

TOWN OF ESSEX
SELECTBOARD MEETING MINUTES
Thursday, March 11, 2021

SELECTBOARD: Elaine Haney, Chair; Patrick Murray, Vice Chair; Vince Franco; Dawn Hill-Fleury; Andy Watts.

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Gregory Duggan, Deputy Manager; Bill Ellis, Town Attorney; Marguerite Ladd, Assistant Manager; Susan McNamara-Hill, Town/Village Clerk.

OTHERS PRESENT: Gil Allen, Lisa Allen, Mark Aubel, Jason Baldasaro, Bob Bates, Dennis Bergeron, Jim Bernegger, Andrew Brown, Bob Burrows, Alise Certa, Marcus Certa, Andy Champagne, Rajan Chawla, Diane Clemens, Kevin Collins, Annie Cooper, Tracey Delphia, Erin Dickinson, Karen Dolan, Brian Donahue, Betsy Dunn, Dylan Giambatista, Maureen Gillard, Kimberly Gleason, Ara Hagan, Micah Hagan, Richard Hamlin, Martha Heath, Lori Houghton, Patrick Ivory, Daniel Kerin, Christopher Kenny, Michael Kupferer, Brad Lamphere, Lisa Leonard, Brad Luck, Jen Luck, Elizabeth McCormick, Scott Moore, Athena Newhard, Jillian Niggel, Jeanne Piro, Bruce Post, Mary Post, Betty Poulin, Roseanne Prestipino, Macie Rebel, Ken Signorello, Bill Silverstrim, Gabrielle Smith, Margaret Smith, Sarah Strauss, Saramichelle Stultz, Liz Subin, Mike Sullivan, Dennis Thibeault, George Tyler, Doug Wilson, Irene Wrenner, Amanda D., Carolyn _____, Danielle & Andrew _____, Karenlee _____, Kathleen _____, Morgan _____, Nan _____, Rachael _____, Sara _____, Suzanne _____, EAB, RM, SN.

1. CALL TO ORDER

Elaine Haney called the meeting of the Town of Essex Selectboard to order at 6:30 PM.

2. AGENDA ADDITIONS/ CHANGES

Deputy Manager Greg Duggan requested the following agenda additions:

- 5a2: Letter from Annie Cooper re. Petition to reconsider Article II from the Australian ballot vote on March 2nd
- 5a3: Email from Susan McNamara-Hill re: Petition

3. APPROVE AGENDA

VINCE FRANCO made a motion, seconded by DAWN HILL-FLEURY, to approve the agenda as amended. Motion passed 5-0.

4. PUBLIC TO BE HEARD

Irene Wrenner relayed comments from a member of the public who wished to stay anonymous. This person said that they are concerned about the impact of increased taxes due to merger as they are on a fixed income. They feel that the board needs to be fair and equitable in their decisions about merger.

Andy Champagne said that he is concerned that discussions on merger are overshadowing bigger issues, such as racial justice. Unified Manager Evan Teich said that racial justice is being taken seriously by the Town and that a group has been meeting for months on the issue.

Annie Cooper suggested that the Board read the Invocation of Civility. Vince Franco read the following Invocation of Civility: *"We are gathered together in civil assembly. We gather as a community, in the oldest sense of the word. We gather to come together and try to make decisions; about what is right, about what is wrong. Let us advocate for our positions, but not at the expense of others. Let us remember that there is an immense gap between saying, 'I am right' and saying, 'I believe I am right.' And that our neighbors with whom we might disagree are good people 'with hopes and dreams as true and high as ours.' And let us*

53 *always remember that, in the end, caring for each other, in this community, is far greater than any*
54 *difference of opinion we might have. Thank you for being here this evening.”*
55

56 Dennis Bergeron said that members of the Selectboard need to follow this invocation as well and said that
57 it is important for them not to interrupt members of the public when they are speaking.
58

59 **5. BUSINESS ITEMS**

60 **a. Consider approval of warning for Special Town Meeting on April 13 in response to voter-backed**
61 **petition.**

62 Mr. Teich said that a petition for a reconsideration of the merger vote has been submitted. This petition
63 has been verified to have been signed by 5% of registered voters in Essex. As a result, the Selectboard is
64 legally obligated to take up this request and hold an election within the next 60 days. Staff has suggested
65 holding the election on April 13th in conjunction with school elections and the Village of Essex Junction’s
66 annual meeting.
67

68 Ms. Haney opened the issue to the Selectboard for discussion. Mr. Murray noted that elections can be
69 disruptive for schools and said that he is concerned that the schools will not be available to use as polling
70 places, should the Town select a different date other than April 13th. Ms. Hill-Fleury asked if the school
71 district has been contacted about the potential to hold a municipal election on this date, noting that
72 typically they are responsible for the cost of this particular election. She asked this question to Martha
73 Heath, Co-Chair of the Essex-Westford School District, who was in the audience. Ms. Heath said that she
74 had not discussed the issue with the entire board but did not see any reason that this would be a problem.
75 Mr. Watts asked if ballots will be mailed, which was answered in the affirmative. Mr. Watts also cited state
76 statute which said that a petition needs to be filed 47 days before “the meeting.” He asked for clarification
77 on the definition of “the meeting.” Atty. Ellis said that this would only apply to annual Town Meeting and
78 that the relevant statute in this circumstance is for a petition to be filed within 30 days of the original vote.
79

80 The Selectboard discussed whether or not to hold informational sessions prior to this vote. Atty. Ellis said
81 that this was up to the Board to decide and they chose to discuss it at a later meeting. Ms. Hill-Fleury
82 asked for more information on the petition for separation that was presented to the Village of Essex
83 Junction Board of Trustees. Mr. Teich said that this would be an advisory question to be placed on the
84 ballot for April Village meeting, asking voters if the Trustees should pursue separation from the Town of
85 Essex if merger does not pass, with no sharing of services except for police. Mr. Murray said that while he
86 is an advocate for merger, he is not a fan of a revote. He wanted it to be noted that the Selectboard is
87 acting on this issue because it is legally required to do so.
88

89 Ms. Haney opened the discussion to the public, taking questions that would then answered by the
90 Selectboard after hearing from all members of the public who wished to speak.
91

- 92 • Ms. Dunn asked if the Town will have enough time to send ballots to residents living overseas.
- 93 • Mr. Silverstrim expressed concern about holding a divisive election on the same day as school
94 budget voting and said that it could cause the school budget to fail.
- 95 • Mr. Bergeron asked if ballots would be mailed and if the school ballot would be separate from the
96 Town ballot.
- 97 • Ms. Post encouraged the Selectboard to answer questions immediately, rather than waiting to hear
98 from all speakers.
- 99 • Mr. Post asked for clarification on how a “duly-warned meeting” is defined.
- 100 • Mr. Kupferer said that merger should be put on hold to pursue the establishment of the 3+3 charter
101 change, which was approved by voters last March.
- 102 • Mr. Signorello expressed concern about the legality of the warning of the election for April 13.

- 103 • Ms. Hagan said that it would save money to vote on this issue with the school budget and said that
104 there is strong momentum for separation should merger be voted down. Either way, costs will
105 increase for the Village and the Town outside the Village.
- 106 • Ms. Wrenner said it is important to note that this vote is merger vs. no merger. She reiterated Mr.
107 Signorello's point that warning an election on April 13th would not be in line with state statute. She
108 said the election should be warned between April 27th and May 4th.
- 109 • Mr. Bates agreed with earlier concerns regarding the timing and legality of the election. He also
110 said that the community has merger fatigue and is very divided, and needs time to heal. He said
111 there is no need to rush this process.
- 112 • Mr. Baldasaro said that this election should happen as soon as legally possible, due to residents
113 being energized about the issue.
- 114 • Ms. Allen warned against creating legal loopholes and barriers to prevent a vote. She noted that
115 this is not the first re-vote on merger that the community has had.
- 116 • Mr. Sullivan said that he was concerned that some residents are under the impression that the
117 Essex ReTorter is the same publication as the Essex Reporter and stated that the publication
118 masquerades as a public service when it intends to mislead.
- 119 • Mr. Brown said that he is speaking as himself, not as a Village Trustee. He said that he would be
120 happy if merger is voted on at the same time as the school budget and asked for clarification as to
121 whether or not the merger plan to be voted on is the same plan that was voted on in early March.
- 122 • Mr. Certa said that holding both votes on the same day could increase voter participation in the
123 school budget elections. He said that this petition cannot be ignored and that change will happen
124 regardless of the result of this election.
- 125 • Mr. Chawla said that he is speaking as himself, not as a Village Trustee. He said that should this
126 election happen on a different date than April 13, poll volunteers and the Board of Civil Authority
127 will be putting themselves at increased risk of COVID by having to work the polls a second time.
- 128 • Ms. Gabrielle Smith said that the current merger plan is as close to perfect as we will get. She
129 would like to see merger have one last chance and if it does not pass, separation must be
130 seriously considered.
- 131 • Ms. Stultz said that delaying this vote will be a disservice, as the Village needs time to discuss
132 separation should merger not pass.
- 133 • Ms. Margaret Smith expressed concern that the Village passed a separate charter in November,
134 and that power on the proposed interim board is skewed toward the Village. She said that the
135 Village has spent more over the years and that the TOV should not have to finance these extra
136 expenses.
- 137 • Ms. Dunn said that informational meetings would be helpful.
- 138 • Ms. Post said that she was upset that Mr. Sullivan accused the Essex ReTorter of lying and being
139 manipulative. She said that the figures used in this publication are correct, they have been treated
140 unfairly by the Selectboard, and are owed an apology.
- 141 • Mr. Bergeron said if the Village really wanted to merge, they would not have created their own
142 charter plan or threatened separation. He noted that taxes are making Essex unaffordable.
- 143 • Mr. Silverstrim said that insanity is doing the same thing over and over and expecting different
144 results. He said merger is dividing the community.
- 145 • Mr. Signorello asked for statute specifications for warning a vote.
- 146 • Ms. Newhard said that TOV taxpayers are paying less than the true cost for services and that this
147 is a bad situation for Village taxpayers.
- 148 • Mr. Baldasaro said that he does not think that the petition for separation means that merger is not
149 viable but that there is momentum to change the status quo.
- 150 • Ms. Wrenner said that separation is an idle threat and that it would be too expensive for the
151 Village. She encouraged the author of the petition, Annie Cooper, to reconsider.
- 152 • Mr. Allen said that separation is not a threat, but a dire warning.
- 153

154 The Selectboard prepared the following answers to questions that were asked:
155

- 156 • Susan McNamara-Hill, Town Clerk, said that ballots will be delivered via e-mail to overseas
157 residents as soon as the ballot is ready and they will have enough time to return them.
- 158 • Atty. Ellis repeated his point that, according to state statute, warning the vote for April 13th is legal.
- 159 • Ballots will be mailed and staff will attempt to put all questions on the same sheet of paper.
- 160 • The cost for an election is normally between \$25,000-\$26,000, however, if this vote is combined
161 with the school vote it is possible that the costs can be split between the two entities.
162

163 **Motion by VINCE FRANCO, seconded by DAWN HILL-FLEURY approve a warning for a Special**
164 **Town Meeting on April 13, 2021. Motion passed 5-0.**
165

166 Mr. Teich thanked the Board and members of the public for their participation.
167

168 **6. ADJOURN**

169 **DAWN HILL-FLEURY made a motion, seconded by VINCE FRANCO, to adjourn. Motion passed 5-0**
170 **at 8:13 p.m.**
171

172 Respectfully Submitted,
173 Darby Mayville
174 Recording Secretary
175

176 **Approved this _____ day of _____, 2021**
177

178 **(See minutes of this day for corrections, if any)**
179
180

181 _____
182 **Vince Franco, Clerk, Selectboard**
183
184