

**SELECTBOARD & TRUSTEES  
(DRAFT)**

**TOWN OF ESSEX SELECTBOARD  
VILLAGE OF ESSEX JUNCTION TRUSTEES  
DRAFT JOINT MEETING MINUTES  
MONDAY, OCTOBER 25, 2021**

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

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

**ADMINISTRATION and STAFF:** Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Marguerite Ladd, Assistant Manager; Brad Luck, Village Parks & Recreation Director; Robin Pierce, Village Community Development Director

**OTHERS PRESENT:** Bob Burrows; Marcus Certa; Matt Carmoli; Kevin Collins; Annie Cooper; Patty Davis; Erin Dickinson; Max Dodson; Betsy Dunn; John Egan; Bill Ellis, Town Attorney; Gina Halpin Barrett; Deb McAdoo; Melanie Needle; Mary Post; Roseanne Prestipino; Ta-Tanisha Redditta; Claudine Safar, Village Attorney; Angel Segarra; Kristen Shamis, Village Attorney; Ken Signorello; Harlan Smith; Margaret Smith; Mike Thorne; Doug Wilson; Irene Wrenner; Lorraine Zaloom; R M; Joe P

**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**

None.

**3. APPROVE AGENDA**

No changes, approval not required.

**4. PUBLIC TO BE HEARD**

Mr. Watts explained that this is the time during the meeting for members of the public to speak on items not included in tonight's agenda. He encouraged the public to be civil, brief, use appropriate language, refrain from personal attacks, and address comments to either the Selectboard Chair or Village President.

Ms. Dunn expressed concern about the use of executive session and stated that Boards should not be conducting votes during this time.

Ms. Wrenner said that there was a recent announcement on private social media regarding the future of Village management and said that such announcements should occur during public meetings.

Mr. Certa said that the audio quality on Town Meeting TV is currently inaudible and encouraged this to be fixed. Mr. Duggan suggested utilizing the call-in feature or joining the meeting via Microsoft Teams for better audio quality.

**5. BUSINESS ITEMS**

49 **a. Interview and potential appointment: Ta-Tanisha Redditta for Housing Commission**

50 Mr. Watts said that he had not participated in discussions on Housing Commission nominations due to a  
51 conflict of interest. This conflict of interest is no longer present, and he said he would be moderating the  
52 interview, however he will be abstaining from the vote due to his earlier lack of participation.  
53

54 Ms. Redditta said that she is interested in joining the Housing Commission since she was previously  
55 homeless when she moved to Vermont. Mr. Murray asked Ms. Redditta to discuss her community  
56 involvement in Essex. She said that she has volunteered with the Red Cross and has served on the  
57 Economic Development Commission. Mr. Brown asked Ms. Redditta what she would like to accomplish  
58 on the Housing Commission. Ms. Redditta said that there is a strong need for 3- to 4-bedroom apartments  
59 in Essex, and that she would like to see this addressed. Ms. Delphia asked Ms. Redditta for her opinion on  
60 the top three priorities for the Housing Commission in the next year. Ms. Redditta discussed new  
61 residential units, working with displaced residents, and learning more about the work of the Commission.  
62 Ms. Cook asked Ms. Redditta if she is familiar with inclusionary zoning, Ms. Redditta said that she was  
63 not. Mr. Watts said that the Boards will vote on this appointment during executive session.  
64

65 **b. Discussion and potential action on tentative agreements about shared services between Town of  
66 Essex and independent City of Essex Junction**

67  
68 Memorandum of Understanding (MOU)

69 Mr. Watts said the Selectboard suggested adding a “second tier” of agreements, which are not as impactful  
70 to budgeting as some of the others and could be discussed after the vote. Mr. Brown and Ms. Thibeault  
71 expressed concern that not reaching an agreement on one document could make all the rest moot. Mr.  
72 Brown said some of these do not seem like second tier agreements and should be primary issues. Mr.  
73 Tyler agreed and asked that verbiage regarding an agreement to “negotiate in good faith” be added as a  
74 counter proposal. Ms. Safar said that the phrase “negotiate in good faith” has some legal meaning,  
75 however, it can be open to significant interpretation and will not guarantee that an agreement is achieved.  
76 She also expressed concern that, should one agreement not be approved, it could make all the hard work in  
77 coming to other agreements completely moot. Mr. Ellis said that he has stated before that the Selectboard  
78 would not accept individual agreements, but that all agreements need to be approved if there is to be any  
79 agreement at all. The Boards decided to work to prioritize the agreements. Mr. Brown said that he wished  
80 the following agreements would be prioritized as top tier: Police Services, Tax Delinquencies, Reappraisal  
81 and Appraisal, Shared Financial Services, and IT. After some discussion, Mr. Watts said this suggestion  
82 would be taken under advisement with the Town’s legal counsel. Ms. Cook noted that termination terms  
83 were listed in two different places in the document and suggested that this be consolidated. This will be  
84 discussed with legal counsel. Mr. Watts brought the Trustees’ attention to the fact that the MOU is only  
85 valid until the end of the current legislative biennium. Mr. Chawla said that he would like to see it  
86 extended to the next biennium. Mr. Watts expressed concern that this could bind future Boards to the  
87 agreement. Ms. Thibeault said that once all the agreements have been decided, the MOU will no longer be  
88 needed. Mr. Chawla encouraged the Selectboard to have flexibility in the second-tier agreements, hoping  
89 that disagreements on these issues will not hold the communities back.  
90

91 Police Services Agreement

92 After some discussion, it was decided to leave the first period of review for this agreement at two years.  
93 Ms. Delphia asked for the term “material event” to be clarified in the document. The Selectboard  
94 discussed options for allowing the finance department flexibility in when they conduct an audit. Mr.  
95 Brown said the Trustees are not concerned with when the audit takes place, so long as it occurs during the

96 year. The other Trustees indicated their agreement, and the language was changed to require the audit to  
97 be held by the end of the second quarter.

98  
99 There was some discussion regarding whether school crossings would be considered a “special event” and  
100 Mr. Kerin said that he feels that a special event is something that is unplanned and irregular. The other  
101 Trustees concurred.

102  
103 Mr. Watts brought the Trustees’ attention to Selectboard changes to the document that detail what would  
104 happen should the Town budget fail, and changes to police services result from this. Mr. Tyler asked for  
105 an example of an additional service that would benefit the Town and not the City, as detailed in the  
106 contract. Mr. Duggan gave traffic control as an example. Mr. Tyler expressed concern that this would not  
107 allow the police department the autonomy to move staff as they see fit. Mr. Watts said that this was  
108 included as a counter to a clause the Trustees had requested including additional services that would  
109 benefit the City and not the Town. He suggested eliminating the language for both situations. Ms. Cook  
110 suggested obtaining input from the police department. Ms. Cook asked about automatic termination  
111 language and said that the establishment of a City police department is listed as one cause for this. She  
112 said more planning would be needed for the Town should this occur. Ms. Delphia concurred. Mr. Brown  
113 suggested offering a one-year notice for the City to let the Town know that it is planning on establishing  
114 an independent police department.

115  
116 The following will be reviewed by the Town’s legal counsel: the definition of a material event, unique  
117 services for the city or town, and automatic termination upon notice of creating an independent police  
118 department.

119  
120 Delinquent Tax Agreement

121 Mr. Watts said it seems like the City is proposing to collect taxes for the Town, and that the Selectboard is  
122 not comfortable with this. Mr. Luck said that the Selectboard has expressed concern about collecting taxes  
123 from people who are no longer residents, and this is currently in the City charter, which can no longer be  
124 changed. Mr. Watts said that it should be clarified when exactly City residents will stop being residents of  
125 the Town. Mr. Tyler said that when the legislature approves the charter, all Village residents will be City  
126 residents and no longer Town residents, regardless of where in the budget cycle they are. Ms. Delphia said  
127 that her understanding would be that the City would pay the taxes for all former Town properties, and then  
128 be responsible for collecting the amount from property owners. Mr. Watts said that this document needs  
129 many more details if the Town is not going to collect their own taxes. He also brought up questions  
130 regarding the legality of the Town managing taxes in another municipality. Ms. Cook asked who would  
131 determine the legality, and Mr. Watts said that the legislature would. Ms. Shamis concurred and said that  
132 there is minimal precedent for this. Mr. Ellis said that the legislature may significantly change the charter  
133 when it reviews it. Mr. Tyler said that this is no different than the fact that City voters will continue  
134 paying for the police building bond via their City taxes. Mr. Brown said that there is no way to alleviate  
135 Mr. Watts’s concerns until separation occurs, and either the Boards move forward, or they will not come  
136 to agreement.

137  
138 For a future meeting, the Selectboard will write terms to include to ensure that the Town will receive  
139 payment. Mr. Watts requested public input; none was given.

140  
141 Information Technology Agreement

142 Ms. Thibeault asked why the Town IT Director would be required to approve a written plan for accessing  
143 materials. Mr. Watts said that this is needed because this will directly impact the Town’s ability to

144 function and protect their information security. Ms. Safar suggested adding language stating that the  
145 approval should not be unreasonably withheld. She also strongly encouraged the Village to take out  
146 language pledging indemnity for damage that their IT consultants might cause. Ms. Delphia expressed  
147 concern with this and asked who would be held responsible for a data breach. Legal counsel for the Town  
148 and Village will work to develop appropriate language to address this. Ms. Shamis encouraged the Village  
149 to include language stating that IT costs would be paid to the Town on a “reasonable hourly basis.” Mr.  
150 Watts said that this could create problems budget-wise and asked if it was expected for the IT transition to  
151 occur within a year. Mr. Brown said that it is hoped that this will occur, however there are provisions  
152 included in case this does not happen. Mr. Watts brought up a concern regarding payment dates and said  
153 that, during the transition period, Town IT staff will still be providing services to the City. Separation  
154 related work costs should be separate from this day-to-day work. Mr. Luck said costs for IT transition is  
155 included in the City budget. It is possible that the Town staff may only be responsible for extracting the  
156 data and giving it to the City IT contractor. Mr. Chawla suggested the possibility of adding a true-up in  
157 this agreement, like what is included in the Police Services Agreement. Ms. Cook also asked that fees for  
158 current contracts for phones, copiers, and other IT services be included in this, as breaking these contracts  
159 could be very expensive. Mr. Ellis said that language should be put in stating that all early termination  
160 fees would be the responsibility of the City. Ms. Thibeault said that these contracts and their potential  
161 terminations need to be fully researched and detailed prior to signing, Mr. Murray concurred. Mr. Watts  
162 expressed concern with the verbiage that the agreement would terminate the agreement “when the  
163 migration is complete.” He also expressed concern that the Town has not budgeted for migration and may  
164 need to hire additional staff for this purpose. Mr. Duggan said that the IT department could track the work  
165 that they spent on the migration and bill the City for this cost. Mr. Watts said that, without additional staff,  
166 it could not be guaranteed that migration would happen within the first year. Mr. Brown said that the  
167 Village could get proposals from vendors, and the vendors could discuss the impact with the IT Director.  
168 Ms. Cook asked if the Village data has been kept separate from the Town data, and Mr. Tyler said that this  
169 is unknown. He also said that the level of work required for this project is unknown, but that he feels that  
170 it will not require an additional IT staff member. Mr. Watts requested public input. Ms. Cooper said that  
171 she wanted to remind the Selectboard that Village residents are also represented by the Selectboard, and  
172 tonight she did not feel like the Board was representing the needs of Village residents.

173

174 ~~**b. Discussion and potential action on tentative agreements about shared services between Town of**~~  
175 ~~**Essex and independent City of Essex Junction**~~

176 **c. Discussion of personnel**

177 This was discussed during executive session.

178

179 **6. CONSENT AGENDA**

180 **a. Approve minutes: October 19, 2021 – Selectboard and Trustees**

181

182 **TRACEY DELPHIA made a motion, seconded by SUE COOK, to approve the Consent Agenda.**  
183 **The motion passed 5-0.**

184

185 **GEORGE TYLER made a motion, seconded by RAJ CHAWLA, to approve the Consent Agenda.**  
186 **The motion passed 5-0.**

187

188 **7. READING FILE**

189 **a. Board member comments:** Mr. Chawla asked what type of public input would be sought regarding  
190 cannabis regulation. Mr. Duggan and Mr. Teich said that public input would be sought to determine if a  
191 vote on the issue should be held, and what zoning regulations might be required. Mr. Teich said that the

192 state has determined that cannabis cannot be sold within 500 feet of a school. He also said that  
193 communities have limited abilities to set regulations for cannabis. Mr. Watts said communities are  
194 automatically opted out of cannabis retail sales unless they vote to opt-in. Ms. Delphia said that there is no  
195 longer a deadline for when a vote on retail cannabis must occur. The Trustees will be discussing this issue  
196 in more detail at their meeting the next day.

- 197
- 198 **b. Memo from Robin Pierce and Owiso Makuku re: Cannabis in the Community**
- 199 **c. Letter from Greater Burlington Industrial Corp. (GBIC) re: Thanks for support**
- 200 **d. Upcoming meeting schedule**

201

202 **8. EXECUTIVE SESSION**

- 203 **a. An executive session may be requested to discuss the appointments of public officials**

204

205 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, that the Selectboard**  
206 **enter into executive session to discuss proposed public official appointments in accordance with 1**  
207 **V.S.A. Section 313(a)(3), to include the Trustees, Unified Manager, Deputy Manager, and Assistant**  
208 **Manager. Motion passed 5-0.**

209

210 **GEORGE TYLER made a motion, seconded by DAN KERIN that the Selectboard enter into**  
211 **executive session to discuss proposed public official appointments in accordance with 1 V.S.A.**  
212 **Section 313(a)(3), to include the Selectboard, Unified Manager, Deputy Manager, and Assistant**  
213 **Manager. Motion passed 5-0.**

214

215 ~~**b. An executive session may be needed to discuss negotiation of contracts and agreements between**~~  
216 ~~**the Town of Essex and Village/City of Essex Junction**~~

- 217
- 218 **c. An executive session may be requested to discuss the employment of public employees**

219

220 **TRACEY DELPHIA made a motion, seconded by SUE COOK, that the Selectboard enter into**  
221 **executive session to discuss the employment of public employees in accordance with 1 V.S.A. Section**  
222 **313(a)(3), to include the Trustees, Unified Manager, Deputy Manager, Assistant Manager and HR**  
223 **Director. Motion passed 5-0.**

224

225 **GEORGE TYLER made a motion, seconded by DAN KERIN, that the Selectboard enter into**  
226 **executive session to discuss the employment of public employees in accordance with 1 V.S.A. Section**  
227 **313(a)(3), to include the Selectboard, Unified Manager, Deputy Manager, Assistant Manager and**  
228 **HR Director. Motion passed 5-0.**

229

230 **DAWN HILL-FLEURY made a motion, seconded by SUE COOK, for the Selectboard to exit**  
231 **executive session. Motion passed 5-0 at 10:36 p.m.**

232

233 **RAJ CHAWLA made a motion, seconded by AMBER THIBEAULT, for the Trustees to exit**  
234 **executive session. Motion passed 5-0 at 10:36 p.m.**

235

236 **DAWN HILL-FLEURY made a motion, seconded by TRACEY DELPHIA, for the Selectboard to**  
237 **appoint Alison Levy to the Housing Commission. Motion passed 4-0-1, with ANDY WATTS**  
238 **abstaining.**

239

240 **DAN KERIN** made a motion, seconded by **AMBER THIBEAULT**, for the Trustees to appoint  
241 **Alison Levy** to the Housing Commission. Motion passed 4-0-1, with **GEORGE TYLER** abstaining.  
242

243 **9. ADJOURN**

244 **DAWN HILL-FLEURY** made a motion, seconded by **SUE COOK**, for the Selectboard to adjourn.  
245 **Motion passed 5-0 at 10:41 PM.**  
246

247 **RAJ CHAWLA** made a motion, seconded by **DAN KERIN**, for the Trustees to adjourn. **Motion**  
248 **passed 5-0 at 10:41 PM.**  
249

250 Respectfully Submitted,  
251 Darby Mayville  
252 Recording Secretary  
253