

**SELECTBOARD & TRUSTEES
(DRAFT)**

**TOWN OF ESSEX SELECTBOARD
VILLAGE OF ESSEX JUNCTION TRUSTEES
DRAFT JOINT MEETING MINUTES
MONDAY, DECEMBER 13, 2021**

SELECTBOARD: Andy Watts, Chair; Sue Cook; Tracey Delphia; Dawn Hill-Fleury; Patrick Murray

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

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Courtney Bushey, Interim Finance Director; Charlie Cole, Fire Chief; Greg Duggan, Deputy Manager; Bill Ellis, Town Attorney; Ron Hoague, Police Chief; Marguerite Ladd, Assistant Manager; Brad Luck, Essex Junction Recreation & Parks Director; Robin Pierce, Essex Junction Community Development Director; Tom Richards, Assistant Fire Chief; Alex Caron, Dispatcher

OTHERS PRESENT: Bob Burrows, Kevin Collins, Annie Cooper, Erin Dickinson, Essex ReTorter, Maureen Gillard, Deb McAdoo, Ken Signorello, Brian Sheldon, Harlan Smith, Margaret Smith, Irene Wrenner, R M

1. CALL TO ORDER

Mr. Watts called the Town of Essex Selectboard to order for the joint meeting with the Village of Essex Junction Board of Trustees at 6:30 PM.

Mr. Brown called the Village of Essex Junction Board of Trustees to order for the joint meeting with the Essex Selectboard at 6:30 PM.

2. AGENDA ADDITIONS/CHANGES

Mr. Duggan requested to remove item 5g, "Discussion about Tree Farm Business Plan and New Agreements."

3. APPROVE AGENDA

DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, to amend the agenda to remove item 5g, "Discussion about Tree Farm Business Plan and New Agreements." The motion passed 5-0.

DAN KERIN made a motion, seconded by RAJ CHAWLA, to approve the agenda as amended. The motion passed 4-0.

4. PUBLIC TO BE HEARD

Mr. Smith encouraged voting to be able to be done via electronic means for service members, as the current method makes it difficult to have their votes counted.

5. BUSINESS ITEMS

a. Discussion and potential action on tentative agreements about shared services between Town of Essex and independent City of Essex Junction

Mr. Brown said he hopes to approve specific agreements as they are discussed. Regarding the Memorandum of Understanding (MOU), Mr. Brown said the Shared Financial Services agreement has changed to a Clerk/Treasurer's Agreement due to recent staff changes. Mr.

50 Luck clarified that there is a need to create a Financial Services Agreement right now, and that it
51 is no longer relevant to the MOU. The boards discussed the timing of separating the
52 Clerk/Treasurer's office, and when the City would formally establish its own Clerk/Treasurer
53 services. Public input was requested, and none was given.

54
55 **SUE COOK made a motion, seconded by TRACEY DELPHIA, that the Selectboard approve**
56 **the tentative agreement for the Memorandum of Understanding. A friendly amendment**
57 **was offered by TRACEY DELPHIA, and accepted by SUE COOK, that this approval**
58 **includes the changes that were included in tonight's packet. Motion passed 5-0.**

59
60 **RAJ CHAWLA made a motion, seconded by DAN KERIN, to approve the tentative**
61 **Memorandum of Understanding, including the changes listed in tonight's packet. Motion**
62 **passed 4-0.**

63
64 Regarding the Delinquent Tax Agreement, Mr. Watts clarified that the Town would hold
65 delinquencies for all taxes they collect, and the Village would do the same for the taxes that they
66 collect. This agreement no longer details on-time tax collection. Mr. Watts asked for public
67 input, none was given.

68
69 **SUE COOK made a motion, seconded by PATRICK MURRAY, that the Selectboard**
70 **approve the Delinquent Tax Agreement as currently amended. Motion passed 5-0.**

71
72 **RAJ CHAWLA made a motion, seconded by DAN KERIN, to approve the Delinquent Tax**
73 **Agreement as currently amended. Motion passed 4-0.**

74
75 Regarding the IT Agreement, Ms. Delphia requested that language regarding the City IT
76 consultants, as well as City employees, not violating state or federal law be added into the
77 document. Mr. Chawla said that this would be addressed in the City's agreement with their
78 consultant, Ms. Cook countered that this agreement has not been developed yet. Mr. Watts
79 requested public comment, and Mr. Smith said that he believes that liability for a City contractor
80 would fall on the City.

81
82 **TRACEY DELPHIA made a motion, seconded by DAWN HILL FLEURY, that the**
83 **Selectboard approve the Information Technology Agreement as presented in the packet,**
84 **with the change to the sentence, "In the process of migration, the City shall not violate**
85 **any state or federal regulations regarding protected data," to "In the process of**
86 **migration, the City or it's contractor shall not violate any state or federal regulations**
87 **regarding protected data. Motion passed 5-0.**

88
89 **RAJ CHAWLA made a motion, seconded by DAN KERIN, that the Trustees approve the**
90 **Information Technology Agreement as presented in the packet, with the change to the**
91 **sentence, "In the process of migration, the City shall not violate any state or federal**
92 **regulations regarding protected data," to "In the process of migration, the City or it's**
93 **contractor shall not violate any state or federal regulations regarding protected data.**
94 **Motion passed 4-0.**

95
96 Regarding the Police Services Agreement, neither board, nor the public had any comment.

97

98 **DAWN HILL-FLEURY made a motion, seconded by SUE COOK, that the Selectboard**
99 **approve the police services agreement as presented in the packet. Motion passed 5-0.**

100
101 **DAN KERIN made a motion, seconded by RAJ CHAWLA, that the Trustees approve the**
102 **Police Services Agreement as presented in the packet. Motion passed 4-0.**

103
104 Regarding the Reappraisal and Assessor Services agreement, the boards discussed allocation
105 of justices of the peace, addressed inconsistencies and clarified language throughout the
106 document, and clarified the timing in the agreement in relation to potential appeals. Public input
107 was requested, none was given.

108
109 **SUE COOK made a motion, seconded by TRACEY DELPHIA, that the Selectboard approve**
110 **the reappraisal and assessor services agreement with the amendments as represented in**
111 **the document, and additional amendments to include, in Section 9, “upcoming**
112 **reappraisal is completed, as defined when the change of real estate values are sent to**
113 **property owners” and also in Section 9 “to replace this agreement with shared assessor**
114 **services.” SUE COOK amended the motion to include renumbering the agreement.**
115 **Motion passed 5-0.**

116
117 **RAJ CHAWLA made a motion, seconded by DAN KERIN, that the Trustees approve the**
118 **Reappraisal and Assessor Services Agreement with the amendments as represented in**
119 **the document, and additional amendments to include, in Section 9, “upcoming**
120 **reappraisal is completed, as defined when the change of real estate values are sent to**
121 **property owners” and also in Section 9 “to replace this agreement with shared assessor**
122 **services,” and renumber the agreement. Motion passed 4-0.**

123
124 Regarding the Right of First Refusal, neither the boards nor the public had any comment.

125
126 **DAWN HILL-FLEURY made a motion, seconded by SUE COOK, that the Selectboard**
127 **accept the Right of First Refusal Agreement as presented in this evening’s document.**
128 **Motion passed 5-0.**

129
130 **RAJ CHALWA made a motion, seconded by DAN KERIN, that the Trustees accept the**
131 **Right of First Refusal Agreement as presented in this evening’s document. Motion**
132 **passed 4-0.**

133
134 Regarding the Stormwater Agreement, Mr. Watts said that existing projects will be completed
135 jointly, and beyond that projects will be done separately. Ms. Delphia suggested that these
136 projects be listed out, the majority of the Selectboard agreed. Mr. Brown requested that this
137 document be approved with the caveat that a list of projects be included, and Mr. Ellis confirmed
138 that this is a reasonable request. The Selectboard discussed whether or not to approve the
139 agreement without seeing the list of projects. In public comment, Ms. McAdoo said the
140 Selectboard is dragging their heels, and not doing what is best for the people that they
141 represent. Ms. Cooper encouraged the Selectboard to move forward in this process. Mr. Brown
142 encouraged the Selectboard to move forward, and reminded them that these are tentative
143 agreements.

144

145 **DAWN HILL-FLEURY made a motion to table this discussion until the next Selectboard**
146 **meeting. No second, motion failed.**
147

148 **TRACEY DELPHIA made a motion, seconded by DAWN HILL-FLEURY, that the**
149 **Selectboard approve the Stormwater Agreement as presented, with the following change:**
150 **Add in #5, which states, “This agreement may be amended or modified by mutual written**
151 **agreement of the parties,” and add in the following items: “and subject to receipt and**
152 **approval of the currently approved project list.” Motion passed 5-0.**
153

154 **DAN KERIN made a motion, seconded by RAJ CHAWLA, that the Trustees approve the**
155 **Stormwater Agreement as presented, with the following change: Add in #5, which states,**
156 **“This agreement may be amended or modified by mutual written agreement of the**
157 **parties,” and add in the following items: “And subject to receipt and approval of the**
158 **currently approved project list.” Motion passed 4-0.**
159

160 **DAWN HILL-FLEURY made a motion, seconded by SUE COOK, to amend the agenda to**
161 **postpone the review of Brad Luck’s letter and move on to the presentation of the public**
162 **safety radio system. Motion passed 5-0.**
163

164 **RAJ CHAWLA made a motion, seconded by DAN KERIN, to amend the agenda to**
165 **postpone the review of Brad Luck’s letter and move on to the presentation of the public**
166 **safety radio system. Motion passed 4-0.**
167

168 **b. Discussion about purchasing radio infrastructure for public safety**

169 Town Police and Fire staff members gave an overview of the radio infrastructure that the Town
170 and Village use, which is a receiver and microwave system that utilizes portable radios. This is a
171 life safety tool and essential for public safety. Funding for replacement costs, including capital
172 funding and grants, were discussed. The use of radio infrastructure by Public Works was
173 discussed, as well as the dispatch services the Essex Police Department provides to other
174 communities and if they should be compensated for doing so in the future.
175

176 **a. Discussion and potential action on tentative agreements about shared services**
177 **between Town of Essex and independent City of Essex Junction**

178 Mr. Luck discussed a memo regarding current operations of Clerk/Treasurer and Finance, the
179 possibility of continuing shared boards and commissions, and shared access to recreational
180 services. The boards indicated approval with sharing indirect costs, as well as having both
181 Finance Departments housed at 81 Main Street for a period. The boards indicated an interest in
182 exploring the possibility of sharing the Essex BEST Committee, Committee on Equity for Essex,
183 the Economic Development Commission, and the Housing Commission. This idea will be
184 brought back to the boards and commissions for further review. The boards discussed
185 collaboration in recreation services, including childcare, Indian Brook, and the pools. Mr. Luck
186 clarified that Essex Junction Recreation and Parks will continue to provide afterschool and break
187 childcare for students in the Essex Westford School District independent from this agreement.
188 The boards expressed support for continuing to share the cost of senior services until at least
189 2025. In public comment, Ms. Wrenner said the Essex Energy Committee is meeting in two
190 days and asked if members should discuss if they should collaborate with the Village in the
191 future. Mr. Watts answered affirmatively. She also said that some Village residents may want to

192 have access to Town recreation programs and asked why the Village was going to have access
193 to Indian Brook without financial remuneration.

194
195 **c. Presentation and potential action on Out & About in Essex**

196 Ms. Cooper said the second annual Out & About event was held the first weekend in October.
197 Thirty-one businesses participated, 30 performers performed, several municipal departments
198 and boards/committees volunteered, and over \$11,000 in vouchers were paid out. The boards
199 thanked Ms. Cooper and the committee for their hard work.

200
201 **d. Discussion about retail cannabis and update on first public forum**

202 Mr. Pierce said additional public forums will be held on the issue, and that a requirement to keep
203 cannabis sales a certain distance from schools are being considered. A vote will need to occur
204 for municipalities to opt-in to cannabis sales, and additional public engagement will occur prior to
205 this.

206
207 **e. Discussion of Essex Rescue funding request for fiscal year 2023**

208 Mr. Duggan said Essex Rescue has requested a large increase for the next fiscal, from a per
209 capita rate of \$3.87 to \$10.91. This was done via a request to the Selectboard, however it will
210 affect the Village via their taxes paid to the Town.

211
212 **f. Discussion and possible action on Town of Essex payment to Village of Essex Junction
213 for hire of Finance Director**

214 Mr. Duggan said that the Finance Department is splitting into two departments, one for the Town
215 and one for the Village. The Village is advertising for a Finance Director, and Courtney Bushey,
216 former Assistant Finance Director, is the Interim Finance Director for the Town. The Village
217 Trustees have requested \$60,000 to represent approximately six months salary for the Finance
218 Director. Mr. Brown clarified that this is a request for funding back, as the Village has paid for
219 services that they did not receive. The Boards debated this point, and staff will check the
220 numbers and discuss this further at a future meeting.

221
222 ~~**g. Discussion about Tree Farm Business Plan and New Agreements**~~

223
224 **h. Discussion and possible action about contracts**

225 This was discussed during executive session.

226
227 **6. CONSENT AGENDA**

228 **AMBER THIBEAULT** made a motion, seconded by **ANDREW BROWN**, to approve the
229 **Consent Agenda**. The motion passed 4-0.

230
231 **a. Approve minutes: November 22, 2021 – (Trustees only)**

232
233 **7. READING FILE**

234 **a. Board member comments:** Mr. Watts requested that staff schedule future joint meetings into
235 2022.

236 **b. Questions & Answers about Town of Essex Rule Requiring Face Coverings Indoors in
237 Public Spaces**

238 **c. Upcoming meeting schedule**

239

240 **8. EXECUTIVE SESSION**

241 ~~a. An executive session may be needed to discuss negotiation of contracts and~~
242 ~~agreements between the Town of Essex and Village/City of Essex Junction~~

243 ~~b. An executive session may be needed to discuss security or emergency response~~
244 ~~measures, the disclosure of which could jeopardize public safety~~

245 c. An executive session is anticipated to discuss contracts

246
247 **SUE COOK made a motion, seconded by TRACEY DELPHIA, that the Selectboard make**
248 **the specific finding that general public knowledge of contract negotiations with an**
249 **employee would place the Town at a substantial disadvantage. The motion passed 5-0.**

250
251 **SUE COOK made a motion, seconded by TRACEY DELPHIA, that the Selectboard enter**
252 **into executive session to discuss contract negotiations with an employee, pursuant to 1**
253 **V.S.A. § 313(a)(1)(A) to include the Trustees. The motion passed 5-0.**

254
255 **ANDREW BROWN made a motion, seconded by AMBER THIBEAULT, that the Trustees**
256 **make the specific finding that general public knowledge of contract negotiations with an**
257 **employee would place the Village at a substantial disadvantage. The motion passed 4-0.**

258
259 **ANDREW BROWN made a motion, seconded by DAN KERIN, that the Trustees enter into**
260 **executive session to discuss contract negotiations with an employee, pursuant to 1**
261 **V.S.A. § 313(a)(1)(A) to include the Selectboard. The motion passed 4-0.**

262
263 **DAWN HILL-FLEURY made a motion, seconded by SUE COOK, for the Selectboard to exit**
264 **executive session. Motion passed 5-0 at 10:57 PM.**

265
266 **ANDREW BROWN made a motion, seconded by DAN KERIN, for the Trustees to exit**
267 **executive session. Motion passed 4-0 at 11 PM.**

268
269 **9. ADJOURN**

270 **DAWN HILL-FLEURY made a motion, seconded by SUE COOK, for the Selectboard to**
271 **adjourn. Motion passed 5-0 at 11:03 PM.**

272
273 **ANDREW BROWN made a motion, seconded by DAN KERIN, for the Trustees to adjourn.**
274 **Motion passed 4-0 at 11:05 PM.**

275
276 Respectfully Submitted,
277 Darby Mayville
278 Recording Secretary