request for a split specimen test must be made to the MRO within 72 hours of notice of the original specimen verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts beyond the control of the employee.

The original collected urine specimen is split into 2 specimens (primary specimen and split specimen) prior to testing, expressly for this purpose. The split specimen test must be conducted at a second DHHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split specimen that was provided by the employee at the same time as the primary specimen. The method of collecting, storing, and testing the split specimen will be consistent with the procedures set forth in 49 CFR Part 40, as amended.

Any covered employee who elects to have a split specimen tested agrees to fully reimburse the municipality for all costs associated with the testing. Reimbursement may be recouped via payroll deduction, or any other mutually agreeable method(s).

- If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct a retest of the employee under direct observation. The retest must occur as quickly after notification as possible.
- The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen tests negative, the split specimen will be discarded. If the primary specimen tests positive, the split specimen will be retained for testing if so requested by the employee through the MRO. If the primary specimen is positive, both the primary and split specimens will be retained in frozen storage for one year.

Section 5b: Observed Collections

Consistent with 49 CFR Part 40, collection under direct observation by a person of the same gender with no advance notice will occur in any of the following circumstances:

- The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the municipality that there was not an adequate medical explanation for the result;
- The MRO reports to the municipality that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
- The test is a return-to-duty test or a follow-up test;
- The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- The temperature of the original specimen was out of range; or
- The original specimen appeared to have been tampered with.

Section 5c: The Alcohol Testing Process

Tests for breath alcohol concentration will be conducted by a trained Breath Alcohol Technician (BAT) using a National Highway Traffic Safety Administration (NHTSA)-approved EBT.

If the initial test results indicate that alcohol is present, a confirmatory test will be conducted at least fifteen minutes after the completion of the initial test and will be performed by a trained BAT using a NHTSA-approved EBT. The EBT will identify each test with a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT

printout, along with an approved alcohol testing form, will be used to document the testing, all results, and to attribute the test to the correct employee.

The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee, to maintain the integrity of the alcohol testing procedures and ensure the validity of the test result. An employee who has a confirmed alcohol concentration of 0.04% or higher will be considered to have a positive alcohol test and will be in violation of this policy. The consequences of a positive alcohol test are described below.

An employee undergoing alcohol testing who does not provide a sufficient amount of breath to permit a valid breath test will be directed to obtain an evaluation within 5 days, from a licensed physician who has expertise in the medical condition raised by the employee's failure to provide a sufficient specimen. The results of this evaluation will be reviewed by the MRO to determine the result of the test.

Even though an employee who has a confirmed alcohol concentration of 0.02% to 0.039% is not considered to have had a positive test, the employee shall still be removed from safety sensitive functions for twenty-four hours.

Subsequent to the required 24-hour removal, the employee will:

- Meet with the Relevant Supervisor and Department Head, Unified Manager, and HR Director to review the need to avoid alcohol use from any source during or proceeding work hours.
- If the employee has an alcohol test result of 0.02% to $\leq 0.039\%$ two or more times within a six month period, the employee will again meet with a municipal representative from the list above to review the need to avoid alcohol use. The employee will be provided with contact and related information for the EAP program (currently Invest EAP). There is no requirement that the employee access those services.

An alcohol concentration of less than 0.02% will be considered a negative test.

The municipality affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be cancelled. Minor inconsistencies or procedural flaws that do not affect the test result will not result in a cancelled test.

Section 5d: Pre-employment Testing

When an individual applies to work for the Town of Essex & Village of Essex Junction in a position that involves the operation of a CMV or a Senior Van, or when a municipal employee is under consideration for a position that involves the operation of a CMV or a Senior Van, that person will be required to undergo pre-employment urine drug testing. All offers of employment and offers for transfer for covered positions shall be conditional upon the applicant passing the drug test. Pre-employment testing must be completed prior to the individual working in the new position.

Pre-employment drug testing will be accomplished by providing advance notice of the test schedule and location to the position applicant. The length of the advance notice period will be kept as short as is reasonably feasible to coordinate and complete the test.

If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded. Prior to future consideration for employment performing safety sensitive functions, the municipality must receive evidence from a substance abuse professional that meets the requirements of 49 CFR part 40 as amended, regarding the absence of drug dependency. A negative pre-employment drug test will also be required.

Any applicant who fails a pre-employment drug test will be provided the results of the test along with the current Invest EAP brochure. This serves to provide the individual with information about substance abuse treatment opportunities.

If a drug test produces a result of negative-dilute the donor will be required to submit to another specimen collection. The re-collection will not be done under direct observation. If the results of the second test are also negative-dilute, the Town of Essex & Village of Essex Junction will accept that result and cannot continue re-collections. The second test will be the test of record. Under federal law, an applicant/employee's refusal to submit to a re-collection for a negative-dilute result is a refusal to test.

When an existing employee is being placed, transferred, or promoted into a position that is covered by this policy and that person submits a drug test with a verified positive result, the employee may be subject to disciplinary action as outlined in the municipal personnel policies. That employee will also be eliminated from consideration for the position which triggered the need for the pre-employment test.

If a pre-employment/pre-transfer test is cancelled for any reason, the applicant will be required to take and pass a pre-employment drug test before the individual is placed into a covered CDL or Senior Van driver position or performs safety sensitive functions.

FMCSA Clearinghouse

Effective January 6, 2020 in accordance with 49 CFR, all covered drivers shall be subjected to a query of the FMCSA Clearinghouse prior to employment as well as yearly throughout the driver's employment with the Town of Essex & Village of Essex Junction. This is an employer responsibility.

Drivers should also note that the following information will be reported to the Clearinghouse by the MRO, the VLCT PACIF-sponsored Drug & Alcohol Testing Consortium that is operated by the third-party administrator, DISA (formerly Drug Testing, LLC) (Consortium/TPA) and/or the employer. Drivers who fail to provide the necessary authorization to complete the initial or annual query will be subject to termination.

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to a drug or alcohol test;
- An employer's report of actual knowledge, as defined at 49 CFR § 382.107;
- On-duty alcohol use pursuant to 49 CFR § 382.205;
- Pre-duty alcohol use pursuant to 49 CFR § 382.207;
- Alcohol use following an accident pursuant to 49 CFR § 382.209;
- Drug use pursuant to 49 CFR § 382.213;
- SAP's report of the successful completion of the return-to-duty process;

- A negative return-to-duty test; and,
- An employer's report of completion of follow-up testing.

Section 5e: Random Testing

All municipal CDL drivers and Senior Van Drivers are placed in the Consortium/TPA operated by DISA. These employees are subject to random, unannounced testing. There is no discretion on the part of the employer or supervisor in the selection and notification of the individuals who are to be tested. The selection of employees is made by a scientifically valid method of randomly generated employee identifier numbers from the pool of covered employees. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

The dates for administering unannounced testing are randomly selected each quarter and updated each calendar year, with a minimum percentage of the pool's drivers selected for drug testing, alcohol testing, or both as required by Federal regulations.

Random drug tests can be conducted at any time during an employee's shift when safety sensitive functions may be performed. Random alcohol tests can be performed just before, during, or just after the performance of a safety-sensitive duty. Employees are required to proceed immediately to the collection site or make themselves immediately available to collectors when they are notified that they have been selected for testing.

Section 5f: Reasonable Suspicion Testing

All covered employees will be subject to a reasonable suspicion drug and/or alcohol test when there is a reasonable suspicion to believe that drug or alcohol use is occurring, has recently occurred, or that the person is under the influence of drugs or alcohol. "Reasonable suspicion" shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse.

Reasonable suspicion drug test referrals will only be made by a supervisor or other designated individual with employee monitoring and assignment responsibilities who has received "reasonable suspicion training" in accordance with FMCSA regulations. The training ensures that supervisors or other designated employees with similar responsibilities have the skills and knowledge to objectively detect the signs and symptoms of drug and alcohol use in employees covered by this policy.

A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

The Town of Essex & Village of Essex Junction shall be responsible for transporting the employee who will be tested to a suitable testing site identified by ODT. Transport shall include travel to and from the location and to the individual's residence, as they should not be permitted to work when they may be under the influence of a drug or alcohol.

Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. An employee who refuses an instruction to submit to a reasonable suspicion drug/alcohol test shall not be permitted to finish his or her shift and will be subject to other

employment consequences. If an employee refuses transportation to a suitable testing site and/or to their residence and instead chooses to operate their personal vehicle, local law enforcement may be notified immediately that the Town/Village has reasonable suspicion that said employee is operating a motor vehicle under the influence. Failure to submit to a reasonable suspicion test is prohibited conduct (test refusal), the consequences of which are outlined in Section 6: Consequences of a Positive Test.

A written record of the observations that led to a reasonable suspicion drug/alcohol test shall be prepared and signed by the supervisory individual making the observation. This record shall be prepared prior to the release of the test results. This written record shall be submitted to the Human Resources Director.

If an alcohol test required by this section is not administered within two hours following the reasonable suspicion determination, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the reasonable suspicion determination, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

If a drug test required by this section is not administered within 32 hours following the accident, the municipality will cease attempts to administer a controlled substances test and will document and maintain a record stating the reasons the test was not given within the required timeframe.

Section 5g: Post Accident Testing

All covered employees will be required to undergo post-accident urine and breath testing if they are involved in an accident with a CMV or Senior Van that meets the criteria outlined in the following chart:

If the accident involved any of the following:	Qualifying event: Was a citation issued to the CMV or Van driver?	Must test be performed by employer?
Human fatality	YES	YES
Human fatality	NO	YES
Bodily injury with immediate medical treatment away from the scene.	YES	YES
Bodily injury with immediate medical treatment away from the scene.	NO	NO
Disabling damage to any motor vehicle requiring tow away.	YES	YES
Disabling damage to any motor vehicle requiring tow away.	NO	NO

If an alcohol test required by this section is not administered within two hours following the accident, the municipality will document and maintain a record stating the reason(s) why the test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the accident, the municipality will cease attempts to administer an alcohol test and will document the conditions that led to the time delay and failure to test.

If a drug test required by this section is not administered within 32 hours following the accident, the municipality will cease attempts to administer a controlled substances test and will document and maintain a record stating the reasons the test was not given within the required timeframe.

Section 6: Consequences of a Positive Test

The MRO will report positive test results to the DER only after verifying the test results as outlined in 49 CFR, Part 40 as amended. When the DER is notified of this positive test result, the employee will be immediately suspended from operating CMVs, Senior Vans and other safety sensitive functions for the municipality and will be referred to a Substance Abuse Professional (SAP) for substance abuse assessment and/or treatment at the employee's expense.

On the day that the positive test results are received, the employee will be suspended from all duties with pay. Subsequent to that, the employee may be suspended without pay. The employee's length of suspension will run the period of time in which it takes the individual to satisfactorily complete the treatment (as confirmed by the treating SAP), and last for up to 3 months from the date the positive test result was received. After that period, if the employee has not successfully completed treatment, the employee may be terminated.

Any employee who has an initial positive test and has the split sample tested and obtains a negative result will immediately be permitted to return to their normal job duties.

An employee who provides written documentation from an SAP that substance abuse treatment has been satisfactorily completed within the 3-month suspension period must fulfill all return to duty testing requirements in Section 7: Return to Duty Testing prior to performing any safety sensitive functions. Follow-up testing will also be required as directed by the SAP.

An employee who has a second positive test after completing return to duty testing may be terminated.

Section 7: Return to Duty Testing

Covered employees having a positive test will not be permitted to return to duty until after a SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The SAP will authorize the return to duty testing only when the employee is known to be drug and alcohol-free and there is no risk to public safety. The SAP will provide written documentation that the treatment has been completed and that the employee may undergo return to duty testing. The employee will then be allowed to take a return-to-duty test, as directed by the treating SAP.

The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before they may return to duty. For an initial positive drug test, a return to duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test, a return to duty alcohol test is required and a drug test is allowed. Return to duty testing MUST be performed under direct observation.

Section 8: Follow-Up Testing

After satisfactory completion of return to duty testing, the driver is required to submit to at least 6 follow up tests during the first 12 months after resuming safety sensitive functions. Follow-up testing may be required for up to 60 months unless the SAP determines that testing is no longer warranted. The number and frequency of follow-up tests will follow the written guidance provided by the treating SAP. All follow-up tests are unannounced and may include testing for drugs and/or alcohol.

Follow-up alcohol testing will be conducted only when the driver is performing or just before performing safety sensitive functions, or just after the driver has ceased performing safety-sensitive functions. Follow-up testing **MUST** be performed under direct observation.

Follow-up testing is separate from and in addition to random, post-accident, reasonable suspicion, and return to duty testing.

Section 9: Employee Information

Employees are encouraged to seek information regarding the effects of alcohol and controlled substances and their health, employment, and personal life. Such information is available at:

<http://www.samhsa.gov/>;

<http://www.fmcsa.dot.gov/rules-regulations/topics/drug/drug.htm>

<http://www.investeap.org/>

<http://www.dot.gov/odapc/employee-handbook-english>

APPENDIX A: Definitions

Accident means an occurrence associated with the operation of a CMV, if as a result:

- An individual dies, or
- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident, or
- One or more vehicles incur disabling damage as the result of the occurrence and are transported away from the scene by a tow truck or other vehicle. For purposes of this definition, ***disabling damage*** means damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include:
 - damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, or
 - tire disablement without other damage even if no spare tire is available, or
 - damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Adulterated specimen is a specimen that has been altered, as evidenced by test results showing either a substance that is not normally found in that type of specimen or showing an abnormal concentration of a substance that is normally found in that specimen.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device (EBT).

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce, to transport passengers, or property if the motor vehicle:

- Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Covered Employee means an employee who performs a safety-sensitive function including an applicant or transferee who will be hired to perform a safety-sensitive function. Employees who operate CMVs are considered to be performing safety-sensitive functions as are employees operating Senior Vans.

Medical Review Officer (MRO) means a licensed physician (medical doctor or doctor of osteopathy) who is responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history and any other relevant bio-medical information.

Negative test result for a drug test means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02% BAC is a negative test result.

Negative Dilute is a drug test specimen showing a creatinine level of greater than 5mg/dl and less than 20 mg/dl.

Non-negative test result is a test result found to be adulterated, substituted, invalid, or positive for a drug or drug metabolites. Non-negative results are considered a positive test or a refusal to test if the MRO cannot determine a legitimate medical explanation for the result or the refusal.

Observed Collection means the donor will provide his or her sample under the direct observation of either a collector or another individual of the same gender. The donor must raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the observer, by turning around, that he/she does not have a prosthetic device. After the observer has determined that the donor does not have a prosthetic device, the donor may return his/her clothing to its proper position for observed urination.

Positive test result for a drug test means a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, Section 40.87 as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04% BAC or greater. Any positive test result reported to the DER by the MRO is verified by the MRO prior to reporting.

Primary specimen. In drug testing, the primary specimen is the urine specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

Prohibited drug means marijuana, cocaine, opiates, opioids, amphetamines, phencyclidine, or MDMA (ecstasy) at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Safety-sensitive function includes the timeframe that begins when a driver starts work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting, servicing, or conditioning any CMV or Senior Van at any time;
- All time spent at the driving controls of a CMV or Senior Van in operation;
- All time, other than driving time, in or upon any CMV or Senior Van except time spent resting in a sleeper berth;

- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Shy Bladder refers to any time a safety-sensitive employee is unable to provide a 45ml. sample of urine in a single void within a three hour time period.

Split specimen. In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Substance Abuse Professional (SAP) means a licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Verified negative test means a drug test result reviewed by a MRO and determined to have no evidence of prohibited drug use above the minimum cutoff levels established in DOT Rule 49 CFR Part 40 Section 40.87 as revised.

Validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

APPENDIX B: Contacts & Information

DISA (formerly Occupational Drug Testing, LLC)

Manchester, NH
800-211-4469

VLCT/PACIF

Risk Management Services
89 Main St. Montpelier, Vermont 05602
802-229-9111

INVEST EAP

108 Cherry Street, Suite 203
Burlington, Vermont 05401
MAIN OFFICE: 888.392.0050
FAX: 802.863-7515
staff@investeap.org

Employee Access to Information

49 CFR part 40 and 49 CFR part 382 (and 49 CFR part 655 for Senior Van Drivers) must be available upon request to covered employees and representatives of employee organizations. 49 CFR part 40 is accessible on line at <http://www.dot.gov/ost/dapc>, by fax on demand at 1-800-225-3784 requesting document 151, by phone at 1-866-512-1800, or by writing to U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance, 400 Seventh Street SW, Room 10403, Washington, D.C. 20590.

APPENDIX C: CMV and Senior Van Drug & Alcohol Testing Policy-Acknowledgement Form

Town of Essex & Village of Essex Junction

I HEREBY ACKNOWLEDGE that I have received a copy of and read and understand my employer's **Drug and Alcohol Testing Policy for Commercial Motor Vehicle Operators and Parks and Recreation Senior Van Drivers**. I understand that I must abide by its terms as a condition of employment. I understand that during my employment I may be required to submit to a controlled substances and/or alcohol test based on U.S. Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) regulations.

I also understand that refusal to submit to a controlled substances or alcohol test is a violation of DOT regulations and the above referenced policy and may result in disciplinary action, including suspension (with or without pay) or termination of employment for gross and willful misconduct. I further understand the consequences of controlled substances and/or alcohol use as outlined in this policy.

I acknowledge that the provisions of my employer's **Drug and Alcohol Testing Policy for Commercial Motor Vehicle Operators and Parks and Recreation Senior Van Drivers** are part of the terms and conditions of my employment, and that I agree to abide by them.

I acknowledge that I understand that Marijuana is still a banned substance under Federal law, in all forms including CBD and Medical Marijuana, and that the use of Marijuana may result in a positive drug test and my removal from duty.

By signing below, I also acknowledge that I understand the meaning of this form and agree that it will be used to document my understanding of the **Drug and Alcohol Testing Policy for Commercial Motor Vehicle Operators and Parks and Recreation Senior Van Drivers**.

Printed Name of Employee/Applicant: _____

Signature of Employee/Applicant: _____

Employee/Applicant CDL ID # or DL ID #(For Van Drivers)

Date: _____

Witness Signature: _____

Date: _____

Original Acknowledgment of Receipt and Understanding will be kept in the Driver's Qualification File. Check here ☐ to confirm copy given to employee/applicant.

APPENDIX D: Drug Cutoff & Testing Limits as per DOT Rule 49 CFR Part 40 Section 40.87

Initial test analyte	Initial test cutoff concentration	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites	50 ng/mL	THCA ¹	15 ng/mL.
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL.
Opiate metabolites			
Codeine/Morphine ²	2000 ng/mL	Codeine	2000 ng/mL.
		Morphine	2000 ng/mL.
6–Acetylmorphine	10 ng/mL	6–Acetylmorphine	10 ng/mL.
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.
Amphetamines ³			
AMP/MAMP ⁴	500 ng/mL	Amphetamine	250 ng/mL.
		Methamphetamine ⁵	250 ng/mL.
MDMA ⁶	500 ng/mL	MDMA	250 ng/mL.
		MDA ⁷	250 ng/mL.
		MDEA ⁸	250 ng/mL

¹Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

²Morphine is the target analyte for codeine/morphine testing.

³Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.

⁴Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

⁵To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.

⁶Methylenedioxymethamphetamine (MDMA).

⁷Methylenedioxyamphetamine (MDA).

⁸Methylenedioxyethylamphetamine (MDEA).

Note: These cutoff limits may be subject to periodic revision by DOT.

[65 FR 79526, Dec. 19, 2000, as amended at 75 FR 49862, Aug. 16, 2010; 77 FR 26473, May 4, 2012; 82 FR 52244, Nov. 13, 2017]

Memorandum

To: Trustees; Selectboard

From: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager

Re: Meeting to discuss merger

Date: May 22, 2020

Issue

The issue is whether the Trustees and Selectboard will schedule a meeting to discuss merger of the Town of Essex and Village of Essex Junction.

Discussion

The Trustees and Selectboard had been planning to bring merger to a town-wide vote in November 2020. Discussions about merger have been put on hold during the COVID-19 pandemic. The boards may wish to schedule a time in the near future to discuss how to proceed with merger work and a town-wide vote.

Upcoming, available dates for a night meeting include, but are not limited to, the following:

Tuesday, June 2

Monday, June 8

Tuesday, June 9 (regularly scheduled meeting night)

Monday, June 15

Tuesday, June 16

Cost

n/a

Recommendation

The boards may choose to schedule a meeting to discuss merger of the Town of Essex and Village of Essex Junction.

**SELECTBOARD & TRUSTEES
(DRAFT)**

**VILLAGE OF ESSEX JUNCTION TRUSTEES
TOWN OF ESSEX SELECTBOARD
DRAFT JOINT MEETING ITEMS MINUTES
Tuesday May 12, 2020**

SELECTBOARD: Elaine Haney, Chair; Vince Franco; Patrick Murray; Andy Watts.

TRUSTEES: Andrew Brown, President; Raj Chawla; Dan Kerin; Amber Thibeault; George Tyler.

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Sarah Macy, Assistant Manager/Finance Director; Rick Garey, Chief of Police; Tammy Getchell, Assistant to the Manager; Rick Jones, Public Works Superintendent; Dennis Lutz, Public Works Director; Owiso Makuku, Essex Community Development Director; Robin Pierce, Essex Junction Community Development Director; Travis Sabatano, HR Director.

OTHERS PRESENT: Annie Cooper; Kara Janaro; Stephanie Meunier; Rob Reardon; Ken Signorello; Margaret Smith; Irene Wrenner.

1. CALL TO ORDER SELECTBOARD & TRUSTEES

Elaine Haney called the meeting of the Town of Essex Selectboard to order to enter into joint business with the Village of Essex Junction Board of Trustees at 7:16 PM.

Andrew Brown called the meeting of the Village of Essex Junction Board of Trustees back to order from recess, to enter into joint business with the Essex Selectboard at 7:16 PM.

2. AGENDA ADDITIONS/CHANGES

Mr. Duggan provided additional materials to go with agenda Item 5b (Discuss how to help local businesses during pandemic):

- Ideas for assisting Village Businesses 5.10.20
- Location of Bars and Restaurants in Essex and Essex Junction
- VTDigger: Chambers of Commerce urge State to allow outdoor restaurants

Elaine Haney requested that item 6b (Appoint CSWD representative) be pulled from the Consent Agenda and included as Business Item 5d. Mr. Watts requested that Item 6c (Approve updated Joint meeting schedule) be pulled from the consent agenda and included as Business Item 5e.

3. APPROVE AGENDA

ANDY WATTS made a motion, seconded by PATRICK MURRAY, that the Selectboard approve the agenda as amended. The motion passed 4-0.

ANDREW BROWN made a motion, seconded by GEORGE TYLER, that the Trustees approve the agenda as amended. The motion passed 5-0.

4. PUBLIC TO BE HEARD

There were no comments from the public at this time.

5. BUSINESS ITEMS

a. Update on COVID-19

Mr. Teich updated the boards on municipal services during recent weeks of the COVID-19 pandemic. He said all disinfectant, distancing and mask-wearing precautions are being followed

and there have been no positive cases amongst Village or Town staff. He talked about the libraries continuing with curbside pick-up and drop-off of materials; and the June 1 start date of Essex Junction Recreation and Parks daycare services. He said Public Works received a good bid for the Lamoille Street project, despite business closures, and the municipalities are exploring ways to reduce costs in anticipation of a decline in tax revenue.

Mr. Tyler wondered if the State of Vermont is receiving feedback from towns about COVID-19 re-openings. Mr. Teich said they are taking suggestions and Ms. Haney explained her role on Vermont's Economic Mitigation Task Force. She said the state's Resource Recovery Center can be accessed at www.ACCD.vt.gov/covid19.

Mr. Watts clarified with Mr. Teich that the reason Indian Brook Park is currently requiring dogs be leashed is based on guidance from the CDC.

b. Discuss how to help local businesses during pandemic

Mr. Teich introduced the issue of how the Selectboard members and Trustees would like to accommodate and ease reopening processes locally. For example, he asked, in response to the predicted loss restaurants are facing of up to 50% of their seating to accommodate spacing guidelines, would they consider implementing a strategy to help fund outdoor seating? He said the Community Development Directors, along with the Parks and Recreation departments, suggested this should be a joint effort between the Trustees and Selectboard.

Mr. Tyler and Mr. Chawla clarified that the Trustees have a survey out to the 30 eating and drinking establishments located within the Village and are considering ways to allow businesses to use public space. Mr. Chawla talked about the challenge of keeping pedestrians distant if public space were to be used by businesses, and that this may be solved by changing parking and street use if approval is gained by Mr. Pierce. Mr. Murray and Mr. Teich discussed their willingness to guide businesses on steps for how to apply for outdoor liquor consumption permits. Mr. Watts said the board members should also consider ways to support businesses that are not food service establishments. He cautioned that any funding for these efforts be determined within the context of possible tax shortfalls in the upcoming year. He suggested that staff and the board members should look for additional ways to support businesses that do not require the use of funds. Mr. Teich said he would look into possible funding for reopening efforts in current operations savings.

Ms. Cooper shared her support for Mr. Watts' thought about considering this effort within the possibility of limited tax flow.

c. *Discuss personnel issues

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

d. Appoint CSWD representative

Mr. Duggan presented the issue of the appointment of a representative and alternates to the Champlain Solid Waste District Board of Commissioners from each municipality, as current terms expire on May 31, 2020. Alan Nye and Mr. Tyler served as representative and alternate, respectively, for the Village of Essex Junction. Mr. Nye and Max Levy served as representative and alternate, respectively, for the Town of Essex. Mr. Nye is willing to continue representing the Town and the Village. With Mr. Levy not wishing to continue to serve on the CSWD Board, Mr. Duggan said the Selectboard could appoint a Selectboard member or advertise the opening. Mr. Murray volunteered for the position.

Mr. Tyler praised Mr. Nye for his commitment to continuing to serve as the CSWD representative for both districts. He urged new Trustees to consider volunteering for the alternate seat. He talked about what a positive experience it is and said the Board meets for two hours monthly. Ms. Thibeault volunteered for the position.

ANDY WATTS made a motion, seconded by VINCE FRANCO, that the Selectboard appoint Alan Nye as the Town of Essex representative to the CSWD Board of Commissioners with Patrick Murray as alternate. The motion passed 4-0.

GEORGE TYLER made a motion, seconded by RAJ CHAWLA, that the Trustees approve Alan Nye as the representative and Amber Thibeault as the alternate for the Village of Essex Junction on the board of CSWD. The motion passed 5-0.

e. Approve updated Joint meeting schedule

Mr. Watts began a discussion of the updated joint meeting schedule's extension, which would include the Trustees' regular meeting and the Selectboard's regular meeting in the same evening as the joint meeting, for one more month, through July 2020. He proposed the Selectboard and Trustees take turns holding their regular meetings first, and that these "first meetings" could all be scheduled for 6:30 PM. The board members discussed ways to mitigate late endings of these back-to-back meeting nights. They talked about the importance of being cognizant of challenging agenda items and discussed the benefits of having a consistent meeting schedule, even for contentious items, while also considering the possibility of adding special meetings to address big items separately. The board members agreed to carefully read board packets in anticipation of upcoming meetings to plan the appropriate amount of time for discussions of challenging agenda items.

ANDY WATTS made a motion, seconded by VINCE FRANCO, that the Selectboard extend the Joint meeting schedule into the month of July with the same meeting order and with all meetings starting at 6:30 PM. The motion passed 4-0.

GEORGE TYLER made a motion, seconded by AMBER THIBEALUT, that the Trustees extend the Joint meeting schedule into the month of July with the same meeting order and with all meetings starting at 6:30 PM. The motion passed 5-0.

6. CONSENT ITEMS

a. Approve minutes: April 28, 2020 – (Trustees and Selectboard)

~~b. Appoint CSWD representative~~

- This item was moved to become Business Item 5d

~~c. Approve updated Joint meeting schedule~~

- This item was moved to become Business Item 5e

VINCE FRANCO made a motion, seconded by ANDY WATTS, that the Selectboard approve the meeting minutes of April 28, 2020. The motion passed 4-0.

DAN KERIN made a motion, seconded by RAJ CHAWLA, that the Trustees approve the meeting minutes of April 28, 2020. The motion passed 5-0.

7. READING FILE

a. Board Member Comments

- Mr. Murray said he will be putting ballots into envelopes on Wednesday, Thursday, and Friday for the Essex Westford School District and Village of Essex Junction annual meeting votes, in preparation for the May 18 mailing to all active voters. He said he would ask if

more help is needed and will let the board members know. He suggested anyone who is not sure whether they are an active voter should visit the Secretary of State's website.

- Raj Chawla announced that the Essex Experience will hold an all-day blood drive for the public, and will be using all necessary precautions and social distancing.

- b. Email from Patricia Allard re: Masks and Safe Distancing
- c. Town of Essex/Village of Essex Junction 2019 Progress on Implementation of All-Hazards Mitigation Plan
- d. Memo from James Jutras re: UVM Coronavirus Research
- e. Email from Dan Logan re: Channel 17 Changes

8. EXECUTIVE SESSION

- a. *An executive session is anticipated to discuss employment of public employees/labor relations with employee.

GEORGE TYLER made a motion, seconded by AMBER THIBEAULT that the Trustees make the specific finding that premature general public knowledge of the Town and Village's position concerning labor relations agreements with employees would place the Town and Village at a substantial disadvantage. The motion passed 5-0.

GEORGE TYLER made a motion, seconded by RAJ CHAWLA that the Trustees enter into executive session to discuss employment of public employees and labor relations agreements with employees pursuant to 1 V.S.A. § 313(a)(3) and 1 V.S.A. § 313(a)(1)(B), to include the Trustees/Selectboard, Unified Manager, Deputy Manager, HR Director, and the Chief of Police. The motion passed 5-0 at 8:36 PM.

VINCE FRANCO made a motion, seconded by PATRICK MURRAY, that the Selectboard make the specific finding that premature general public knowledge of the Town and Village's position concerning labor relations agreements with employees would place the Town and Village at a substantial disadvantage. The motion passed 4-0.

VINCE FRANCO made a motion, seconded by PATRICK MURRAY, that the Selectboard enter into executive session to discuss employment of public employees and labor relations agreements with employees pursuant to 1 V.S.A. § 313(a)(3) and 1 V.S.A. § 313(a)(1)(B), to include the Trustees/Selectboard, Unified Manager, Deputy Manager, HR Director, and the Chief of Police. The motion passed 4-0 at 8:36 PM.

VINCE FRANCO made a motion, seconded by ANDY WATTS, to exit executive session. The motion passed 4-0 at 9:33 PM.

AMBER THIBEAULT made a motion, seconded by GEORGE TYLER, to exit executive session. The motion passed 5-0 at 9:33 PM.

9. ADJOURN

AMBER THIBEAULT made a motion, seconded by ANDREW BROWN, to adjourn the meeting of the Village Board of Trustees. The motion passed 5-0 at 9:35 PM.

Ms. Haney called the Essex Selectboard back to order to enter into its regular meeting agenda at 9:35 PM.

Respectfully Submitted,

**SELECTBOARD & TRUSTEES
(DRAFT)**

May 12, 2020

207 Cathy Ainsworth
208 Recording Secretary
209

MEMORANDUM

To: Town of Essex Selectboard; Village of Essex Junction Trustees; Evan Teich, Unified Manager
 From: Travis Sabatano, HR Director JS
 Date: May 15, 2020
 Re: Fiscal Year End 2021 Delta Dental and VSP Vision Rates

Issue

The issue is informing the boards about the new Delta Dental and VSP monthly rates and corresponding cost savings.

Discussion

Due to the COVID-19 Crisis, and the resulting closure of Dental and Vision clinics across New England, both VSP and Delta Dental will be renewing the Town and Village contracts for the upcoming fiscal year at a 0% rate increase. In addition Delta Dental is providing a one month premium credit to all VLCT clients. The monthly rates are indicated below.

Town

Plan Type	Dental FY20 Rates/month	Dental FY21 Rates/Month
1 Person	\$37.54	\$37.54
2 Person	\$71.51	\$71.51
3 or More Persons	\$134.48	\$134.48

Town

Plan Type	VSP FY20 Rates/month	VSP FY21 Rates/Month
1 Person	\$9.02	\$9.02
2 Person	\$13.08	\$13.08
3 or More Persons	\$23.46	\$23.46

Village

Plan Type	Dental FY20 Rates/month	Dental FY21 Rates/Month
1 Person	\$37.19	\$37.19
2 Person	\$70.86	\$70.86
3 or More Persons	\$133.79	\$133.79

Village

Plan Type	VSP FY20 Rates/month	VSP FY21 Rates/Month
1 Person	\$9.38	\$9.38
2 Person	\$13.61	\$13.61
3 or More Persons	\$24.40	\$24.40

Cost

For the Town the 0% rate increase will save approximately \$7,700 under what was budgeted for Dental and Vision for Fiscal Year End 2021. The premium credit will save the Town approximately \$7,100 in the current Fiscal Year End 2020.

For the Village the 0% rate increase will save approximately \$4,400 under what was budgeted for Dental and Vision for Fiscal Year End 2021. The premium credit will save the Village approximately \$3,500 in the current Fiscal Year End 2020.

Recommendation

This memo is for informational purposes only.

PRESS RELEASE
May 15, 2020

Contact Information:
Town of Essex
Darren Schibler, Town Planner
dschibler@essex.org
(802) 878-1343



Complete Count Committee asks residents to complete 2020 Census

Essex census tract has highest response rate in Vermont

Essex, VT – The Essex Complete Count Committee is happy to report that Census Tract 27.02, which covers the eastern part of town, consistently has had the highest response rate to the 2020 Census in the state, and surpassed its 2010 response rate of 79.3% as of May 13.

Including Essex's other census tracts, the Town has an overall response rate of 74.1% as of May 14. The rate is on par with adjacent municipalities, but far ahead of the state overall.

Bob Stock, the Vermont Partnership Specialist for the Census Bureau, said, "I'm proud that Essex residents have made this a priority, since it makes a huge difference in the community's future."

Apart from giving a snapshot of the entire U.S. population, the census factors into the allocation of billions of federal dollars to housing, education, health, and infrastructure programs, which will be especially vital as communities recover from the coronavirus pandemic. Census numbers are also used to determine the number of U.S. House seats each state gets.

Town Planner Darren Schibler, a member of the Essex Complete Count Committee, attributes the high response rates in Essex to an engaged citizenry, as well as the work of the Committee. A volunteer group of municipal and non-profit officials, the Complete Count Committee has a mission of ensuring that everybody is counted in the 2020 census. The group formed due to concern about historically low response rates in parts of Essex. Certain parts of the population can be particularly hard to count, such as young families, renters, non-English speakers, recent immigrants, and those living in poverty.

The Committee's success also depended heavily on help from its partners, including the Vermont Housing Finance Agency, Essex Parks and Recreation Department, Essex Westford School District, Howard Center, AgeWell, the Essex Reporter, and the Census Bureau itself.

Still, Essex has yet to reach its overall 2010 response rate of 77.9%. Responding is easier than ever this year because the census can be completed online in less than 10 minutes. Residents can also respond with a paper survey or over the phone. If households do not respond, the Census Bureau will send reminders by mail, and will eventually follow up in person. Residents can respond to the census until August 14, 2020.

For more information or help on how to respond to the census, visit 2020census.gov or call the Census Bureau at (844) 330-2020.

MEETING SCHEDULES

05/15/2020

TOWN SELECTBOARD MEETINGS 	VILLAGE TRUSTEES MEETINGS 	JOINT MEETINGS 
May 26, 2020— 7:00 PM 6:30 PM	SB, Joint, VB—online <i>(time change 5/12)</i>	
June 9, 2020—6:30 PM	VB, Joint, SB—online	
June 23, 2020— 7:00 PM 6:30 PM	SB, Joint, VB—online <i>(time change 5/12)</i>	
July 13, 2020—7:00 PM	SB Regular <i>(canceled 5/12)</i>	
July 14, 2020—6:30 PM	VB, Joint, SB—online <i>(changed to combined meetings 5/12)</i>	
July 28, 2020—7:00 PM	VB Regular <i>(changed to combined meetings 5/12)</i>	
July 28, 2020— 6:15 PM 6:30 PM	SB, Joint, VB—online <i>(changed to combined meetings 5/12)</i>	
August 3, 2020—7:00 PM	SB Regular	
August 3, 2020—7:45 PM	JT Special—81 Main	
August 11, 2020—6:30 PM	VB Regular	
August 18, 2020—7:00 PM	SB Regular	
August 25, 2020—6:30 PM	VB Regular	
August 25, 2020—7:15 PM	JT Special—2 Lincoln	
September 8, 2020—6:30 PM	VB Regular	
September 14, 2020—7:00 PM	SB Regular	
September 29, 2020—6:30 PM	VB Regular	
September 29, 2020—7:15 PM	JT Special—2 Lincoln	
October 5, 2020—7:00 PM	SB Regular	
October 5, 2020—7:45 PM	JT Special—81 Main	
October 13, 2020—6:30 PM	VB Regular	
October 19, 2020—7:00 PM	SB Regular	
October 27, 2020—6:30 PM	VB Regular	
October 27, 2020—7:15 PM	JT Special—2 Lincoln	
November 2, 2020—7:00 PM	SB Regular	
November 2, 2020—7:45 PM	JT Special—81 main	
November 10, 2020—6:30 PM	VB Regular	
November 16, 2020—7:00 PM	SB Regular	
November 24, 2020—6:30 PM	VB Regular	
November 24, 2020—7:15 PM	JT Special—2 Lincoln	

December 7, 2020—7:00 PM	SB Regular
December 7, 2020—7:45 PM	JT Special—81 Main
December 9, 2020—8:30 AM	VB All Day Budget Workshop
December 21, 2020—7:00 PM	SB Regular
December 29, 2020—6:30 PM	VB Regular
December 29, 2020—7:15 PM	JT Special—2 Lincoln
January 4, 2021—8:00 AM	SB—All Day Budget Workshop
January 11, 2021—7:00 PM	SB Regular
January 12, 2021—6:30 PM	VB Regular
January 18, 2021—7:00 PM	SB Regular
January 26, 2021—6:30 PM	VB Regular
January 26, 2021—7:15 PM	JT Special—2 Lincoln
February 1, 2021—7:00 PM	SB Regular
February 1, 2021—7:45 PM	JT Special—81 Main
February 9, 2021—6:30 PM	VB Regular
February 16, 2021—7:00 PM	SB Regular
February 23, 2021—6:30 PM	VB Regular
February 23, 2021—7:15 PM	JT Special—2 Lincoln
March 1, 2021—7:30 PM	Town Annual Meeting
March 9, 2021—6:30 PM	VB Regular
March 15, 2021—7:00 PM	SB Regular
March 23, 2021—6:30 PM	VB Regular
March 23, 2021—7:15 PM	JT Special—2 Lincoln
April 5, 2021—7:00 PM	SB Regular
April 5, 2021—7:45 PM	JT Special—81 Main
April 7, 2021—7:00 PM	Village Annual Meeting