

**LIST OF AGENDA AMENDMENTS AND HANDOUTS**  
**VILLAGE OF ESSEX JUNCTION TRUSTEES**  
**TOWN OF ESSEX SELECTBOARD**  
**JOINT MEETING AGENDA**  
**MAY 26, 2020**

AGENDA ADDITIONS/CHANGES

-

ADDITIONAL HANDOUTS

- 5b. Memo from Andrew Brown re: Facemasks in public supplemental information
- 5b. Email from Jake Tran, May 24, 2020

# memo

To: Village of Essex Junction Board of Trustees  
Town of Essex Selectboard

From: Andrew Brown, President, Village of Essex Junction Board of Trustees

Date: May 24, 2020

Re: Facemasks in public supplemental information

---

Intent: To aid in the discussion I wanted to provide the following information. Additionally, to help frame the discussion I would propose we limit the discussion to whether or not staff (with assistance from interested board members) should dedicate the time to craft an ordinance or a resolution requiring staff and customers to wear cloth face coverings over their noses and mouths while inside retail establishments. The ordinance or resolution, if later adopted, could align until the end of the COVID-19 emergency.

---

Relevant Information: Addendum 14 to Executive Order 01-20 dated May 15, 2020, <https://governor.vermont.gov/content/addendum-14-executive-order-01-20>. Bullet number "3" clarifies when masks should be worn and states, "The legislative body of each municipality may enact more strict local requirements regarding mask use than those set forth herein."

US Centers for Disease Control and Prevention (CDC) recommendation on the use of cloth face coverings, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>.

World Health Organization (WHO) advice on the use of masks, [https://www.who.int/publications-detail/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-\(2019-ncov\)-outbreak](https://www.who.int/publications-detail/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-(2019-ncov)-outbreak).

Vermont Department of Health press release urging Vermonters to wear a mask, <https://www.healthvermont.gov/Help-Slow-the-Spread-of-COVID-19-By-Wearing-Cloth-Face-Mask-April-23-2020>.

---

---

VTDigger article on Burlington and South Burlington passing similar resolutions, <https://vtdigger.org/2020/05/19/burlington-south-burlington-pass-masking-requirements/>.

Burlington resolution, <https://www.burlingtonvt.gov/covid-19/masks-mean-business>.

South Burlington resolution, <http://www.southburlingtonvt.gov/CC%20Agendas/Agenda%20for%2005.18.20.pdf>.

Brattleboro resolution, [https://www.brattleboro.org/vertical/Sites/%7BFABA8FB3-EBD9-4E2C-91F9-C74DE6CECFD%7D/uploads/COVID.Mask.Resolution.200519\\_CONFORMED.pdf](https://www.brattleboro.org/vertical/Sites/%7BFABA8FB3-EBD9-4E2C-91F9-C74DE6CECFD%7D/uploads/COVID.Mask.Resolution.200519_CONFORMED.pdf).

VTDigger article on possible future action by Vermont Legislature on requiring masks, [https://vtdigger.org/2020/05/19/vermonts-senate-to-begin-discussions-on-statewide-masking-mandate/?utm\\_source=VTDigger+Subscribers+and+Donors&utm\\_campaign=067a497390-EMAIL\\_CAMPAIGN\\_2020\\_05\\_20\\_02\\_12&utm\\_medium=email&utm\\_term=0\\_dc3c5486db-067a497390-405619033](https://vtdigger.org/2020/05/19/vermonts-senate-to-begin-discussions-on-statewide-masking-mandate/?utm_source=VTDigger+Subscribers+and+Donors&utm_campaign=067a497390-EMAIL_CAMPAIGN_2020_05_20_02_12&utm_medium=email&utm_term=0_dc3c5486db-067a497390-405619033).

Editorial from Tom Torti, President, Lake Champlain Regional Chamber of Commerce and Essex resident, <https://vtdigger.org/2020/05/20/tom-torti-be-selfless-wear-a-mask/>.

---

**From:** Firebird <[jake@thefirebirdcafe.com](mailto:jake@thefirebirdcafe.com)>

**Sent:** Sunday, May 24, 2020 19:56

**To:** Raj Chawla

**Subject:**

Hey man, I'm wondering if you have any thoughts or opinion on the parade that was parading all over the village today. Is there any way to track the spike in the COVID-19 infection rate after today? Driving on Pearl St, seeing lines of people along the sides, and I didn't see one single person with face covering, this made me wondered and questioned if I should've close my businesses today to protect my staff.



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

[Signature]

**SELECTBOARD & TRUSTEES**

**VILLAGE OF ESSEX JUNCTION TRUSTEES  
TOWN OF ESSEX SELECTBOARD  
JOINT MEETING ITEMS MINUTES  
Tuesday May 26, 2020**

**SELECTBOARD:** Elaine Haney; Vince Franco; Patrick Murray; Andy Watts

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

**ADMINISTRATION and STAFF:** **ADMINISTRATION and STAFF:** Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Sarah Macy, Assistant Manager/Finance Director; Rick Garey, Chief of Police; Dennis Lutz, Public Works Director; Travis Sabataso, Human Resources Director

**OTHERS PRESENT:** Chris Adams; Alyssa Black; Annie Cooper; Wendy Colanges; Patty Davis; Gregg Denton; Karen Dolan; Jane Donohue-Davis; Ron Hoague; Caitlin Katz; Darrell Langworthy; Timothy Miller; Brian Shelden; Ken Signorello; Margaret Smith; Irene Wrenner; Sharon Zukowski

**1. CALL TO ORDER**

Elaine Haney called the meeting of the Town of Essex Selectboard back to order from recess to enter into joint business with the Village of Essex Junction Board of Trustees at 8:23 PM.

Andrew Brown called the meeting of the Village of Essex Junction Board of Trustees to order to enter into joint business with the Essex Selectboard at 8:23 PM.

**2. AGENDA ADDITIONS/CHANGES**

Board of Trustee members said they took exception that this meeting began over an hour late, noting that it poses challenges for the Trustees as well as the public who had been waiting to participate in items on the agenda. As a result, Ms. Haney moved Item 5b, discussion of whether to require masks in Essex, to the beginning of the business items.

Mr. Duggan provided additional materials to go with agenda Item 5b, a Memo from Andrew Brown re: Facemasks in public supplemental information; and an email from Jake Tran dated May 2, 2020.

**3. APPROVE AGENDA**

**VINCE FRANCO made a motion, seconded by PATRICK MURRAY, that the Selectboard move Item 5b to the beginning of the agenda and approve the agenda as amended. The motion passed 4-0.**

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

**4. PUBLIC TO BE HEARD**

Ms. Donohue-Davis shared a concern that the Essex Tree Farm landscapers and staff asked her, and at least six other people she was aware of, to leave the tree farm over the weekend. She requested the Selectboard and municipal staff review the guidelines with the Tree Farm, specifically that the land must be “accessible and unencumbered” for public use.

**5. BUSINESS ITEMS**

**b. Discussion of whether to require masks in Essex—Greg Duggan**

Mr. Duggan introduced the issue of whether the Trustees and Selectboard would implement a town-wide requirement to wear facemasks in public. Mr. Brown requested the board members

54 keep the conversation focused on the issue vs. the science. He proposed they decide whether  
55 to create an ordinance for mask-wearing, which would need to include enforcement and  
56 penalties, or a resolution to encourage mask-wearing, like has been passed in neighboring  
57 municipalities. He said he preferred to go in the direction of a resolution, and all other Trustees  
58 and Selectboard members agreed. Mr. Tyler mentioned the science behind wearing masks to  
59 justify encouraging people to wear them. The board members, staff and Chief Garey discussed  
60 concerns with how they would enforce a resolution on mask-wearing. They said, alternately, a  
61 resolution could strongly support mask-wearing without having to enforce violations. They  
62 talked about respecting the right of businesses to create store policies on masks and the merits  
63 of encouraging stores to provide signs explaining mask-wearing. They discussed concerns  
64 people have with mask-wearing compliance, on both sides of the issue, noting the large volume  
65 of emails prior to the meeting from the community regarding this agenda item.  
66

67 Ms. Cooper said she supports mask-wearing but not forcing masks on people who do not wear  
68 them. She encouraged businesses to enforce mask-wearing if they adopt this as a requirement  
69 for their business. She asked for clarity about whether the Village could have an ordinance or  
70 resolution that is different than the Town. Staff clarified they could, but it is not recommended.  
71

72 Mr. Langworthy questioned why the boards would pass a resolution that is not enforceable.  
73 From his point of view, this would be confusing to community members. He said whether or not  
74 a person wears a mask should be their choice and businesses owners should be able to  
75 choose whether or not they will mandate mask-wearing in their stores. He said businesses  
76 enforce state-mandates but a local resolution may encourage frustration. He suggested leaving  
77 things as-is. He said he is not against anyone wearing a mask but is concerned that a  
78 resolution from on this matter will increase mask-shaming behaviors in the community.  
79

80 Ms. Zukowski encouraged the boards to consider confirmation bias and frame the resolution  
81 positively. She also suggested that an education program be offered with the police. She is not  
82 supportive of an ordinance that requires business employees enforce mask-wearing because  
83 people who work at stores may face anger in response to enforcement  
84

85 Mr. Signorello listed diverse places people could be found in the community, suggesting that it  
86 may not make sense for people to wear masks in all of these places so people may rebel  
87 against mask requirements in these places.  
88

89 Mr. Denton stated his disappointment that Mr. Tyler mentioned science behind mask-wearing  
90 when the board chair had said not to. Mr. Tyler said he meant no disrespect. He described his  
91 graduate degree and career in biochemistry and that he read 35 medical journals on the topic.  
92

93 Ms. Dolan said she agrees with the idea of a resolution especially considering spaces where  
94 there is less room for people to spread out. She said she appreciated this opportunity to make  
95 ideas from the public known.  
96

97 Ms. Wrenner discussed the importance of semantics in pointing out that she has been an  
98 advocate of appropriately referring to town government, town-wide, and Town-outside-the-  
99 Village issues in various ways over the years.  
100

101 Mr. Sheldon agreed with the idea of a resolution and wording it from a positive standpoint to  
102 clarify that this resolution will encourage the health of the state, economy, and each other.  
103

104 Ms. Colanges said she agreed with Mr. Langworthy that it should be the role of the businesses,  
105 not the boards, to choose whether or not to require masks and there should not be a resolution

106 or ordinance. She also suggested that strict rules about masks may result in the community  
 107 losing businesses. She wondered how long mask-wearing would be required.  
 108

109 Mr. Brown summarized that the board members agreed with the idea of creating a resolution,  
 110 similar to the ones drafted in Burlington and South Burlington. He said it would be written in  
 111 support of local mask-wearing, suggest businesses use signs with positive tones, and include  
 112 exemptions for medical conditions, in alignment with CDC suggestions. Mr. Watts noted he is  
 113 not in support of requiring businesses to post signs and Mr. Murray suggested that the  
 114 resolution include language noting that it does not apply to offices and other places where the  
 115 number of people is low. Mr. Watts, Mr. Franco, and Mr. Kerin discussed whether or not the  
 116 resolution should be revisited if the number of new cases is low or when we are no longer in a  
 117 state of emergency. Mr. Kerin said that this would not be necessary because a resolution is  
 118 non-binding. Mr. Brown agreed to draft a resolution for the next Joint meeting.  
 119

120 a. **Update on COVID-19**

121 Mr. Teich provided an overview of recent municipal responses to the COVID-19 pandemic and  
 122 said staff are keeping up with the governor's proclamations. He talked about recreation  
 123 department plans to resume childcare June 1 in the Village and June 18 in the Town outside  
 124 the Village. He said people will be required to wear masks in public buildings, noting that, so  
 125 far, no municipal staff have had COVID-19. He said ballots for the school and Village votes  
 126 were mailed but on-location voting will also be available at the high school on June 2, with  
 127 precautionary measures in place. Chief Garey discussed the police department's enforcement  
 128 of stay-at-home orders from the stance of education.  
 129

130 ~~b. Discussion of whether to require masks in Essex—Greg Duggan~~

131 This item was moved to the beginning of the Business Items.  
 132

133 c. **Accept Drug and Alcohol Testing Policy for Commercial Motor Vehicle Operators and  
 134 Parks and Recreation Senior Van Drivers – Travis Sabatase**

135 Mr. Sabatase provided an overview of the draft Drug and Alcohol Testing Policy for Commercial  
 136 Motor Vehicle Operators and Parks and Recreation Senior Van Drivers. Ms. Thibeault stated  
 137 that she hoped people would not have to pay for Substance Abuse Program, when it is  
 138 required, and wondered if there could be a way to get it covered by health insurance. Board  
 139 members verified with Mr. Sabatase that vehicle descriptions in the policy are in accordance to  
 140 labor laws related to CDL violations.  
 141

142 **GEORGE TYLER made a motion, seconded by RAJ CHAWLA, that the Trustees accept the  
 143 Drug and Alcohol Policy. The motion passed 5-0.**  
 144

145 **ANDY WATTS made a motion, seconded by PATRICK MURRAY, that the Selectboard accept  
 146 the Drug and Alcohol Policy. The motion passed 4-0.**  
 147

148 d. **Schedule meeting to discuss merger – Greg Duggan**

149 Mr. Duggan acknowledged that merger discussions have not been prioritized during the  
 150 pandemic but he proposed scheduling a discussion about whether the November 2020 vote will  
 151 take place, so ballots can be ready in August. The Trustees and Selectboard agreed to meet  
 152 Monday June 8 at 6:30 about this issue. Ms. Haney requested an agenda be ready by June 3,  
 153 and that ideas for this agenda should be submitted to Mr. Teich in advance.  
 154

155 Mr. Signorello expressed disappointment that this meeting would not include the new  
 156 Selectboard member planned to be interviewed the following day.  
 157

158 **6. CONSENT ITEMS**

159 a. Approve minutes: May 12, 2020 – (Trustees and Selectboard)  
160

161 **ANDY WATTS made a motion, seconded by VINCE FRANCO, that the Selectboard approve**  
162 **the Consent Agenda. The motion passed 4-0.**  
163

164 **AMBER THIBEAULT made a motion, seconded by DAN KERIN, that the Trustees approve**  
165 **the Consent Agenda. The motion passed 5-0.**  
166

167 **7. READING FILE**

168 a. **Board Member Comments**

169 o Mr. Tyler stated that it seems unrealistic to hold 45 minute meetings before the Joint  
170 meetings, as scheduled, and the meeting schedule should be revisited to plan accordingly.

171 b. Memo from Travis Sabatano re: Fiscal Year end 2021 Delta Dental and VSP Vision Rates

172 c. Press release: Complete Count Committee asks residents to complete 2020 Census

173 d. Upcoming meeting schedule  
174

175 **8. EXECUTIVE SESSION**

176 a. \*An executive session is not anticipated.  
177

178 **9. ADJOURN**

179  
180 **PATRICK MURRAY made a motion, seconded by VINCE FRANCO, to adjourn the**  
181 **Selectboard meeting. The motion passed 4-0 at 10:08 PM.**  
182

183 **Mr. Brown called the Village Trustees to order to enter into its regular meeting agenda at**  
184 **10:08 PM.**  
185

186 Respectfully Submitted,

187 Cathy Ainsworth

188 Recording Secretary  
189