



TRUSTEES SPECIAL MEETING NOTICE & AGENDA
MONDAY, MAY 14, 2018 at 7:00 PM
2 LINCOLN STREET, ESSEX JUNCTION, VT 05452

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG** [7:00 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **GUESTS, PRESENTATIONS AND PUBLIC HEARINGS**
 - a. Comments from Public on Items Not on Agenda
5. **OLD BUSINESS**
 - a. Amendments to Open Burning and Enforcement Ordinances – Evan Teich
6. **JOINT MEETING WITH ESSEX SELECTBOARD**
 - a. Determine goals and evaluation process for the Unified Manager – George Tyler and Max Levy
 - b. Discussion about the Trustee/Selectboard and Staff work plans for alignment – George Tyler and Max Levy
 - c. Discussion about defining commonly-used words around governance and consolidation – George Tyler and Max Levy
 - d. Determine whether to establish subcommittees with missions and responsibilities around governance and consolidation – George Tyler and Max Levy
 - e. Discussion about areas where experts should be hired to inform governance and consolidation – George Tyler and Max Levy
 - f. Discussion about top three priorities to be accomplished by consolidation – George Tyler and Max Levy
 - g. Discussion about general ideas for governance and representation – George Tyler and Max Levy
7. **READING FILE**
 - a. Memo to Trustees and Selectboard, and Board Member Responses
8. **ADJOURN**

Meetings of the Trustees are accessible to people with disabilities. For information on accessibility or this agenda, call the Village Manager's office at 878-6944.



S. Old Business

5/14/18

MEMORANDUM

TO: Village Trustees
FROM: Evan Teich, Unified Manager
DATE: May 14, 2018
SUBJECT: Update to Amendment of Open Burning Ordinance

The Interim Village Attorney contacted us today regarding new language for Section 1302:

My suggestion, if you wish to strengthen and clarify the sentence is to replace "Burning of materials cannot create a nuisance." With the following sentence: "In no circumstance shall an otherwise permissible fire be allowed that creates, in the discretion of the Village or its designate, a public nuisance."

It is recommended that the Trustees amend Chapter 13, Regulation of Public Nuisance and Chapter 9, Enforcement, as recommended by the Unified Manager, Interim Village Attorney and Fire Chief.

DRAFT

**NOTICE OF AMENDMENTS TO THE
ESSEX JUNCTION MUNICIPAL CODE**

REVISED
5-14-18

In accordance with V.S.A. Title 24, Sec. 1972, notice is hereby given to the residents and those interested in lands in the Village of Essex Junction that on May 14, 2018 the Trustees of the Village adopted the following amendments to the Municipal Code. (Text to be deleted is crossed out, new text is underlined.)

CHAPTER 9 - ENFORCEMENT

SECTION 902:

Any person who violates a provision of any Chapter of this Municipal Code that is designated a civil ordinance pursuant to Section 901 above shall be subject to a civil penalty of up to \$800 ~~\$500~~ per day for each day that such violation continues. Police Officers of the Town of Essex shall be authorized to act as Issuing Municipal Officials to issue and pursue before the ~~Traffic and Municipal Ordinance~~ Judicial Bureau a municipal complaint.

SECTION 904:

Unless an ordinance has more specific violation offense levels, an An Issuing Municipal Official is authorized to recover civil penalties in the following amount for each violation:

First offense - \$50

Third offense - \$200

Second offense - \$100

Fourth offense – subsequent offenses \$400

Offenses shall be counted on a calendar year basis.

SECTION 905:

In addition to the enforcement procedures available before the ~~Traffic and Municipal Ordinance~~ Judicial Bureau, the ~~Village~~ Municipal Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law

CHAPTER 13 - REGULATION OF PUBLIC NUISANCE

SECTION 1302. OPEN BURNING:

Burning brush, leaves, trash or debris is not allowed in the Village of Essex Junction. Cooking or outdoor fireplaces are allowed with proper fuels to include charcoal, firewood, liquid propane (LP) or natural gas. In no circumstance shall an otherwise permissible fire be allowed that creates, in the discretion of the Village or its designate, a public nuisance. Fires must be attended at all times with an extinguishment resource within twenty (20) feet of the fire. Fires must be ten (10) feet away from a structure and

must be built where they will not escape. A person starting a fire is responsible for preventing its escape. This prohibition shall not include training exercises by the Essex Junction Fire Department. The Village Trustees, with the concurrence of the Essex Junction Fire Chief, may approve a burn permit for a community event provided that the Essex Junction Fire Department is present.

SECTION 1303. PENALTIES:

a. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation of Section 1302 or waive if appropriate:

<u>First offense - \$0 (warning)</u>	<u>Third offense - \$500</u>
<u>Second offense - \$250</u>	<u>Fourth - and subsequent offenses - \$750</u>

Offenses shall be counted on a calendar year basis.

These ordinances shall become effective on the 13th day of July 2018 unless 5% of the qualified voters of the Village, by written petition filed with the Village Clerk no later than June 27, 2018, request that the voters of the Village disapprove the amendments at a duly warned annual meeting or special meeting.

Dated at Essex Junction, Vermont, the 14th day of May, 2018.

Susan McNamara-Hill, Village Clerk

Questions about this amendment may be addressed to the Municipal Manager, 2 Lincoln Street, Essex Junction, VT, or by calling 802-878-6944 or email admin@essexjunction.org.

**VILLAGE OF ESSEX JUNCTION, VT
MUNICIPAL CODE
CHAPTER 13
REGULATION OF PUBLIC NUISANCE**

REVISED
5-14-18

PURPOSE: In accordance with 24 V.S.A. 2291, to define what constitutes a public nuisance, and to provide procedures and take action for its abatement or removal as the public health, safety or welfare may require.

SECTION 1301. DISORDERLY CONDUCT, ASSAULT AND BATTERY:

- a. No person shall intentionally cause public inconvenience, disturbance or annoyance, or with reckless disregard of the risk thereof by:
 - 1. Engaging in fighting or in violent or tumultuous behavior which a reasonable person would believe to be threatening; or
 - 2. In a public place or upon private property generally accessible to the public, engaging in conduct, including uttering words or making gestures, which a reasonable person would believe constitutes threats to his or her personal safety, combative behavior or interference with public peace and order; or
 - 3. In a public place or upon private property generally accessible to the public, obstructing or impeding vehicular or pedestrian traffic upon any street, or highway or sidewalk; or
 - 4. Obstructing, impeding, or in any way inhibiting access to an entrance to public or private property.
- b. Prior to issuing a citation to any person under Paragraph a (3 or 4), a law enforcement officer shall give notice to the person that his or her conduct is in violation of a Village Ordinance, and shall order the person to cease such conduct and leave that place. Upon the person's failure to comply with such order, a citation for violation of Paragraph a (3 or 4) may be issued and the person's refusal to comply with the order of the law enforcement officer shall create a permission inference that the proscribed conduct was done intentionally or recklessly.
- c. In addition to citing a person for violating the provisions of paragraphs a (1-4), whenever any law enforcement officer shall observe any act or conduct proscribed in such paragraphs, the officer may, if he/she deems it necessary for the preservation of the public peace and safety, order the person engaged in such act or conduct to leave that place. Any person who shall refuse to leave after being ordered to do so by a law enforcement officer can be charged with unlawful trespass according to 13 V.S.A. Section 3705.

SECTION 1302. OPEN BURNING:

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Junction Fire Department is present.

SECTION 1303. PENALTIES:

a. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation of Section 1302 or waive if appropriate:

First offense - \$0 (warning) Third offense - \$500

Second offense - \$250 Fourth - and subsequent offenses - \$750

Offenses shall be counted on a calendar year basis.

Chapter 13 adopted by Trustees October 13, 1998, amended 9/14/04, 02/12/08 and 5/14/18.



MEMORANDUM

TO: Village Trustees
FROM: Evan Teich, Unified Manager *ET*
DATE: May 1, 2018
SUBJECT: Amendments to Open Burning and Enforcement Ordinances

Issue

The issue is whether or not the Trustees amend the Municipal Code regarding open burning and penalties for violation.

Discussion

There have been numerous complaints from citizens regarding close neighbors who burn excessively and/or do not follow the ordinance regarding burning yard debris. We have attempted several times to get the word out to residents that yard waste can be brought to CSWD for free.

At a meeting with the Essex Junction Fire Chief about this issue, it was agreed that the current ordinance needs to be strengthened and fines increased. The Interim Village Attorney confirmed that this involves amending two ordinances – Chapter 13, Regulation of Public Nuisance, and Chapter 9, Enforcement, and he submitted new language for Chapter 9. Attached are draft amendments for your consideration.

Cost

There is no cost associated with this issue.

Recommendation

It is recommended that the Trustees amend Chapter 13, Regulation of Public Nuisance and Chapter 9, Enforcement, as recommended by the Unified Manager, Interim Village Attorney and Fire Chief.

**NOTICE OF AMENDMENTS TO THE
ESSEX JUNCTION MUNICIPAL CODE**

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CHAPTER 9 - ENFORCEMENT

SECTION 902:

Any person who violates a provision of any Chapter of this Municipal Code that is designated a civil ordinance pursuant to Section 901 above shall be subject to a civil penalty of up to \$800 ~~\$500~~ per day for each day that such violation continues. Police Officers of the Town of Essex shall be authorized to act as Issuing Municipal Officials to issue and pursue before the ~~Traffic and Municipal Ordinance~~ Judicial Bureau a municipal complaint.

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In addition to the enforcement procedures available before the ~~Traffic and Municipal Ordinance~~ Judicial Bureau, the Village Municipal Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law

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Dated at Essex Junction, Vermont, the 14th day of May, 2018.

Susan McNamara-Hill, Village Clerk

Questions about this amendment may be addressed to the Municipal Manager, 2 Lincoln Street, Essex Junction, VT, or by calling 802-878-6944 or email admin@essexjunction.org.

**VILLAGE OF ESSEX JUNCTION, VT
MUNICIPAL CODE
CHAPTER 9.
ENFORCEMENT**

SECTION 901:

The following Chapters of this Municipal Code shall constitute civil ordinances within the meaning of 24 V.S.A. Chapter 59:

- Chapter 2 - General Regulation of Public Streets
- Chapter 3 - General Regulation of Public Parks
- Chapter 4 - Regulation of the Use of Firearms and Bows and Arrows
- Chapter 5 - Regulation of Dogs
- Chapter 6 - Regulation of Soliciting
- Chapter 10- Regulations of Public Indecency
- Chapter 11 - Regulations of Waste Disposal
- Chapter 12 - Regulations of Placement of Newsracks in the Public Right-of-Way
- Chapter 13 - Regulation of Public Nuisance

SECTION 902:

Any person who violates a provision of any Chapter of this Municipal Code that is designated a civil ordinance pursuant to Section 901 above shall be subject to a civil penalty of up to **\$800 \$500** per day for each day that such violation continues. Police Officers of the Town of Essex shall be authorized to act as Issuing Municipal Officials to issue and pursue before the ~~Traffic and Municipal Ordinance~~ **Judicial** Bureau a municipal complaint.

SECTION 903:

An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

- | | |
|------------------------|--|
| First offense - \$ 25 | Third offense - \$ 100 |
| Second offense - \$ 50 | Fourth - and subsequent offenses \$200 |

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SECTION 904:

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SECTION 905:

In addition to the enforcement procedures available before the ~~Traffic and Municipal Ordinance~~ **Judicial** Bureau, the ~~Village~~ **Municipal** Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

Fee changes effective 10/10/97, amended 5/14/18.

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 3. In a public place or upon private property generally accessible to the public, obstructing or impeding vehicular or pedestrian traffic upon any street, or highway or sidewalk; or
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Memorandum

To: Board of Trustees; Selectboard

From: Evan Teich, Unified Manager

Re: Goals and process for annual, joint evaluation of Unified Manager

Date: May 11, 2018

Issue

The issue is for the Selectboard and Trustees to determine goals on which to evaluate the Unified Manager, and to determine a process for evaluating the Unified Manager.

Discussion

Per the Memorandum of Understanding Regarding the Unified Manager, “prior to July 1 of each year of the Employment Agreement, the Town, the Village and the Unified Manager shall establish and define such goals and performance objectives that they mutually determine are necessary for the proper operation of the Town and Village, and the attainment of the Town's and the Village's policy objectives. The Town the Village and the Unified Manager shall further establish a relative priority among the various goals and objectives, and said goals and objectives shall be reduced to writing.”

Additionally, the boards need to “annually review and evaluate the Unified Manager's accomplishment of the goals and objectives established pursuant to Section II, above, and the Manager's performance in achieving those goals and objectives. This review and evaluation shall be in accordance with Specific, Measurable, Achievable, Relevant, and Time Constrained (SMART) criteria developed jointly by the Town, Village, and Unified Manager prior to the start of the performance period.”

The boards will need to finalize goals and performance objectives at the next joint meeting on June 14, 2018. Goals and performance objectives can include Town-specific goals, Village-specific goals, and joint goals.

The boards should discuss goals and performance objectives on May 14. After the discussion was postponed from the April 25 joint meeting, several board members submitted ideas for goals for the Unified Manager (see attached). Following the May 14 meeting, it would make sense for a smaller group to work with the Unified Manager to review the comments and results of the May 14 discussion to propose goals, performance objectives, and prioritization, all of which can be reviewed, finalized, and approved by each board on June 14, 2018.

The same working group can also propose an evaluation process, for review and approval by each board.

Cost

None.

Recommendation

It is recommended that the boards form a working group of 2 to 4 members to propose goals and objectives, as well as an evaluation process, for review and approval on June 14, 2018.

Process for annual evaluation of Unified Manager

1. Establish and define goals and performance objectives
 - JOINT (examples from previous discussions)
 - Progression of consolidation/alignment
 - Maintain and improve municipal services
 - Liquor licenses
 - Human services
 - Day-to-day operations
 - Communication of municipal work and progress
 - With public
 - Between boards/committees
 - SELECTBOARD (examples from previous discussions)
 - Economic development
 - Completion of firearms ordinance discussion
 - TRUSTEES (examples from previous discussions)
 - Downtown redevelopment
2. Prioritization of goals and objectives
3. Evaluation of manager:
 - Resources
 - Evaluation metric provided by Municipal Manager Patrick Scheidel
 - Handbook for Evaluation of Municipal Manager (April 2015)
 - Options for evaluation metrics:
 - Are progress updates toward goals being provided to the boards at joint meetings?
 - Is progress being made according to timeline and budget?
 - If not, is there a valid reason for delays?
 - Adherence to contracts, policies, MOUs?
 - Feedback from residents on services?
 - Feedback from staff (per Village charter)
 - Staff morale
 - Is staff receiving professional development
 - 1-5 scale? 1-10?
 - Decide: Median? Average? Toss out best and worst score?

Goals for Unified Manager

BOARD OF TRUSTEES

George Tyler

I believe Evan should propose his own three goals for joint board approval. However, my recommendation would be as follows:

- 1) Alignment of Town and Village policies and procedures. Aligning *all* P&P would not be achievable within the remaining year, so I believe Evan should designate a specific cohort of Ps & Ps to be aligned.)
- 2) Village-specific goal – Evan should become our resident expert on the Tax Increment Finance (TIF) district process in Vermont, as a potential funding mechanism for achieving strategic goals in Village center redevelopment. In consultation with the Trustees and Development Office he should draft some possible and plausible ideas for creating a TIF district.
- 3) Town-specific goal – to be decided by the Selectboard.

SELECTBOARD

Andy Watts

Staff Effectiveness
Policy Facilitation
Service Delivery Management
Strategic Leadership
Democratic Responsiveness
Organizational Planning and Management
Communication
Integrity
Interpersonal Characteristics and Skills
Organizational Values
Personal Development
Leadership

Max Levy

The Selectboard and Trustees defined their joint strategic goal to become one municipality in the future. Therefore, we should have Evan define his goals that support this strategic direction and have the boards jointly review and approve them. In addition Evan should define learning goals. The Trustees and Selectboard may also define one or two specific goals from their board. For example, I would like to propose that the Firearms Discharge Ordinance be completed within his first year.

Irene Wrenner

- 1) Use your gifts to bring attention and respect to a culture that has acted to discourage input from articulate, engaged public members over time.

- 2) Help us to think outside-the-box by questioning all of our assumptions / rules, including, “We are only doing one charter change.” ... So, 20 years from now, after we get board agreement on doing 35 different things, we’ll draft a charter change?
- 3) As you say the word “Town” 100 times per day, please be mindful to add a mental or, better yet, verbal qualifier, so your audience not only knows that you understand the nuances here but also becomes more mindful themselves of how they speak. Words have power, and Town Words Matter.
- 4) Understand and reiterate why the T and V don’t need to merge: the TIV and TOV already comprise one wonderful old New England town.
- 5) Understand that no matter how well you align or consolidate entities, that if only the SB and Trustees are at the table, the process is improper. Therefore, the underlying feelings of inequity (which lead to divisiveness) will continue.
- 6) Understand that TOV residents have waited over 125 years for slow-government to provide them adequate representation. If addressing this imbalance isn’t already Job #1 for you, please begin spending more time with everyday taxpayers and less time with those who want to be the next mayor, house rep, senator, etc.
- 7) Ask for and take to heart as many anonymous suggestions as you can get from rank-and-file firefighters – NOT about Consolidation – but about how to better save property and lives through changes in administration, dispatch, relationship to cops, etc.

Recognize that merging Fire Depts is no easier than merging Libraries or Rec Depts and may be thoroughly inadvisable. When you understand the sentiment behind that prior sentence you will see plenty more important things to do than alignment.

UNIFIED MANAGER

Evan Teich

Progress toward alignment of departments.

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager

From: Greg Duggan, Deputy Town Manager *GSD*

Re: Trustee/Selectboard and staff work plans for alignment

Date: May 11, 2018

Issue

The issue is for the Board of Trustees and Selectboard to discuss board and staff work plans for alignment.

Discussion

The boards received two memos from the Unified Manager at the last joint meeting (April 25) about alignment efforts. One memo described a staff work plan, and the other memo proposed a work plan for the Selectboard and Trustees.

Following the April 25 meeting, George Tyler and Max Levy sent a memo to the boards inviting members to submit “comments/thoughts about the Trustee/Selectboard Work Plan and the proposed Staff work plan for alignment.”

Comments are attached.

Cost

None at this time.

Recommendation

It is recommended that the Selectboard/Trustees discuss board and staff work plans for alignment.

Board member comments about Alignment Plans

BOARD OF TRUSTEES

George Tyler

Trustee/Selectboard Work Plans – I'm not sure there a specific plans warranting comment at this point. I'm very pleased and excited that we have all declared our support for moving towards a consolidated community. I am a bit concerned with Irene's proposal to create a separate representative body to specifically address 'town outside the village' interests. Although I appreciate, conceptually, what Irene is trying to say, with respect I believe it's a bit misleading and seeks to disenfranchise half of the Town's citizens on the basis of where they live in the town. I would rather have seen Irene's efforts directed at educating her constituents (town & village) about the actual framework of representation required by the Town and Village Charters. Specifically:

- The Town Charter designates no voting districts. It contains no references to 'interests' one group of citizens might have based on where they live within the town.
- There are no Town assets that belong exclusively to town citizens outside the village. There are no Town assets that were purchased exclusively by town taxpayers outside the village.
- Village citizens are 'co-owners' of the Town alongside their neighbors outside the village, and have always shared all debts and expenses incurred by Town government.
- Village taxpayers contribute to the operation of every Town department, and have always done so.

It's misleading to envision the Town-Village relationship on a geographic basis. It's more accurate and informative to explain that the Town and Village are municipal corporations. Citizens of the Town (which includes those living in the village) are 'shareholders' of the Town corporation. Citizens of the Village are 'shareholders' of the Village corporation. In private business discussions of corporate mergers, one group of shareholders can't be excluded from voting or not be equally represented simply because they own shares in both corporations. A sub-group of shareholders in one corporation doesn't get additional representation and voting rights. The same principle applies to public/municipal corporation discussions.

Also - I believe we have all consistently stated that any consolidation plan we propose must be fair, balanced, and sensitive to the needs and concerns of all our constituents. This is the very substance of our discussions. Additionally – all our meetings are open, all citizens are most welcome to come and make comments and ask questions, and, ultimately, voters will have the final say on any charter changes we propose.

Staff Work Plan for Alignment – I generally approve the staff work plan for alignment. I believe we should approve and support this. However – I believe the Selectboard and

Trustees must be directly involved in any alignment analyses and change proposals that potentially impact service delivery to the public. When such impacts are possible but not certain, I would urge staff to err on the side of caution and bring board members into the process.

SELECTBOARD

Andy Watts

Trustee/Selectboard/Staff work plans:

I believe the Boards need to consider whether the \$3.4M that needs to be raised to run the Village can be absorbed in the Town budget. I am thinking that it can't and that we need to discuss how to deal with that very soon as/if we move forward. I believe that we can shift some of it but I struggle with the whole amount.

I think we should ask the Library Boards to seriously consider whether combining would be in the best interest of the Town. Are there incremental steps that can be taken to lower overall costs? I think we need to re-open TGIA discussions and have a frank discussion about development centers. I think the Rec consolidation plan that was under development during the UMD discussions should be re-opened and steps should be taken if it makes sense to do so. I believe we should consider all "shared" costs and shift what we can to the Town budget so that Village residents aren't paying twice. I believe that we should continue with the proposed staff alignment plan to remove impediments to completing consolidation of departments and to avoid the need to have separate Town/Village contracts and practices. In parallel with this, we need to seriously consider whether there are things we want to stop doing and we need to discuss whether there are things that current Village residents will not want to give up and that outside the Village residents will not want to pay for.

As we move toward this point, we need to investigate governance options. If we get to an impasse on services and costs, we will likely need to retain (or expand) appropriate representation.

Max Levy

I am satisfied with these work plans and understand they will be updated from time to time as things evolve. Revitalizing the Heart and Soul process will be extremely beneficial to ensure the public is fully aware and engaged with this process.

Irene Wrenner

Given the frequency of the phrase "tax equity" appearing in our homework assignment and the aforementioned work plans, one would never guess how many tax changes have flowed between the TOV and TIV in recent years.

Yet, despite dozens of mentions of the phrase "equal representation" and "TOV representation" by the public at the 3/24 and subsequent meetings, those phrases can't seem to get comparable air time.

Might this focus on money have something to do with the majority of joint meeting members having campaigned on “tax equity”?

If so, that’s one more reason to **address governance first**, which was the Trustees’ push when this year’s joint meetings began. After we have equal teams at a negotiating table, then we might hammer out who wants to pay for what and when.

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager

From: Greg Duggan, Deputy Town Manager *GSD*

Re: Defining commonly-used words around governance and consolidation

Date: May 11, 2018

Issue

The issue is for the Board of Trustees and Selectboard to review proposed definitions of commonly-used words around governance and consolidation.

Discussion

At the last joint meeting on April 25, the boards identified a list of commonly-used words related to governance and consolidation. Board members were then invited to submit definitions of the words. The list of words appears below, and definitions from board members are attached.

- Consolidation
- Culture
- Governance
- Identity
- (Appropriate) Levels of service
- Public Input (how and for what purpose)
- Quality of life
- Representation
- Sense of place
- Success
- Sustainability (of health, resilience, economy, environment, society)
- Tax equity
- Town
- Transparency
- Trust

Cost

None.

Recommendation

It is recommended that the Selectboard and Trustees form a subcommittee of two members each and one staff person to finalize definitions to be brought back to a future joint board meeting for discussion and adoption.

Definitions from board members

Consolidation

- Consolidation means creative synthesis of best practices to preserve or improve the quality of municipal service delivery. Consolidation does not mean absorbing the Village into the Town, or eliminating Village departments, one by one, simply because the Town is the more foundational of the two municipalities. The Village is not just an 'overlay district.' Most Village departments are older than their Town counterparts and have been finely tuned over many decades to serve the needs of village residents. The Village is larger and more complex than most Vermont cities. The cultural history and experience woven into the "village way" of doing things must be respected. Like 'quality of life,' what's good about the Village and what it does well would be easy to lose and impossible to recover once it's gone. Consolidation must be approached from a "best practices" perspective. Consolidation requires compromise. It means taking the time to understand how departmental practices translate into service delivery. It also means, and this is really important, that making things more 'efficient' for staff may not actually make things more efficient for town and village citizens. Efficiency, like beauty, is in the eye of the beholder and in this case the citizens of the town and village take priority. If a departmental consolidation isn't going to make things better, or deliver equivalent service at lower cost, *then don't do it!* (George Tyler)
- The process of combining public services into a single more effective and sustainable entity. (Max Levy)
- Sharing and combining the best of our two municipalities and working toward finding more cost effective and efficient ways of providing services to the whole community. (Dan Kerin)
- Combining two or more things into an integral whole.
If we're using MOUs, we're not really consolidating, we are partnering.
There's a difference. (Irene Wrenner)
- The act of gathering departments which provide the same or similar services under one management structure to achieve financial savings, efficiencies and at least equal service levels for residents. (Mike Plageman)

Culture

- The day-to-day conscious gestalt we experience produced by language, environment, lifestyle, stress, traffic, noise, safety, political climate, and prevailing attitudes of community members, among other things. (George Tyler)
- The identity or feeling of belonging to a group. It is part of an individual's belief about him/herself related to where they. (Max Levy)
- Our community's culture consist of the new and old traditions, events and beliefs valued so greatly by the residents that they continue to support them and pass them on for the betterment of the community into the future. (Dan Kerin)
- The taste in art and manners by a social group, such as a tribe. (Irene Wrenner)
- The feeling of comfort, pride and satisfaction one gets from living in a community where one is heard, respected, protected, educated, and can recreate. (Mike Plageman)

Governance

- The process by which a governing entity performs its duties. Although it's currently a culturally popular term, it's really not very meaningful, as the definition demonstrates. I believe it's actually just a politically correct way of saying 'government.' I have no idea why 'governance' sounds less threatening. Our form of government is council-manager, but I believe we should give serious consideration to a mayoral form of government. I believe Essex/Essex Jct has changed over the last decade or so and has become a more complicated, demanding, and expensive place to run. Board chairs don't have the chartered authority to move political and development initiatives, support the manager, represent the community at the state and regional level, or independently interact with the public as much as they need to. But ... our 'culture' is, for some reason, so deeply enamored of the C-M form of government that it's very unlikely we will consider anything else. (George Tyler)
- The identity or feeling of belonging to a group. It is part of an individual's belief about him/herself related to where they. (Max Levy)
- The manner in which our community is governed. (Dan Kerin)
- The persons who make up a body for the purpose of administering, who exercise authority, ideally in ways that exhibit humility and defer to the wishes of the governed. (Irene Wrenner)
- A governing body made up of residents who equally represent all citizens. (Mike Plageman)

Identity

- In the sense by which it's presented here, identity means the local geographic framework comprised of political boundaries, history, culture (see above), and place name. I believe there are probably distinct village & town identities informed by history, infrastructure, and architecture. The village identity reflects near urban-like density and walkability; the town reflects a more suburban, open, and car-oriented identity. But I wouldn't put too fine a point on any of this. (George Tyler)
- The identity or feeling of belonging to a group. It is part of an individual's belief about him/herself related to where they. (Max Levy)
- How residents, businesses and others inside and outside of our community identify Essex/Essex Junction. (Dan Kerin)
- Personality or characteristics by which an entity is known. (Irene Wrenner)

(Appropriate) Levels of service

- Municipal services that support and enable the culture within which a taxed and governed body of people choose to live and are willing to support financially. (George Tyler)
- The level of public services that the residents and businesses want or need vs. their ability to pay for them. (Max Levy)
- Maintaining or improving municipal services to residents and businesses so that the recipients are generally satisfied. (Dan Kerin)
- Qualitative measure of the degree to which needs are met. Different populations have different needs. Different entities serve different populations, such as the two libraries in town. (Irene Wrenner)

- Inquiries and requests answered (if possible) or at least acknowledged within 24 hours. Resolution of inquiries and requests within one business week (Mike Plageman)

Public Input (how and for what purpose)

- We are a representative form of government. We are not elected to be mere conduits of public opinion. Acting solely on the basis of 'public input' would be impossible unless we're somehow able to continuously and accurately poll thousands of people. This is why representative government was invented. People expect us to familiarize ourselves with government operations, finance, and policies. They expect us to be able to make insightful, intelligent, and prudent decisions on their behalf. They expect their community leaders to be ... leaders. If we make a mistake, they'll let us know come election time.

But, I do believe it's important for us to listen to constituents about topical issues. It's important that we keep our minds open to new ideas and that we give due consideration to the concerns of our constituents who attend our meetings or reach out to us via other means. (George Tyler)

- Input from the community to the elected community leaders that is given due consideration in all governmental actions. (Max Levy)
- Public input should always be sought, accepted and considered by the governing board members. How public input is received will vary depending on the scale of the issue. Some matters may warrant holding public forums at the municipal offices or at one of the area schools. As always the public should be well informed of upcoming meetings through postings on the Village and Town websites as well as Front Porch Forum, Essex Reporter and all other accepted social media. There must also be a deadline given for public input. (Dan Kerin)
- As a check and balance on other's actions, in any form, preferably not social media where trolls hijack conversations to their own ends. (Irene Wrenner)

Quality of life

- An intangible phenomenon which one doesn't often appreciate til it's gone. (George Tyler)
- According to the World Health Organization (WHO), quality of life is defined as “the individual's perception of their position in life in the context of the culture and value systems in which they live and in relation to their goals.” (Max Levy)
- How happy, content or satisfied the public is with the municipal services and existing environment in our community. (Dan Kerin)
- One's personal satisfaction with cultural or intellectual conditions, as opposed to material comfort. (Irene Wrenner)

Representation

- The commitment of a person or small group of people to understand the needs, hopes, and interests of a larger group of people, and participate in the governing process in order to thoughtfully and morally deliberate and decide upon policy and legislative questions on behalf of those people. (George Tyler)
- Elected community leaders representing the best interest of the community as a whole in all governmental actions. (Max Levy)

- Elected officials performing their duties in a manner that instills confidence with the public that their interest and the best interests of the whole community are being heard and addressed. Having a governing body made up of people who perform their duties without bias or prejudice. Elected officials who will listen to and speak for all members of the community equally. (Dan Kerin)
- How some individuals stand in for others in a decision-making process. (Irene Wrenner)
- An elected official's or a governing board's ability to understand and work to resolve their resident's concerns (Mike Plageman)

Sense of place

- Pretty much the same thing as 'identity.' (George Tyler)
- A strong identity that is deeply felt by residents and visitors. (Max Levy)
- A feeling of belonging and/or knowing that you're a recognized, valued and welcomed member of the community. (Dan Kerin)
- Why certain places hold special meaning to particular beings. The degree to which an identity is deeply felt by inhabitants and visitors. (Irene Wrenner)

Success

- The opposite of failure (George Tyler)
- When we get to the end of our alignment and consolidation efforts and receive a positive vote on the required charter changes with both the Village and TOV supporting it in approximately equal measure. (Max Levy)
- Reaching or obtaining a goal(s) and the subsequent feeling of accomplishment. The town and village becoming one unified community that is codified with the necessary charter changes. (Dan Kerin)
- Accomplishing the will of the (sizable) majority residents of Essex. (Irene Wrenner)

Sustainability (of health, resilience, economy, environment, society)

- Giving people the control they need to balance the inevitable forces of cultural, economic, and political change in a humanistic, non-disruptive way. (George Tyler)
- A sustainable community is one that is economically, environmentally, and socially healthy and resilient.

It meets challenges through integrated solutions rather than through fragmented approaches that meet one of those goals at the expense of the others.

A sustainable community takes a long-term perspective – one that's focused on both the present and future, well beyond the next budget or election cycle.

It seeks:

- A better quality of life for the whole community without compromising the wellbeing of other communities.
- Effective governance supported by meaningful and broad-based citizen participation.
- Economic security. (Max Levy)
- Maintaining or improving the quality of life in the community without adverse impacts to

the environment (personal, economical, natural). (Dan Kerin)

- The ability for something to be maintained at a certain level over a period of time; the even more questionable idea in an extractive economy that ecological balance can be maintained. (Irene Wrenner)

Tax equity

- Every property owner supports all municipal services according to their fair share (i.e. a single tax rate times their property value) regardless of where they live in the Essex community, regardless of whether they personally partake of some of those services, and regardless of where those services happen to be located. (George Tyler)
- Taxes that are the same for each tax payer in a particular area for the public services they receive (Max Levy)
- Equal tax for everyone in the community (Town and Village). (Dan Kerin)
- Ensuring that people pay similar amounts for similar types of service. (Irene Wrenner)
- A level of taxation for a particular municipal service equally divided between all property owners based upon their assessed value (Mike Plageman)

Town

- The historic chartered entity in which the Village exists. (just kidding!)(George Tyler)
- My constituents, all 21,000 of them. (Max Levy)
- Essex including the Village. (Dan Kerin)
- Town, unless qualifiers are used, can mean:
 - town (36-square mile parcel),
 - Town (anything that happens at 81 Main Street),
 - Town-wide (the SB's jurisdiction in policy and budgeting for 21,000),
 - Town-outside-the-Village (EWSD sub-district; Town Public Works and Community Dev. Depts, Cemetery Commission, etc. serve only this territory; Town open burning ordinance, e.g.)
 - any of the above depending on who is speaking and what they intend to say, but are using shorthand, instead of taking the time to be clear that they really mean town-wide, TOV, etc. (Irene Wrenner)

Transparency

- I certainly support transparency, but it's become a bit of an overwrought concern in our community. I've observed Essex's municipal governments for many years and there has always been a sincere commitment to openness from government officials I've known. (George Tyler)
- A transparent government is one that is open, accountable, honest and shares information with citizens. (Max Levy)
- Governing with openness and visibility so the public can be confident that the government is operating without hidden agendas. (Dan Kerin)
- Being forthcoming with info, when if not before being asked specific questions, and without being political in responses. The opposite of the 'need-to-know' / 'only answer what you're asked' protocol. (Irene Wrenner)

- The level of detail residents are permitted to see and receive about a particular issue or policy decision. (Mike Plageman)

Trust

- The presumption that fellow board members will honor commitments they've made at board meeting, adhere to board policies, and not betray or deceive other board members, staff, or the public in the pursuit of personal political aims. (George Tyler)
- If you trust in someone, you believe strongly in them and do not doubt their good intentions. (Max Levy)
- Feeling confident and secure that the representatives on your governing board will uphold their oath of office and not acting in a manner that could be construed as abusing their authority or circumventing the system with actions that violate the boards approved policies and procedures. (Dan Kerin)
- Confidence or faith in our ability to govern equitably. (Irene Wrenner)
- The level of comfort felt by others of an individual's words and deeds in their personal and business dealings. (Mike Plageman)

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager

From: Greg Duggan, Deputy Town Manager *GSD*

Re: Subcommittees for governance and consolidation efforts

Date: May 11, 2018

Issue

The issue is whether the Board of Trustees and Selectboard will establish subcommittees with missions and responsibilities around governance and consolidation.

Discussion

Following the last joint meeting on April 25, board members were invited to submit thoughts about establishing sub-committees with agreed upon missions and responsibilities that report back to the boards. If subcommittees form, the boards would also need to decide what work the subcommittees should do.

Thoughts from board members are attached.

Cost

None.

Recommendation

It is recommended that the Selectboard and Trustees establish subcommittees, when needed, of two members from each board and one staff person (if needed and as assigned by the manager), with missions and responsibilities around governance and consolidation.

Board member thoughts on subcommittees for governance and consolidation

BOARD OF TRUSTEES

George Tyler

If other board members approve, I believe Max and I, as respective board chairs, could serve as an executive sub-committee to organize the governance discussion process and help move things along.

At some point down the road the two boards and staff might define specific tasks for a sub-committee of board members and staff to work on. For example – should budget voting be moved to Australian ballot or remain as is? A sub-committee might be assigned to wrestle with this question, sample public sentiment, etc., and make recommendations to the full boards.

But I strongly believe that we (the two boards) must continue to take the leadership role in this entire governance discussion process. I know it's hard and time consuming. It's tempting to designate some kind of board/constituent committee to alleviate the political pressure. But we've made great strides working among ourselves. We must continue to have confidence in ourselves that our experience in Essex government makes us the best people to be in control of the process right now, and that our judgment is sound.

SELECTBOARD

Andy Watts

I am not crazy about sub-committees. I do not want to add even more meetings. Changes in Governance are supposed to take a long time and I think we need to continue to work together rather than splinter up. I worry that dividing into sub-committees would be difficult given concerns expressed about representation. With only three of us living outside the Village, any sub-committee we form may not be perceived as balanced.

Max Levy

We may want to consider creating a community outreach/input sub-committee that would work with Heart and Soul on this project. As the consolidation work progresses, we will likely need to define what charter changes will be needed. It may be helpful to have sub-committees work on these items when they are identified.

Irene Wrenner

Membership must be diverse and geographically equivalent.

Combining the municipal and school votes on a single mid- to late- March voting day should be a priority to save time, money and energy. It's also something the public has asked for, for decades.

Devise a way for non-citizens to vote on municipal and school matters. Burlington proposed this several years ago, so we might build on their research.

Minimize how many sub-committees we set up. Staff are unable to attend meetings of currently-existing committees already.

Mike Plageman

I am in favor of establishing a sub-committee when the level of information needed on a particular subject cannot be gathered by staff and the Board alone. A great example of an effective use of sub-committees was in the work leading up to the new police facility and where the new building would be sited. The missions and responsibilities were clearly stated with a specific end date and the committees were made up of a very effective mix of Town and Village residents. Staff support for both sub-committees was outstanding.

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager

From: Greg Duggan, Deputy Town Manager GSD

Re: Identification of areas for experts to inform governance and consolidation

Date: May 11, 2018

Issue

The issue is for the Board of Trustees and Selectboard to identify areas where experts should be hired to inform governance and consolidation efforts.

Discussion

Following the last joint meeting on April 25, board members were invited to submit comments about areas where experts should be hired to inform certain topics about governance and consolidation.

Comments from board members are attached.

Cost

To be determined.

Recommendation

It is recommended that the Selectboard and Trustees identify areas where consultants should be hired to provide expertise and a reduction of Town/Village bias on matters of governance and consolidation efforts, including, in the near term, the matters of representation and tax equalization.

Board member comments on where to hire experts

Andy Watts

Vermont Library Governance

Representation (wards/districts or can single board manage more than one budget?). If only one board, are there options for establishing quorum that address representation concerns?

How do we handle Assets (would this need to pass both Village and Town [Village to agree to transfer, Town to agree to accept?])

George Tyler

'Experts' about what? We are the experts on local government in Essex Town and Essex Junction. If and when we have identified very specific questions for a consultant to resolve then, fine, hire a consultant. For example, we may wish to consult with the Town and Village attorneys about charter changes. I would not bring in consultants to deal with nebulous questions. I believe most of the questions before us are political in nature, not technical. Consultants can't help us resolve political questions.

Max Levy

Perhaps hiring a communications expert to work with the community outreach/input sub-committee would be beneficial.

Irene Wrenner

As often as possible. Mediators and facilitators would be most welcome.

The SB once hired a facilitator who pointed out that several people were saying the same thing; they just needed to stop framing their conversation as a competition / condescension. After that, the behavior on the board improved a notch or two.

Several quotes from philosopher Karl Popper may lend perspective here:

The aim of argument should not be victory, but progress.

No rational argument will have a rational effect on a [hu]man who does not want to adopt a rational attitude.

It is impossible to speak in such a way that you cannot be misunderstood.

Mike Plageman

We should hire experts when the level of staff expertise or experience on the subject matter or policy decision under consideration can be augmented in order to provide the fairest decision possible. For example, our discussion of tax equality would require the help of an expert in my opinion.

Elaine Sopchak

- Reviewing finances, revenue, and taxation structure, and recommending scenarios for achieving tax equity. An objective, outside expert on whose recommendations we will act.

- Legal counsel/Secretary of State consultation on governance structures, charter changes, and changes to voting.

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager

From: Greg Duggan, Deputy Town Manager *(SD)*

Re: Priorities to be accomplished by consolidation

Date: May 11, 2018

Issue

The issue is discussing priorities to be accomplished by consolidation.

Discussion

Following the last joint meeting on April 25, board members were invited to submit their top three priorities to be accomplished by consolidation.

Thoughts from board members are attached.

Cost

None.

Recommendation

It is recommended that the Selectboard and Trustees discuss priorities to be accomplished by consolidation.

Board members' top three priorities to be accomplished by consolidation

George Tyler

- 1) Tax equity/fairness for all town-village citizens
- 2) A governing framework on which to build a sustainable community
- 3) A governing framework that focuses and strengthens current economic development efforts

Max Levy

1. A more sustainable community
 - a. A better quality of life for the whole community without compromising the wellbeing of other communities.
 - b. Effective governance supported by meaningful and broad-based citizen participation.
 - c. Economic security.
2. Preservation of community identity and history
3. A more diversified tax base developed by working and planning together for a brighter future

Irene Wrenner

- 1) Consolidation is not a priority of mine.
It is an end-product of healthy relationships.

Harmony is, and that, ironically, grows out of Fair Fights.
Let equal teams to duke out and determine what's worth combining or not.

- 2) Fair representation is.
- 3) Fair taxation is.
(We've worked on this to some degree, so it follows the two we haven't worked on.)

Mike Plageman

I believe our consolidation efforts should be based upon increases in at least two of the following three categories

- (1) Financial Savings
- (2) Increased operational efficiencies
- (3) Increase level of service preferred. Equal level of service at a minimum

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager

From: Greg Duggan, Deputy Town Manager *GSD*

Re: General ideas for governance and representation

Date: May 11, 2018

Issue

The issue is discussing general ideas for governance and representation.

Discussion

Following the last joint meeting on April 25, board members were invited to share general ideas about governance and representation.

Comments from board members are attached.

Cost

None.

Recommendation

It is recommended that the Selectboard and Trustees discuss general ideas for governance and representation.

Board member ideas about governance and representation

George Tyler

I believe we should have a two-step process:

Step 1: Consolidate our two boards into a single governing council tasked with executing the existing charters while continuing governance discussions and supporting staff efforts to align policies and procedures. This will require amending but not dissolving the existing Village and Town Charters.

Step 2: The governing council can then establish a thoughtful and reasonable time frame and process for developing a permanent new charter for a unified Essex community. This will require either dissolving the Village charter and amending the Town Charter or dissolving both charters and creating a new charter.

Question: *What? Amend both charters to temporarily recognize a new governing body? Why is this a good idea?*

Answer: *Because alignment efforts are realistically going to take several years if we want them done correctly. Developing a permanent, sustainable consolidation model will also take at least two or three years. The current joint meeting strategy is not conducive for achieving those goals. It places too many demands on staff and board members. More importantly, as long as there are two separate elected bodies there remains a high probability that we might become politically polarized or simply worn out from the challenge of executing our respective charters while maintaining the high tempo of governance discussions that will be required to create an acceptable and sustainable charter for consolidation of the Town and Village governments.*

[An Excellent Proposal for Immediately Solving All Our Problems: A Unified 'Essex Council'](#)

The Goals and Challenges Before Us

At our 25 April meeting we unanimously agreed that a unified government with a unified representative board is the ultimate goal of the alignment process. The major, long term questions to be resolved now are:

- How to achieve tax equity without a sudden, unprecedented tax increase for Town citizens outside the Village municipality
- Reconciling all current departmental differences, staffing, policies, plans, assets, etc.
- What will be the representative and chartered structure of the unified government
- Will representatives be elected at-large or from voting districts
- Should the floor vote for budget at annual meeting be preserved or moved to Australian ballot

Immediate challenge – We Can't Get There From Here (At Least Not Right Away)

- 1) Creating a unified government will require charter changes, which means we must place a charter change proposal before the voters. We have not defined a process for developing a charter change proposal.
- 2) Creating a new charter from existing charters or dissolving the Village charter would require:
 - Immediate 28% increase in the Town general fund
 - Immediate integration of remaining Village and Town departments which stands in contrast to staff recommendations for a 3-4 year time-frame for a thoughtful, 'best practices' alignment and consolidation.
 - Immediate resolution of the question of place name
 - Immediate dissolution or reorganization of Village departments (planning commission, zoning board, capital committee, bike walk committee, tree advisory committee, etc.)
 - Immediate integration of Village Association and Town Union
 - Immediate disposition/integration of Village and Town assets

Observations and Long-Term Challenges

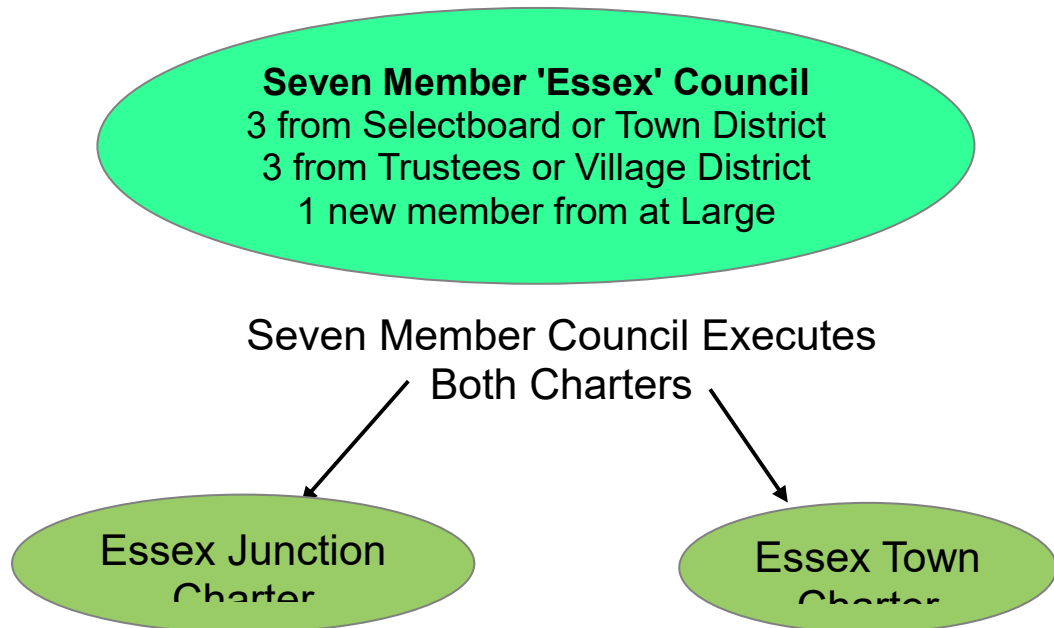
- Tax equity is a complex problem. It will take time for the two boards to research and deliberate possible remedies.
- Staff has requested 'several years' to align Town and Village policies and procedures according to 'best practices.'
- The joint meeting process has been productive but it's time consuming for elected official and labor intensive for staff. The governance change process is crucial for long-term sustainability but it potentially diverts attention and energy from more immediate issues.

An Excellent Proposal:

Because we have all voiced our commitment to the long-term goal of creating a unified government, I would like to propose that we *consolidate the two elected boards into a single 'council'* that will help staff facilitate the alignment process and provide elected officials with a more productive platform to simultaneously execute our chartered responsibilities while deliberating over governance changes.

I believe we should amend (*not dissolve!*) the existing charters to empower a 7-member elected council with the authority to execute the Village and Town charters. This council would replace the Selectboard and Trustees and would consist of seated elected officials at the time of the charter enactment. In addition to their routine responsibilities, the council would be tasked with proposing a new charter for a unified government which would address the challenges outlined above within a stated time-frame.

Illustration of Excellent Proposal



This is a ***temporary realignment of the current boards*** intended to take us from where we are (*two charters; two elected bodies*) to where we want to go (*one charter, one elected body*). This unified board will be the deliberative body to develop and propose a permanent Essex unified governance model with tax equity.

Pros:

- Avoids complexity of eliminating existing charters which would require immediate reconciliation of assets, union/association, town/village plans, debts, place name, codes, ordinances, etc. Stabilizes political platform while giving staff time to thoughtfully align policies, practices, finances, etc.
- Reduces work load all around. Less board meeting time; staff only responds to one board; one unified budget, one annual meeting/report/ballot/vote, reduced # meetings, etc.
- Allows TGIA to be enacted (appoint 1 PC and 2 DRBs)
- Streamlines evaluation of unified manager
- Gives all elected officials equal responsibility for whole community

Cons: Maintains current tax inequity for a few more years BUT establishes a deliberative body tasked with the mission of creating tax equity.

An Alternative Proposal

By the end of this year the two boards should develop and sign a legally binding MOU that commits us to proposing a plan of merger within four years:

- The plan will resolve tax equity (which will be defined prior to signing MOU)
- The plan will designate a new governing (representative board) structure
- The plan must be approved by a majority of each board before it can be put to a community-wide vote

Why is an MOU necessary? It will bind the two boards to the task regardless of who sits on either board or how other events unfold. Developing a politically acceptable plan of merger over the next four years within the current framework of the joint meeting process will be a demanding and time consuming task for board members and staff which will inevitably divert energy and resources away from other board and staff responsibilities. There's a high risk of the process becoming politicized as board membership changes over the next four years and/or as other events divert attention away from the process. Failure could mean that all the energy and resources that have been committed to the entire shared services effort over the last four years, and whatever resources are committed subsequently, would be jeopardized. Failure would be a disaster for this entire community. We have a responsibility to ensure that doesn't happen.

Irene Wrenner

Everyone deserves the opportunity to represent their town at-large and their district, depending on the issues, just as Elaine is doing now.

Let's fold the five Trustees into one expanded SB that also makes room for five TOV residents and take it to the voters as Charter Change One.

If such a combined and fair governance proposal won't pass muster with the public, we can adjust our perceptions about the community's readiness to consolidate further.

Mike Plageman

- (1) One 10 member Select Board made up of 5 at-large residents from the Village and the Town to serve staggered terms
- (2) Institute a hybrid model of voting that preserves our annual Town and Village Meetings while allowing residents to vote on the budget by Australian ballot
- (3) Align voting schedules to allow for municipal budget and school budget voting on the same days
- (4) Achieve the above with a minimum of charter changes. In other words, consolidate as many changes as possible with one charter change instead of a charter change for each individual change

From: Max Levy, George Tyler
To: Essex Junction Board of Trustees
Essex Town Selectboard

Memo

5/2/18

Our next joint meeting will be on **Monday, 14 May, 7 p.m. at Lincoln Hall.**

Please send your comments about the following items to Greg by **Thursday, 10 May** for distribution in the meeting packets:

- Goals for Evan (*note there were several suggestions that working on alignment might qualify as a 'goal'*)
- Comments/thoughts about the Trustee/Selectboard Work Plan and the proposed Staff work plan for alignment
- Write definitions of words in list from staff work plan, including tax equity
- Thoughts about establishing sub-committees with agreed upon missions and responsibilities that report back to the boards (also - What should those committees work on?)
- Where should we hire experts?
- What are your top three priorities to be accomplished by consolidation?
- Share general ideas about governance and representation

Important: This 'homework' assignment isn't mandatory. You can choose to do some, all, or none depending on your own comfort and enthusiasm levels. However, we should all feel welcome to send staff any comments or thoughts we have about governance even if the subject isn't on the list of 'homework' assignments. It's a safe way for us to share ideas without violating open meeting law.

Gregory Duggan

From: Andy Watts
Sent: Wednesday, May 9, 2018 10:27 PM
To: Evan Teich; Gregory Duggan
Cc: Max Levy
Subject: SB Homework

Hi Guys,

I know Evan said not to copy Greg but the memo from Max and George specifically asks that this be sent to Greg. I am sorry if this is a problem.

Goals for Evan:

- Staff Effectiveness
- Policy Facilitation
- Service Delivery Management
- Strategic Leadership
- Democratic Responsiveness
- Organizational Planning and Management
- Communication
- Integrity
- Interpersonal Characteristics and Skills
- Organizational Values
- Personal Development
- Leadership

Trustee/Selectboard/Staff work plans:

I believe the Boards need to consider whether the \$3.4M that needs to be raised to run the Village can be absorbed in the Town budget. I am thinking that it can't and that we need to discuss how to deal with that very soon as/if we move forward. I believe that we can shift some of it but I struggle with the whole amount.

I think we should ask the Library Boards to seriously consider whether combining would be in the best interest of the Town. Are there incremental steps that can be taken to lower overall costs? I think we need to re-open TGIA discussions and have a frank discussion about development centers. I think the Rec consolidation plan that was under development during the UMD discussions should be re-opened and steps should be taken if it makes sense to do so. I believe we should consider all "shared" costs and shift what we can to the Town budget so that Village residents aren't paying twice. I believe that we should continue with the proposed staff alignment plan to remove impediments to completing consolidation of departments and to avoid the need to have separate Town/Village contracts and practices. In parallel with this, we need to seriously consider whether there are things we want to stop doing and we need to discuss whether there are things that current Village residents will not want to give up and that outside the Village residents will not want to pay for.

As we move toward this point, we need to investigate governance options. If we get to an impasse on services and costs, we will likely need to retain (or expand) appropriate representation.

Things we need expert help on:

- Vermont Library Governance
- Representation (wards/districts or can single board manage more than one budget?). If only one board, are there options for establishing quorum that address representation concerns?

How do we handle Assets (would this need to pass both Village and Town [Village to agree to transfer, Town to agree to accept?])

I am not crazy about sub-committees. I do not want to add even more meetings. Changes in Governance are supposed to take a long time and I think we need to continue to work together rather than splinter up. I worry that dividing into sub-committees would be difficult given concerns expressed about representation. With only three of us living outside the Village, any sub-committee we form may not be perceived as balanced.

Best regards,
Andy Watts

G. Tyler Work Assignment for 17 May 2018 Joint Meeting

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Part 1: Definitions of Words

Culture – The day-to-day conscious gestalt we experience produced by language, environment, lifestyle, stress, traffic, noise, safety, political climate, and prevailing attitudes of community members, among other things.

Governance – The process by which a governing entity performs its duties. Although it's currently a culturally popular term, it's really not very meaningful, as the definition demonstrates. I believe it's actually just a politically correct way of saying 'government.' I have no idea why 'governance' sounds less threatening. Our form of government is council-manager, but I believe we should give serious consideration to a mayoral form of government. I believe Essex/Essex Jct has changed over the last decade or so and has become a more complicated, demanding, and expensive place to run. Board chairs don't have the chartered authority to move political and development initiatives, support the manager, represent the community at the state and regional level, or independently interact with the public as much as they need to. But ... our 'culture' is, for some reason, so deeply enamored of the C-M form of government that it's very unlikely we will consider anything else.

Identity – In the sense by which it's presented here, identity means the local geographic framework comprised of political boundaries, history, culture (see above), and place name. I believe there are probably distinct village & town identities informed by history, infrastructure, and architecture. The village identity reflects near urban-like density and walkability; the town reflects a more suburban, open, and car-oriented identity. But I wouldn't put too fine a point on any of this.

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(Appropriate) Levels of service – Municipal services that support and enable the culture within which a taxed and governed body of people choose to live and are willing to support financially.

Public Input (how and for what purpose) – We are a representative form of government. We are not elected to be mere conduits of public opinion. Acting solely on the basis of 'public input' would be impossible unless we're somehow able to continuously and accurately poll thousands of people. This is why representative government was invented. People expect us to familiarize ourselves with government operations, finance, and policies. They expect us to be able to make insightful, intelligent, and prudent decisions on their behalf. They expect their community leaders to be ... leaders. If we make a mistake, they'll let us know come election time.

But, I do believe it's important for us to listen to constituents about topical issues. It's important that we keep our minds open to new ideas and that we give due consideration to the concerns of our constituents who attend our meetings or reach out to us via other means.

Quality of life – An intangible phenomenon which one doesn't often appreciate til it's gone.

Representation – The commitment of a person or small group of people to understand the needs, hopes, and interests of a larger group of people, and participate in the governing process in order to thoughtfully and morally deliberate and decide upon policy and legislative questions on behalf of those people.

Sense of place – Pretty much the same thing as 'identity.'

Success – The opposite of failure

Sustainability (of health, resilience, economy, environment, society) – Giving people the control they need to balance the inevitable forces of cultural, economic, and political change in a humanistic, non-disruptive way.

Transparency – I certainly support transparency, but it's become a bit of an overwrought concern in our community. I've observed Essex's municipal governments for many years and there has always been a sincere commitment to openness from government officials I've known.

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Trust – The presumption that fellow board members will honor commitments they've made at board meeting, adhere to board policies, and not betray or deceive other board members, staff, or the public in the pursuit of personal political aims.

Tax equity – Every property owner supports all municipal services according to their fair share (i.e. a single tax rate times their property value) regardless of where they live in the Essex community, regardless of whether they personally partake of some of those services, and regardless of where those services happen to be located.

Town – The historic chartered entity in which the Village exists. (just kidding!)

Consolidation – Consolidation means creative synthesis of best practices to preserve or improve the quality of municipal service delivery. Consolidation does not mean absorbing the Village into the Town, or eliminating Village departments, one by one, simply because the Town is the more foundational of the two municipalities. The Village is not just an 'overlay district.' Most Village departments are older than their Town counterparts and have been finely tuned over many decades to serve the needs of village residents. The Village is larger and more complex than most Vermont cities. The cultural history and experience woven into the “village way' of doing things must be respected. Like 'quality of life,' what's good about the Village and what it does well would be easy to lose and impossible to recover once it's gone. Consolidation must be approached from a “best practices” perspective. Consolidation requires compromise. It means taking the time to understand how departmental practices translate into service delivery. It also means, and this is really important, that making things more 'efficient' for staff may not actually make things more efficient for town and village citizens. Efficiency, like beauty, is in the eye of the beholder and in this case the citizens of the town and village take priority. If a departmental consolidation isn't going to make things better, or deliver equivalent service at lower cost, then don't do it!

Part 2: Responses to Questions in Memo

I. Goals for Evan:

I believe Evan should propose his own three goals for joint board approval. However, my recommendation would be as follows:

- 1) Alignment of Town and Village policies and procedures. Aligning *all* P&P would not be achievable within the remaining year, so I believe Evan should designate a specific cohort of Ps & Ps to be aligned.)
- 2) Village-specific goal – Evan should become our resident expert on the Tax Increment Finance (TIF) district process in Vermont, as a potential funding mechanism for achieving strategic goals in Village center redevelopment. In consultation with the Trustees and Development Office he should draft some possible and plausible ideas for creating a TIF district.
- 3) Town-specific goal – to be decided by the Selectboard.

II. Comments/thoughts about the Trustee/Selectboard Work Plan and the proposed Staff work plan for alignment.

Trustee/Selectboard Work Plans – I'm not sure there a specific plans warranting comment at this point. I'm very pleased and excited that we have all declared our support for moving towards a consolidated community. I am a bit concerned with Irene's proposal to create a separate representative body to specifically address 'town outside the village' interests. Although I appreciate, conceptually, what Irene is trying to say, with respect I believe it's a bit misleading and seeks to disenfranchise half of the Town's citizens on the basis of where they live in the town. I would rather have seen Irene's efforts directed at educating her constituents (town & village) about the actual framework of representation required by the Town and Village Charters. Specifically:

- The Town Charter designates no voting districts. It contains no references to 'interests' one group of citizens might have based on where they live within the town.
- There are no Town assets that belong exclusively to town citizens outside the village. There are no Town assets that were purchased exclusively by town

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taxpayers outside the village.

- Village citizens are 'co-owners' of the Town alongside their neighbors outside the village, and have always shared all debts and expenses incurred by Town government.
- Village taxpayers contribute to the operation of every Town department, and have always done so.

It's misleading to envision the Town-Village relationship on a geographic basis. It's more accurate and informative to explain that the Town and Village are municipal corporations. Citizens of the Town (which includes those living in the village) are 'shareholders' of the Town corporation. Citizens of the Village are 'shareholders' of the Village corporation. In private business discussions of corporate mergers, one group of shareholders can't be excluded from voting or not be equally represented simply because they own shares in both corporations. A sub-group of shareholders in one corporation doesn't get additional representation and voting rights. The same principle applies to public/municipal corporation discussions.

Also - I believe we have all consistently stated that any consolidation plan we propose must be fair, balanced, and sensitive to the needs and concerns of all our constituents. This is the very substance of our discussions. Additionally – all our meetings are open, all citizens are most welcome to come and make comments and ask questions, and, ultimately, voters will have the final say on any charter changes we propose.

Staff Work Plan for Alignment – I generally approve the staff work plan for alignment. I believe we should approve and support this. However – I believe the Selectboard and Trustees must be directly involved in any alignment analyses and change proposals that potentially impact service delivery to the public. When such impacts are possible but not certain, I would urge staff to err on the side of caution and bring board members into the process.

III. Thoughts about establishing sub-committees with agreed upon missions and responsibilities that report back to the boards (also - What should those committees work on?) – If other board members approve, I believe Max and I, as respective board chairs, could serve as an executive sub-committee to organize the governance discussion process and help move things along.

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At some point down the road the two boards and staff might define specific tasks for a sub-committee of board members and staff to work on. For example – should budget voting be moved to Australian ballot or remain as is? A sub-committee might be assigned to wrestle with this question, sample public sentiment, etc., and make recommendations to the full boards.

But I strongly believe that we (the two boards) must continue to take the leadership role in this entire governance discussion process. I know it's hard and time consuming. It's tempting to designate some kind of board/constituent committee to alleviate the political pressure. But we've made great strides working among ourselves. We must continue to have confidence in ourselves that our experience in Essex government makes us the best people to be in control of the process right now, and that our judgment is sound.

IV. Where should we hire experts?

'Experts' about what? We are the experts on local government in Essex Town and Essex Junction. If and when we have identified very specific questions for a consultant to resolve then, fine, hire a consultant. For example, we may wish to consult with the Town and Village attorneys about charter changes. I would not bring in consultants to deal with nebulous questions. I believe most of the questions before us are political in nature, not technical. Consultants can't help us resolve political questions.

V. What are your top three priorities to be accomplished by consolidation?

- 1) Tax equity/fairness for all town-village citizens
- 2) A governing framework on which to build a sustainable community
- 3) A governing framework that focuses and strengthens current economic development efforts

VI. Share general ideas about governance and representation

I believe we should have a two-step process:

Step 1: Consolidate our two boards into a single governing council tasked with executing the existing charters while continuing governance discussions and supporting staff efforts to align policies and procedures. This will require amending but not dissolving the existing Village and Town Charters.

Step 2: The governing council can then establish a thoughtful and reasonable time frame and process for developing a permanent new charter for a unified Essex community. This will require either dissolving the Village charter and amending the Town Charter or

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dissolving both charters and creating a new charter.

Question: *What? Amend both charters to temporarily recognize a new governing body? Why is this a good idea?*

Answer: *Because alignment efforts are realistically going to take several years if we want them done correctly. Developing a permanent, sustainable consolidation model will also take at least two or three years. The current joint meeting strategy is not conducive for achieving those goals. It places too many demands on staff and board members. More importantly, as long as there are two separate elected bodies there remains a high probability that we might become politically polarized or simply worn out from the challenge of executing our respective charters while maintaining the high tempo of governance discussions that will be required to create an acceptable and sustainable charter for consolidation of the Town and Village governments.*

Part 3: An Excellent Proposal for Immediately Solving All Our Problems: A Unified 'Essex Council'

The Goals and Challenges Before Us

At our 25 April meeting we unanimously agreed that a unified government with a unified representative board is the ultimate goal of the alignment process. The major, long term questions to be resolved now are:

- How to achieve tax equity without a sudden, unprecedented tax increase for Town citizens outside the Village municipality
- Reconciling all current departmental differences, staffing, policies, plans, assets, etc.
- What will be the representative and chartered structure of the unified government
- Will representatives be elected at-large or from voting districts
- Should the floor vote for budget at annual meeting be preserved or moved to Australian ballot

Immediate challenge – We Can't Get There From Here (At Least Not Right Away)

1) Creating a unified government will require charter changes, which means we must place a charter change proposal before the voters. We have not defined a process for developing a charter change proposal.

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2) Creating a new charter from existing charters or dissolving the Village charter would require:

- Immediate 28% increase in the Town general fund
- Immediate integration of remaining Village and Town departments which stands in contrast to staff recommendations for a 3-4 year time-frame for a thoughtful, 'best practices' alignment and consolidation.
- Immediate resolution of the question of place name
- Immediate dissolution or reorganization of Village departments (planning commission, zoning board, capital committee, bike walk committee, tree advisory committee, etc.)
- Immediate integration of Village Association and Town Union
- Immediate disposition/integration of Village and Town assets

Observations and Long-Term Challenges

- Tax equity is a complex problem. It will take time for the two boards to research and deliberate possible remedies.
- Staff has requested 'several years' to align Town and Village policies and procedures according to 'best practices.'
- The joint meeting process has been productive but it's time consuming for elected official and labor intensive for staff. The governance change process is crucial for long-term sustainability but it potentially diverts attention and energy from more immediate issues.

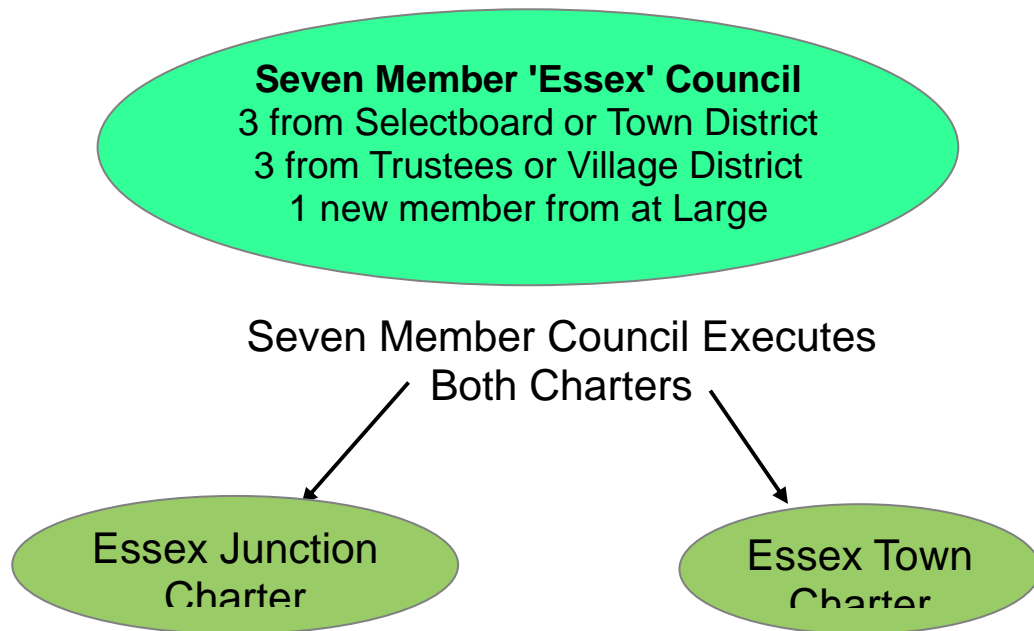
An Excellent Proposal:

Because we have all voiced our commitment to the long-term goal of creating a unified government, I would like to propose that we consolidate the two elected boards into a single 'council' that will help staff facilitate the alignment process and provide elected officials with a more productive platform to simultaneously execute our chartered responsibilities while deliberating over governance changes.

I believe we should amend (*not dissolve!*) the existing charters to empower a 7-member elected council with the authority to execute the Village and Town charters. This council would replace the Selectboard and Trustees and would consist of seated elected officials at the time of the charter enactment. In addition to their routine responsibilities, the council would be tasked with proposing a new charter for a unified government which would address the challenges outlined above within a stated time-frame.

Part 4: Illustration of Excellent Proposal

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This is a **temporary realignment of the current boards** intended to take us from where we are (*two charters; two elected bodies*) to where we want to go (*one charter, one elected body*). This unified board will be the deliberative body to develop and propose a permanent Essex unified governance model with tax equity.

Pros:

- Avoids complexity of eliminating existing charters which would require immediate reconciliation of assets, union/association, town/village plans, debts, place name, codes, ordinances, etc. Stabilizes political platform while giving staff time to thoughtfully align policies, practices, finances, etc.
- Reduces work load all around. Less board meeting time; staff only responds to one board; one unified budget, one annual meeting/report/ballot/vote, reduced # meetings, etc.
- Allows TGIA to be enacted (appoint 1 PC and 2 DRBs)
- Streamlines evaluation of unified manager
- Gives all elected officials equal responsibility for whole community

Cons: Maintains current tax inequity for a few more years BUT establishes a deliberative body tasked with the mission of creating tax equity.

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Part 5: An Alternative Proposal

By the end of this year the two boards should develop and sign a legally binding MOU that commits us to proposing a plan of merger within four years:

- The plan will resolve tax equity (which will be defined prior to signing MOU)
- The plan will designate a new governing (representative board) structure
- The plan must be approved by a majority of each board before it can be put to a community-wide vote

Why is an MOU necessary? It will bind the two boards to the task regardless of who sits on either board or how other events unfold. Developing a politically acceptable plan of merger over the next four years within the current framework of the joint meeting process will be a demanding and time consuming task for board members and staff which will inevitably divert energy and resources away from other board and staff responsibilities. There's a high risk of the process becoming politicized as board membership changes over the next four years and/or as other events divert attention away from the process. Failure could mean that all the energy and resources that have been committed to the entire shared services effort over the last four years, and whatever resources are committed subsequently, would be jeopardized. Failure would be a disaster for this entire community. We have a responsibility to ensure that doesn't happen.

Definitions of words in list from staff work plan

Culture, Governance, Identity

The identity or feeling of belonging to a group. It is part of an individual's belief about him/herself related to where they.

(Appropriate) Levels of service

The level of public services that the residents and businesses want or need vs. their ability to pay for them.

Public Input (how and for what purpose)

Input from the community to the elected community leaders that is given due consideration in all governmental actions

Quality of life

According to the World Health Organization (WHO), quality of life is defined as “the individual’s perception of their position in life in the context of the culture and value systems in which they live and in relation to their goals.”

Representation

Elected community leaders representing the best interest of the community as a whole in all governmental actions

Sense of place

A strong identity that is deeply felt by residents and visitors.

Success

When we get to the end of our alignment and consolidation efforts and receive a positive vote on the required charter changes with both the Village and TOV supporting it in approximately equal measure.

Sustainability (of health, resilience, economy, environment, society)

A sustainable community is one that is economically, environmentally, and socially healthy and resilient.

It meets challenges through integrated solutions rather than through fragmented approaches that meet one of those goals at the expense of the others.

A sustainable community takes a long-term perspective – one that’s focused on both the present and future, well beyond the next budget or election cycle.

It seeks:

- A better quality of life for the whole community without compromising the wellbeing of other communities.
- Effective governance supported by meaningful and broad-based citizen participation.
- Economic security.

Transparency

A transparent government is one that is open, accountable, honest and shares information with citizens.

Trust

If you trust in someone, you believe strongly in them and do not doubt their good intentions.

Tax equity

Taxes that are the same for each tax payer in a particular area for the public services they receive

Town

My constituents, all 21,000 of them.

Consolidation

The process of combining public services into a single more effective and sustainable entity.

Goals for Evan

The Selectboard and Trustees defined their joint strategic goal to become one municipality in the future. Therefore, we should have Evan define his goals that support this strategic direction and have the boards jointly review and approve them. In addition Evan should define learning goals. The Trustees and Selectboard may also define one or two specific goals from their board. For example, I would like to propose that the Firearms Discharge Ordinance be completed within his first year.

Comments/thoughts about the Trustee/Selectboard Work Plan and the proposed Staff work plan for alignment

I am satisfied with these work plans and understand they will be updated from time to time as things evolve. Revitalizing the Heart and Soul process will be extremely beneficial to ensure the public is fully aware and engaged with this process.

Thoughts about establishing sub-committees with agreed upon missions and responsibilities that report back to the boards (also - What should those committees work on?)

We may want to consider creating a community outreach/input sub-committee that would work with Heart and Soul on this project. As the consolidation work progresses, we will likely need to define what charter changes will be needed. It may be helpful to have sub-committees work on these items when they are identified.

Where should we hire experts?

Perhaps hiring a communications expert to work with the community outreach/input sub-committee would be beneficial.

What are your top three priorities to be accomplished by consolidation?

1. A more sustainable community
 - a. A better quality of life for the whole community without compromising the wellbeing of other communities.
 - b. Effective governance supported by meaningful and broad-based citizen participation.
 - c. Economic security.
2. Preservation of community identity and history
3. A more diversified tax base developed by working and planning together for a brighter future

Dan Kerin

Essex and Essex Junction

Culture: Our community's culture consist of the new and old traditions, events and beliefs valued so greatly by the residents that they continue to support them and pass them on for the betterment of the community into the future

Governance: The manner in which our community is governed.

Identity: How residents, businesses and others inside and outside of our community identify Essex/Essex Junction.

(Appropriate) Levels of service: Maintaining or improving municipal services to residents and businesses so that the recipients are generally satisfied.

Public Input (how and for what purpose): Public input should always be sought, accepted and considered by the governing board members. How public input is received will vary depending on the scale of the issue. Some matters may warrant holding public forums at the municipal offices or at one of the area schools. As always the public should be well informed of upcoming meetings through postings on the Village and Town websites as well as Front Porch Forum, Essex Reporter and all other accepted social media. There must also be a deadline given for public input.

Quality of life: How happy, content or satisfied the public is with the municipal services and existing environment in our community.

Representation: Elected officials performing their duties in a manner that instills confidence with the public that their interest and the best interests of the whole community are being heard and addressed. Having a governing body made up of people who perform their duties without bias or prejudice. Elected officials who will listen to and speak for all members of the community equally.

Sense of place: A feeling of belonging and/or knowing that you're a recognized, valued and welcomed member of the community.

Success: Reaching or obtaining a goal(s) and the subsequent feeling of accomplishment. The town and village becoming one unified community that is codified with the necessary charter changes

Sustainability (of health, resilience, economy, environment, society): Maintaining or improving the quality of life in the community without adverse impacts to the environment (personal, economical, natural).

Transparency: Governing with openness and visibility so the public can be confident that the government is operating without hidden agendas

Trust: Feeling confident and secure that the representatives on your governing board will uphold their oath of office and not acting in a manner that could be construed as

rued as abusing their authority or circumventing the system with actions that violate the boards approved policies and procedures.

Tax equity: Equal tax for everyone in the community (Town and Village).

Town: Essex including the Village

Consolidation: Sharing and combining the best of our two municipalities and working toward finding more cost effective and efficient ways of providing services to the whole community.

Irene Wrenner

Comments sent to Greg on Thursday, 10 May, 2018:

Goals for Evan:

- 1) Use your gifts to bring attention and respect to a culture that has acted to discourage input from articulate, engaged public members over time.
- 2) Help us to think outside-the-box by questioning all of our assumptions / rules, including, “We are only doing one charter change.” ... So, 20 years from now, after we get board agreement on doing 35 different things, we’ll draft a charter change?
- 3) As you say the word “Town” 100 times per day, please be mindful to add a mental or, better yet, verbal qualifier, so your audience not only knows that you understand the nuances here but also becomes more mindful themselves of how they speak. Words have power, and Town Words Matter.
- 4) Understand and reiterate why the T and V don’t need to merge: the TIV and TOV already comprise one wonderful old New England town.
- 5) Understand that no matter how well you align or consolidate entities, that if only the SB and Trustees are at the table, the process is improper. Therefore, the underlying feelings of inequity (which lead to divisiveness) will continue.
- 6) Understand that TOV residents have waited over 125 years for slow-government to provide them adequate representation. If addressing this imbalance isn’t already Job #1 for you, please begin spending more time with everyday taxpayers and less time with those who want to be the next mayor, house rep, senator, etc.
- 7) Ask for and take to heart as many anonymous suggestions as you can get from rank-and-file firefighters – NOT about Consolidation – but about how to better save property and lives through changes in administration, dispatch, relationship to cops, etc.

Recognize that merging Fire Depts is no easier than merging Libraries or Rec Depts and may be thoroughly inadvisable. When you understand the sentiment behind that prior sentence you will see plenty more important things to do than alignment.

Comments/thoughts about the Trustee/Selectboard Work Plan and the proposed Staff work plan for alignment

Given the frequency of the phrase “tax equity” appearing in our homework assignment and the aforementioned work plans, one would never guess how many tax changes

have flowed between the TOV and TIV in recent years.

Yet, despite dozens of mentions of the phrase “equal representation” and “TOV representation” by the public at the 3/24 and subsequent meetings, those phrases can’t seem to get comparable air time.

Might this focus on money have something to do with the majority of joint meeting members having campaigned on “tax equity”?

If so, that’s one more reason to **address governance first**, which was the Trustees’ push when this year’s joint meetings began. After we have equal teams at a negotiating table, then we might hammer out who wants to pay for what and when.

Definitions

- Culture: the taste in art and manners by a social group, such as a tribe.
- Governance: the persons who make up a body for the purpose of administering, who exercise authority, ideally in ways that exhibit humility and defer to the wishes of the governed.
- Identity: personality or characteristics by which an entity is known.
- (Appropriate) Levels of service: qualitative measure of the degree to which needs are met. Different populations have different needs. Different entities serve different populations, such as the two libraries in town.
- Public Input (how and for what purpose): as a check and balance on other’s actions, in any form, preferably not social media where trolls hijack conversations to their own ends
- Quality of life: one’s personal satisfaction with cultural or intellectual conditions, as opposed to material comfort
- Representation: how some individuals stand in for others in a decision-making process.
- Sense of place: why certain places hold special meaning to particular beings. The degree to which an identity is deeply felt by inhabitants and visitors.
- Success: accomplishing the will of the (sizable) majority residents of Essex
- Sustainability: the ability for something to be maintained at a certain level over a period of time; the even more questionable idea in an extractive economy that ecological balance can be maintained.
- Transparency: being forthcoming with info, when if not before being asked specific questions, and without being political in responses. The opposite of the ‘need-to-know’ / ‘only answer what you’re asked’ protocol.

- Trust: confidence or faith in our ability to govern equitably.
- Tax equity: ensuring that people pay similar amounts for similar types of service.
- Town, unless qualifiers are used, can mean:
 - town (36-square mile parcel),
 - Town (anything that happens at 81 Main Street),
 - Town-wide (the SB's jurisdiction in policy and budgeting for 21,000),
 - Town-outside-the-Village (EWSD sub-district; Town Public Works and Community Dev. Depts, Cemetery Commission, etc. serve only this territory; Town open burning ordinance, e.g.)
 - any of the above depending on who is speaking and what they intend to say, but are using shorthand, instead of taking the time to be clear that they really mean town-wide, TOV, etc.
- Consolidation: combining two or more things into an integral whole. If we're using MOUs, we're not really consolidating, we are partnering. There's a difference.

Sub-committees

Membership must be diverse and geographically equivalent.

Combining the municipal and school votes on a single mid- to late- March voting day should be a priority to save time, money and energy. It's also something the public has asked for, for decades.

Devise a way for non-citizens to vote on municipal and school matters. Burlington proposed this several years ago, so we might build on their research.

Minimize how many sub-committees we set up. Staff are unable to attend meetings of currently-existing committees already.

Where should we hire experts?

As often as possible. Mediators and facilitators would be most welcome.

The SB once hired a facilitator who pointed out that several people were saying the same thing; they just needed to stop framing their conversation as a competition / condescension. After that, the behavior on the board improved a notch or two.

Several quotes from philosopher Karl Popper may lend perspective here:

The aim of argument should not be victory, but progress.

No rational argument will have a rational effect on a [hu]man who does not want to adopt a rational attitude.

It is impossible to speak in such a way that you cannot be misunderstood.

Top three priorities to be accomplished by consolidation?

1) Consolidation is not a priority of mine.

It is an end-product of healthy relationships.

Harmony is, and that, ironically, grows out of Fair Fights.

Let equal teams to duke out and determine what's worth combining or not.

2) Fair representation is.

3) Fair taxation is.

(We've worked on this to some degree, so it follows the two we haven't worked on.)

Share general ideas about governance and representation

Everyone deserves the opportunity to represent their town at-large and their district, depending on the issues, just as Elaine is doing now.

Let's fold the five Trustees into one expanded SB that also makes room for five TOV residents and take it to the voters as Charter Change One.

If such a combined and fair governance proposal won't pass muster with the public, we can adjust our perceptions about the community's readiness to consolidate further.

SB Homework Answers 14 Mat 2018
Mike Plageman

Goals for Evan:

Work Plan Comments:

Thoughts about Sub-Committees: I am in favor of establishing a sub-committee when the level of information needed on a particular subject cannot be gathered by staff and the Board alone. A great example of an effective use of sub-committees was in the work leading up to the new police facility and where the new building would be sited. The missions and responsibilities were clearly stated with a specific end date and the committees were made up of a very effective mix of Town and Village residents. Staff support for both sub-committees was outstanding.

Hire Experts: We should hire experts when the level of staff expertise or experience on the subject matter or policy decision under consideration can be augmented in order to provide the fairest decision possible. For example, our discussion of tax equality would require the help of an expert in my opinion.

Consolidation Priorities: I believe our consolidation efforts should be based upon increases in at least two of the following three categories

- (1) Financial Savings
- (2) Increased operational efficiencies
- (3) Increase level of service preferred. Equal level of service at a minimum

Ideas about Governance
And Representation:

- (1) One 10 member Select Board made up of 5 at-large residents from the Village and the Town to serve staggered terms
- (2) Institute a hybrid model of voting that preserves our annual Town and Village Meetings while allowing residents to vote on the budget by Australian ballot
- (3) Align voting schedules to allow for municipal budget and school budget voting on the same days
- (4) Achieve the above with a minimum of charter changes. In other words, consolidate as many changes as possible with one charter change instead of a charter change for each individual change

SB Homework Definitions 14 May 2018

Mike Plageman

Culture: The feeling of comfort, pride and satisfaction one gets from living in a community where one is heard, respected, protected, educated, and can recreate

Governance: A governing body made up of residents who equally represent all citizens

Identity:

Appropriate

Levels of

Service: Inquiries and requests answered (if possible) or at least acknowledged within 24 hours

Resolution of inquiries and requests within one business week

Public Input:

Quality of Life:

Representation: An elected official's or a governing board's ability to understand and work to resolve their resident's concerns

Sense of place:

Success:

Sustainability:

Transparency: The level of detail residents are permitted to see and receive about a particular issue or policy decision

Trust: The level of comfort felt by others of an individual's words and deeds in their personal and business dealings

Tax Equity: A level of taxation for a particular municipal service equally divided between all property owners based upon their assessed value

Consolidation: The act of gathering departments which provide the same or similar services under one management structure to achieve financial savings, efficiencies and at least equal service levels for residents

Definitions:

Governance:

1. The statute- and charter-based body(ies) of people charged with managing the municipality(ies), whose members are elected.
2. The organization of municipal management that starts with voters over the governing body, which is over the municipal manager, who is the CEO of the municipality.
3. The organization of subcommittees that manage/supervise/advise the operations of certain municipal services and provide direction to municipal staff (e.g., planning commissions, zoning boards, etc).
4. The policies set by the governing body(ies) that dictate how that body and how municipal staff do business, and interact with each other and the public.

Tax equity:

1. Each household in the Town pays the same tax rate for municipal services.
2. Each household in the Town pays municipal taxes to one municipality only.

Success:

1. Tax equity as defined above is achieved.
2. Town and Village departments are fully combined such that each has a single budget, equipment and other assets are held jointly, and staff in all locations operate under the same rules, practices, policies, and procedures.
3. There is a single municipal budget.
4. There is a single land development code.
5. Bonding is town-wide in all instances.
6. There is a single annual meeting for the municipal budget allowing amendments from the floor. This annual meeting is held along with the school budget annual meeting. These meetings are held together on a Saturday. These meetings are followed by a warned, single day of Australian ballot voting to approve the budget of both the municipality and the schools, and to elect officials.
7. There is a single governing board comprised of 7 or 9 people. The Town is divided into districts (for the purposes of voting only) that currently already exist: village center and rural town. The members of this board are elected from the districts and at-large (e.g., 3 from the village center, 3 from the rural town, and 3 at-large). Terms are staggered.
8. There is a single municipality with one, newly written charter.

Town: The entirety of the Town of Essex including the Village of Essex Junction.

Consolidation: The combining of two or more departments, committees, or service areas so that they operate with a single layer of management, report to one director, refer to one set of

policies and procedures, follow the same best practices, and have a single budget for both revenues and expenses.

Sustainability:

1. The degree to which the municipality is a place people can afford to live while still enjoying high quality services.
2. The degree to which the municipality can maintain the expected level of services while budgeting and taxing conservatively.

We should hire/consult with experts for the following:

- Reviewing finances, revenue, and taxation structure, and recommending scenarios for achieving tax equity. An objective, outside expert on whose recommendations we will act.
- Legal counsel/Secretary of State consultation on governance structures, charter changes, and changes to voting.

Subcommittee/working group recommendations:

Economic development:

- Form a working group that assesses economic development needs for the entire community and develops a plan for the future together that addresses the various business communities in the entire Town.
- Update the purpose, role, mission, and charge of the EDC. Give it staff, a budget, some authority, and clear direction from leadership. Empower it to work with Essex businesses and enable them to grow and succeed.
- Confirm the work to date on ETC Next and the village center, and develop foundation and framework for achieving the goals of both zones.
- Work with the PCs and staff to review both LDCs and zoning regs to align requirements, goals, and expectations for the different zones.
- Work with PCs and staff to review current impact fee practices and develop a consistent practice across the entire community.
- Work with PCs and staff to review permitting to ensure consistency across the entire community.
- Establish framework for representing Essex in various regional and statewide organizations and initiatives.
- Ensure our current relationship with GBIC is mutually beneficial.
- Provide guidance for Essex legislative delegation to ensure our community's economic development needs are advocated for in the state house.

Voting: When we get to the point when this conversation becomes appropriate, we should convene a group to review once again the EGG report and the ad hoc committee on voting recommendations. This group should also meet with EWSD to discuss combining annual meetings and keeping ballot votes on the same day. Then this group would make recommendations to the boards for charter change regarding voting.

Andrew Brown

Words to Define:

1. Culture

Beliefs, attitudes, expressions and perceptions made by each individual and groups of individuals. The culture of any one person and any group of people may vary greatly as they are shaped by unique previous experiences.

2. Governance

How a community is organized, the laws/ordinances/budgets/policies of a community, how a community is represented in the development of laws/ordinances/budgets/policies, how community members can participate in decision-making. In our conversations I relate "Governance" to the structure of our Council-Manager form of government and that the Selectboard has "Governance" responsibility for the Town of Essex as it is defined in our Charter and that the Trustees has "Governance" responsibility for the Village of Essex Junction as it is defined in our Charter. Governance to me is a legal definition where changes can only be made through Charter changes which require the general public's participation.

3. Identity

I don't see much of a difference between "Culture" and "Identity" in the context of our conversations.

4. (Appropriate) Levels of service

The activities municipal staff carry out which are deemed necessary by the voters approving the annual budget(s). These can vary from time to time and should not be thought of as prescriptive, unless required by law/Charter(s).

5. Public Input (how and for what purpose)

In a representative democracy (when residents of a community elect other residents of that community to make decisions on their behalf) there is an inherent function that those who are elected are allowed by law to make decisions on behalf of the residents who elected them. There are many difficulties in this framework as the spectrum of residents' expectations, and knowledge, on how and when they want and believe they should be involved in decision-making is broad. Some residents don't want to engage in this process while others want to be the ultimate decision-maker. No one "how and for what purpose" will meet every residents' expectations so some will be dissatisfied no matter the resolution.

Additionally, each of us as elected decision-makers need to make decisions as long as we are a representative democracy and we need to remember we have been empowered to do so through the election process.

6. Quality of life

How a person feels about their own life and his/her available opportunities. Within a municipality this again will vary greatly and is not in sole control of each municipality.

7. Representation

In the context of our conversations this is how Town of Essex and Village of Essex Junction residents are represented within our representative democracy. As I said above, within a representative democracy residents of a community elect other residents of that community to make decisions on their behalf. This capability is made through the laws within each municipality's Charter and state law. Thus the Selectboard "represents" all Town of Essex residents in Town municipal governance and Trustees "represents" all Village of Essex Junction residents in Village municipal governance. Whether this is the model that we continue with is what I believe the core of the discussion has been.

8. Sense of place

I would define this similar to "Culture" and "Identity".

9. Success

When someone has positive feels regarding an outcome.

10. Sustainability (of health, resilience, economy, environment, society)

When something can be maintained for the anticipated period of time.

11. Transparency

When a government's decision-making process can be understood by its residents.

12. Trust

A belief and/or feeling that someone or something is going to do what is expected.

13. Tax equity

All property owners pay their fair share of property taxes to support Essex's (inclusive of Village of Essex Junction) municipal services.

14. Town

Everything within the legal borders of the Town of Essex which is inclusive of the Village of Essex Junction.

15. Consolidation

An effort of reducing the number of services the Town and Village provide as separate municipalities and putting them together under the Town.

Goals for Evan:

1. Identify and implement ways to increase the efficiency of Town and Village operations;
2. Work with the Selectboard and Trustees to create a new Essex governance structure which results in one board and one municipality;
3. Identify a minimum of two goals which are to be agreed upon by the Selectboard and Trustees.

Comments/thoughts about the Trustee/Selectboard Work Plan and the proposed Staff work plan for alignment:

Overall I am satisfied with the staff work plan especially given what I perceive to be a lack of direction from our boards as to what the agreed upon end goal is for the consolidation efforts. My only desires are that the timeline be moved up and any and all charter changes be ready for the national November 2020 elections to take advantage of what I assume will be a much larger turnout than we receive for Town and Village municipal ballot items.

With the Selectboard/Trustee work plan I believe we are on the right path to define an end goal we are all working towards. Having all of go around and at least agree we want one municipality is a significant declaration. Where I see hurdles are on the topic of governance and representation (as I defined them) in terms of how many people should represent which (if any) subsets of our community. For example, do we have 3 "Village", 3 "Town outside the Village", and 3 "Town of Essex" or "At-Large" elected officials or just have everyone elected regardless of geography?

Thoughts about establishing sub-committees with agreed upon missions and responsibilities that report back to the boards (also - What should those committees work on?):

Based upon the April 25th joint meeting where we all stated we wanted only one board and one municipality the way I believe we make this happen is through engaging the broader community in learning about and reviewing the various form of governance: council – manager; mayor, strong or weak, – council; commission, etc. At which point we identify a desired form for governing our community and then we empower a committee with the task of creating a charge of creating a new Charter. I do not see another path towards creating one board and one community without tackling and resolving this issue.

I am not an expert in how municipal governments can merge/dissolve/consolidate and this is an area I could use some guidance from either a consultant or the Town/Village attorneys.

Where should we hire experts?:

I believe experts should only be hired if no one on either of the boards or on staff has the knowledge we seek.

What are your top three priorities to be accomplished by consolidation?:

1. Establish one board;
2. Establish one community;
3. Redesign our planning/zoning as recommended by Thoughtful Growth in Action;
4. Accomplishing 1 and 2 should help to achieve many of the Essex Governance Group's recommendations