



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

Online and 81 Main Street
Essex Junction, VT 05452
Monday, July 19, 2021
6:30 PM

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Phone: (802) 878-6951

This meeting will be held both remotely and in person. Available options to watch or join the meeting:

- WATCH: the meeting will be live-streamed on Town Meeting TV.
JOIN ONLINE: Join Microsoft Teams Meeting. Depending on your browser, you may need to call in for audio (below).
JOIN CALLING: Join via conference call (audio only): (802) 377-3784 | Conference ID: 672 921 03#
PROVIDE FULL NAME: For minutes, please provide your full name whenever prompted.
CHAT DURING MEETING: Please use "Chat" to request to speak, only. Please do not use for comments.
RAISE YOUR HAND: Click on the hand in Teams to speak or use the "Chat" feature to request to speak.
MUTE YOUR MIC/TURN OFF VIDEO: When not speaking, please mute your microphone on your computer/phone.

- CALL TO ORDER [6:30 PM]
PLEDGE OF ALLEGIANCE
AGENDA ADDITIONS/CHANGES
APPROVE AGENDA
PUBLIC TO BE HEARD
a. Comments from Public on Items Not on Agenda
BUSINESS ITEMS
a. Consider approval of joint resolution in support of Essex Westford School District's Equity Policy
b. \*Discuss Village of Essex Junction independence initiative to separate from Town of Essex
c. Possible action on whether or not to hold a joint board meeting on July 26
d. \*\*Discuss evaluation of public official
CONSENT ITEMS
a. Consider approval of Unified Manager to reappoint Village Treasurer/Tax Collector, Clerk, and Fire Chief - Trustees only
b. Consider termination of temporary COVID-19 Emergency Leave policy
READING FILE
a. Board member comments
b. Memo from Greg Duggan re: Update on public forums and Town of Essex planning in response to Village of Essex Junction's separation/independence initiative
c. Upcoming meeting schedule
EXECUTIVE SESSION
a. \*An executive session may be needed to discuss negotiation of contracts and agreements between the Town of Essex and Village/City of Essex Junction
b. \*\*An executive session may be needed to discuss the evaluation of a public official
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: 7/16/2021 [Signature]

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**VILLAGE OF ESSEX JUNCTION TRUSTEES  
TOWN OF ESSEX SELECTBOARD  
FINAL SPECIAL MEETING MINUTES  
Monday July 19, 2021**

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

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

**ADMINISTRATION and STAFF:** Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Marguerite Ladd, Assistant Manager; Brad Luck, Essex Junction Recreation and Parks Director

**OTHERS PRESENT:** Bob Burrows; Kevin Collins; Annie Cooper; Patty Davis; Jon Demeritt; Erin Dickinson; Betsy Dunn; Bill Ellis; Maureen Gillard; Susan Hale; Tamara Jaques; Rachel Lizotte; Deb McAdoo; Adam Newhard; Mary Post; Claudine Safar; Angel Segarra; Kristen Shamis; Ken Signorello; Margaret Smith; Sara Stultz; Mike Sullivan; Irene Wrenner; RM

**1. CALL TO ORDER**

Mr. Watts called the Town of Essex Selectboard meeting to order at 6:37 PM.

Mr. Brown called the Village of Essex Junction Board of Trustees meeting to order at 6:37 PM.

**2. PLEDGE OF ALLEGIANCE**

Mr. Watts invited all in attendance to stand and join in the Pledge of Allegiance.

**3. AGENDA ADDITIONS/ CHANGES**

Mr. Brown requested to remove item 6d, Evaluation of a Public Official, and Executive Session item 9b from the agenda.

**4. AGENDA APPROVAL**

**TRACEY DELPHIA** made a motion, seconded by **DAWN HILL-FLEURY**, that the Selectboard approve the agenda as amended. The motion passed 5-0.

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

**5. PUBLIC TO BE HEARD**

**a. Comments from Public on Items Not on Agenda**

Ms. Wrenner commented about limited community input as a reason that merger did not pass. She said, instead of speaking about merger at this point, the two municipalities should resolve their issues. Mr. Brown noted that Ms. Wrenner's comments were based on opinion, and that the merger process had included many opportunities for residents to provide input.

Ms. Davis shared information she researched on the total miles of roads in the Village of Essex Junction and the Town outside the Village. She provided anecdotes about challenges walkers and people with disabilities face in the winter, with limited sidewalks being plowed, and advocated for increased sidewalk plowing.

Mr. Sullivan said that the current discussions are not about merger. Mr. Duggan added that upcoming community forums are also not about merger.

Mr. Signorello gave examples of why he thinks people are complaining about unequal representation and advocated for equal representation for the Town outside the Village.

56 **6. BUSINESS ITEMS**57 a. **Consider approval of joint resolution in support of Essex Westford School District's Equity**  
58 **Policy**

59 Mr. Murray introduced the issue of whether the boards would approve a resolution in support of  
60 Essex Westford School District's (EWSD) Equity Policy. He explained that diverse constituents  
61 engaged in the process of developing the policy and many residents spoke in support of it at  
62 school meetings. Mr. Teich added that multiple public hearings took place on the policy. Mr. Tyler  
63 wondered if the municipal work on equity would be in line with the school's equity effort. Mr.  
64 Murray said the municipalities plan to focus more on staff and representation equity, and less on  
65 students, but there would be alignment with EWSD's equity values.  
66

67 Ms. Wrenner said that, although there are many supporters of the equity policy, spending time at  
68 a municipal meeting to discuss a school policy is inappropriate. She requested items like this not  
69 be on municipal meeting agendas.  
70

71 Ms. Delphia read the resolution into the record:  
72

73 Whereas, The Essex Westford School District (EWSD) recently worked with the school district  
74 and community to develop a policy to create equity in EWSD; and

75 Whereas, EWSD adopted an Equity Policy (C29) on June 15th, 2021; and

76 Whereas, the Town of Essex and Village of Essex Junction have committed to being a  
77 community that embraces equity and is more welcoming to all people; and

78 Whereas, the Town of Essex and Village of Essex Junction partner with EWSD to better serve  
79 the community.

80 Now, therefore, be it resolved, that the Essex Junction Board of Trustees and Town of Essex  
81 Selectboard fully support the Essex Westford School District Equity Policy that was adopted  
82 on June 15th, 2021.

83 Mr. Chawla expressed gratitude to EWSD community members, faculty, staff, and students for  
84 their work on diversity and thanked the boards for including this resolution on the agenda.

85 **ANDY WATTS made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard**  
86 **approve the joint resolution in support of the Essex Westford School District Equity Policy.**  
87 **The motion passed 5-0.**  
88

89 **DAN KERIN made a motion, seconded by GEORGE TYLER, that the Trustees approve the joint**  
90 **resolution in support of the Essex Westford School District Equity Policy.**  
91 **The motion passed 5-0.**  
92

93 b. **\*Discuss Village of Essex Junction independence initiative to separate from Town of Essex**  
94 Mr. Brown said the Trustees' discussion with the Selectboard, for this agenda item, would focus  
95 on contract proposals from the Village of Essex Junction's independence initiative to separate  
96 from the Town of Essex. He explained that none of the contracts being proposed to the  
97 Selectboard had been agreed upon and the goal of the discussion was to provide an overview.  
98 Mr. Brown read through each contract proposal, included with the agenda attachments. They  
99 were presented in order of priority and included police, bonding, transition period, reappraisal  
100 fund, senior services, Tree Farm, finance, funds, fiscal year 2023 budget, assets, Indian Brook  
101 access, and tax delinquencies. Mr. Brown presented important components and rationale for each  
102 contract. Trustee discussions with the Selectboard included the following:  
103

104 **Police:** The Trustees and Selectboard members discussed how contracting for police services  
105 could include continued payment of bonds, alignment of ordinances and having the police chief  
106 answer to the Town Manager. Ms. Hill-Fleury wondered about the contract's inclusion of an  
107 advisory oversight board. Mr. Brown and Mr. Murray said the functions of an oversight board  
108 would be determined based on the equity and inclusion group's ongoing research of the issue. Mr.  
109 Watts and Mr. Brown agreed that they would like to see equal representation on an advisory  
110 oversight board. The Trustees and Selectboard members discussed the differentiated funding  
111 sources of the Community Justice Center and agreed that this may affect contracting. They talked  
112 about the Trustees' rationale for proposing that policing be funded based on grand list numbers  
113 vs. incidents or the population list. They discussed possible strategies for developing police  
114 budgets and noted that multiple other budgets also support the police, including Human  
115 Resources, IT, administration, etc. Mr. Teich said staff would devise a listing of expenses  
116 embedded in other budgets, that support the police. The Trustees and Selectboard members  
117 talked about the possibility of separately contracting for special events or situations. They  
118 discussed whether there may be legal issues related to the timing of payments and what  
119 automatic renewal of the contract may look like. Mr. Franco suggested they discuss shared and  
120 separate liabilities. Mr. Watts shared scenarios of ordinance alignments that could be challenging  
121 and Mr. Kerin talked about how statutes and codes may play a role in this. Mr. Chawla said the  
122 contract proposal intends to preserve the police at the same size and service level.  
123

124 **Bonding:** Mr. Franco clarified that the proposed contract for bonding would not include sewage  
125 and water and would be focused on general and capital funds, not enterprise funds. Mr. Watts  
126 wondered if there would be a risk that the contract's proposed moratorium on bonding would "bind  
127 the Town's hands". Mr. Tyler expressed confidence that both municipalities would continue to be  
128 fiscally responsible. Mr. Murray wondered if a more specific date should be included in this  
129 contract instead of relying on timelines created by the Legislature.  
130

131 **Transition Period:** Mr. Watts doubted that one year would be enough time to complete all of the  
132 transition elements in the contract and talked about the risk of staff overtime and potential costs  
133 associated with this. Mr. Brown said many assumptions are hard to prove or disprove at this time.  
134 Mr. Luck recapped some of the Trustees' discussions about this contract, which included new  
135 hires and contractors for HR, City Clerk, and IT. Ms. Delphia wondered how Town records would  
136 be handled during separation, and Mr. Brown said all records up to the first day of the City would  
137 remain with the Town. Mr. Brown and Mr. Watts talked about how budgeting might be handled  
138 during the transition period, depending on where City residents would pay taxes.  
139

140 **Reappraisal Fund:** Mr. Watts suggested an alternate method to address reappraisals, that the  
141 City contract with the Town to do the reappraisal and hold the money until the end of the process.  
142 Ms. Delphia thought this alternate method may be less difficult. Mr. Watts wondered about who  
143 would be doing the tax billing. Mr. Brown said the City clerk would do this. Mr. Tyler said that they  
144 have not discussed yet how the school tax collection would take place.  
145

146 **Senior Services:** Mr. Brown clarified senior services would be combined under this contract. Mr.  
147 Watts and Ms. Delphia wondered about who would determine hours of services and how much  
148 space would be utilized. Mr. Luck said that the Senior Center would re-open and set their hours  
149 but there may be opportunities to use the space when they are not in operation. Mr. Teich said  
150 that, with meeting space limited, the City may want to use the space during off-hours for meetings.  
151

152 **Tree Farm:** Mr. Watts reminded the board members that the Tree Farm is jointly owned property  
153 by the Town and Village, currently managed by a third entity. He wondered how the ordinances  
154 would be in common under this contract and how the Town would budget for this contract. Mr.

155 Luck explained that the intent would be for costs to be budgeted at the beginning of the year and  
156 billed at the end of the year. Mr. Watts wondered what would happen if expenses ran over.  
157

158 Ms. Delphia suggested that there be a shared methodology for budgeting, to be applied to all of  
159 the contracts being discussed. Mr. Brown said this should take into consideration the indirect  
160 costs, as discussed earlier in the meeting.  
161

162 **Mr. Tyler left the meeting at 8:22 PM.**  
163

164 **Finance:** Ms. Delphia wondered if there would be extra staff for finance. Mr. Luck said the  
165 Finance Department, under this arrangement, would have two City employees, two Town  
166 employees and two shared employees for the period during which Finance is shared. Mr. Watts  
167 suggested that this contract not restrict the number of people the Town is allowed. Mr. Brown  
168 pointed out that the proposal is in alignment with the Finance Director's memo, but the language  
169 could change. He said the Town would employ the Finance Director and Assistant Director and  
170 the City would pay for half. Mr. Watts said this should also include IT and the other indirect costs  
171 discussed earlier in the meeting. Mr. Teich suggested that staff could propose language for  
172 addressing how a vacancy would be filled, with both City and Town input, and include suggestion  
173 for supervision.  
174

175 **Funds:** Mr. Watts wondered what would happen if there were an overspend of funds, versus an  
176 underspend. He was concerned by the possibility of how this may affect unassigned funds of the  
177 Town, considering their purpose.  
178

179 **Fiscal year 2023 Budget:** Mr. Watts suggested that the last bullet language clarify specific  
180 services, to avoid misunderstandings. He agreed that the Town outside the Village benefits from  
181 Essex Junction development without paying for the Village Community Development department.  
182 Mr. Brown added that the Village is paying 42% of the Town Community Development budget, but  
183 is not benefitting from this, so the Town could write a check to the Village for 42%. Mr. Brown  
184 added that this also takes place with the Village Fire Department and Parks and Rec. Mr. Kerin  
185 gave the example that the capital costs and liabilities the Village helps pay for, but are located in  
186 the Town outside the Village, would be another example of reimbursable funds. Mr. Duggan said  
187 the calculation of reimbursement is more complicated than just 42% considering various efforts  
188 taking place where Town Community Development and Parks and Rec do provide services that  
189 benefit the entire community. Mr. Watts suggested that each item where the Village would be  
190 requesting this type of payment from the Town be clearly stated in the language of this contract.  
191

192 Ms. Delphia asked for further clarification about the rationale for the MOU change. Mr. Brown  
193 explained that the City would need to create positions within the new municipality and would no  
194 longer need these positions from the Town. She wondered how transition collaboration between  
195 the two entities would impact this. Mr. Brown said his assumption would be that collaboration  
196 could take place but it would be between two independent positions. Mr. Luck discussed some of  
197 the merged positions that currently exist, and percentages of costs provided from each  
198 municipality for them, to note that the current MOU does not accurately reflect these costs.  
199

200 Mr. Murray wondered if the ask for funding, under this contract, would be limited to only what is  
201 being discussed. Mr. Brown said that they may identify more services during ongoing discussions.  
202

203 **Assets:** Mr. Watts suggested that this contract is unnecessary because a municipality can own a  
204 building in a separate municipality.  
205

206 **Indian Brook Access:** Ms. Delphia wondered if the City would be willing to share costs if the dam  
 207 needed work or to continue the water and invasive species treatments.  
 208

209 **Tax Delinquencies:** Mr. Watts said a counter-proposal from the Town would be developed for  
 210 this contract.  
 211

212 Mr. Watts had questions about items not included in the proposed contracts. He wondered why no  
 213 contract included Parks and Recreation and Mr. Brown said the contracts were focused on the  
 214 short-term, but this item would be a discussion the Village would like to have about the long-term.  
 215 Mr. Watts suggested the Village look into whether the City would need a vote to join Green  
 216 Mountain Transit. He also said it could be beneficial to talk about the Winooski Valley Parks  
 217 District, Essex Rescue, the Health Officer, potential new revenue/ local options tax, and cannabis.  
 218

219 The board members discussed next steps. Ms. Delphia asked whether the Town's counter  
 220 proposals should be provided as a package or if they should each stand on their own, referring to  
 221 negotiations procedures. Mr. Brown requested that they stand on their own. They also talked  
 222 about the role of supposals within conversations. Mr. Brown said it would be helpful to hear from  
 223 the Selectboard what they might agree to and items for further discussion. He suggested the Joint  
 224 Meeting on the 26<sup>th</sup> focus on these responses. Mr. Watts expressed concern with the timeline,  
 225 considering the Selectboard did not have a meeting scheduled before the 26<sup>th</sup>.  
 226

227 Ms. Dunn said that the Trustees took time to work on the proposals presented at this meeting, and  
 228 requested that the Selectboard not make decisions too quickly. She requested that the contracts  
 229 only be considered and negotiated if the legislature passes the separation and said that  
 230 redistricting may not go through this year. She suggested, for policing, that the Trustees consider  
 231 hiring out events to subcontractors. She wondered why the Town would need to sell properties  
 232 and not be allowed to bond.  
 233

234 Ms. Post said that it seems like there are no opportunities for public input on these contracts. She  
 235 said, for example, that people may not want to share a senior center. She wondered why money  
 236 is being spent on forums for discussion with the Town if the public cannot weigh in on these items.  
 237

238 Ms. Wrenner agreed that the process seems rushed and that there should be public comment.  
 239 She requested that 81 Main Street be kept and mentioned the funds spent to renovate it. She  
 240 agreed that the City should help pay for dam upgrades and invasive species work, suggesting the  
 241 City share full costs associated with the reservoir if they want to be season pass holders. She said  
 242 they should look at who is using the park to inform this discussion.  
 243

244 Ms. Davis spoke about needing signs and an ordinance to use Saxon Hill.  
 245

246 Mr. Signorello asked the Selectboard to produce their best alternate proposals versus negotiated  
 247 agreements.  
 248

249 **c. Possible action on whether or not to hold a joint board meeting on July 26**

250 Mr. Watts said that the Selectboard members would not know, until after executive session, if they  
 251 would be ready to agree to continued discussion on the contracts at a July 26<sup>th</sup> meeting. Mr.  
 252 Brown said the reason the Trustees requested the extra three Joint meetings was because there  
 253 would be only four joint meetings before the Trustees need to bring everything to the public in  
 254 preparation for the separation vote. Mr. Watts said the Selectboard may not be able to meet the  
 255 Trustees' timeline.  
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257 **d. ~~\*\*Discuss evaluation of public official~~**

258 This agenda item was removed at the beginning of the meeting.

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## 7. CONSENT ITEMS

- a. **Consider approval of Unified Manager to reappoint Village Treasurer/Tax Collector, Clerk, and Fire Chief –Trustees only**
- That the Trustees approve the Unified Manager’s appointments of Susan McNamara-Hill as the Village Treasurer/Tax Collector and Clerk and Chris Gaboriault as the Village Fire Chief.
- b. **Consider termination of temporary COVID-19 Emergency Leave policy**
- That the Selectboard and the Trustees make a motion to remove the Temporary COVID-19 policy from active status.

**DAN KERIN made a motion, seconded by RAJ CHAWLA, for the Trustees to approve the Consent Agenda. The motion passed 4-0 (George Tyler had left the meeting).**

**VINCE FRANCO made a motion, seconded by DAWN HILL-FLEURY, for the Selectboard to approve the Consent Agenda. The motion passed 5-0.**

## 8. READING FILE

- a. Board member comments
- Mr. Teich said that the Vermonter Amtrak line is back in service and that he had a discussion with elected officials about the train station and platform renovation in Essex. Ms. Hill-Fleury thanked Ms. Getchell for her work on arranging this event. Mr. Teich agreed and also thanked Mr. Pierce and the Parks and Recreation department.
- b. Memo from Greg Duggan re: Update on public forums and Town of Essex planning in response to Village of Essex Junction's separation/independence initiative
- c. Upcoming meeting schedule

**DAN KERIN made a motion, seconded by RAJ CHAWLA, that the Trustees adjourn. The motion passed 4-0 at 9:27 PM.**

## 9. EXECUTIVE SESSION

- a. **\*An executive session may be needed to discuss negotiation of contracts and agreements between the Town of Essex and Village/City of Essex Junction**

**TRACEY DELPHIA made a motion, seconded by VINCE FRANCO, that the Selectboard make the specific finding that premature general public knowledge of the Town’s position concerning the proposed contract discussion would place the Town at a substantial disadvantage. The motion passed 5-0 at 9:28 PM.**

**TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the Selectboard enter into executive session to discuss potential contracts pursuant to 1 V.S.A. § 313(a)(1)(a), to include the Unified Manager, Deputy Manager, Assistant Manager, and Town Attorney. The motion passed 5-0 at 9:28 PM.**

**DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, for the Selectboard to exit executive session. The motion passed 5-0 at 10:34 p.m.**

**DAWN HILL-FLEURY made a motion, seconded by VINCE FRANCO, that the Selectboard agree not to meet jointly with the Board of Trustees until after the public forums. The motion passed 5-0.**

- ~~b. **\*\*An executive session may be needed to discuss the evaluation of a public official**~~

311 **10. ADJOURN**

312  
313 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to adjourn. The motion**  
314 **passed 5-0 at 10:36 PM.**

315  
316 Respectfully Submitted,  
317 Cathy Ainsworth  
318 Recording Secretary  
319