



TOWN OF ESSEX
VERMONT

81 MAIN STREET, ESSEX JUNCTION, VERMONT 05452
Fax: 878-1353 • E-mail: manager@essex.org • Website: www.essex.org

SELECTBOARD & TRUSTEE SUBCOMMITTEE ON GOVERNANCE
SPECIAL MEETING AGENDA

Thursday, July 12, 2018
81 Main St.
Essex Junction, VT 05452
8:30 AM

- 1. CALL TO ORDER/ PLEDGE OF ALLEGIANCE TO FLAG [8:30 AM]
2. AGENDA ADDITIONS/CHANGES
3. APPROVE AGENDA
4. PUBLIC TO BE HEARD
5. BUSINESS ITEMS [8:35 AM]
a. Elect chair and recording secretary
b. Establish ground rules
c. Discuss questions from board members about governance
d. Brainstorm available resources
e. Discuss budget availability and constraints
f. Sketch out anticipated timeline
g. Next steps
6. EXECUTIVE SESSION
a. No executive session is anticipated
7. ADJOURN

Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the Chair, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the Chair.

This agenda is available in alternative formats upon request. Meetings of the Selectboard, like all programs and activities of the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Town Manager's office at 878-1341.

Certification: 7/10/14 JP
Date Posted Initials

Table with 8 columns: TOWN MANAGER, PARKS AND RECREATION, COMMUNITY DEVELOPMENT, PUBLIC WORKS, ASSESSOR, FINANCE, TOWN CLERK, LIBRARY, POLICE. Includes phone numbers for each department.

Travis Sabatase

From: Irene Wrenner <imwren@aol.com>
Sent: Thursday, June 21, 2018 5:04 PM
To: Travis Sabatase
Cc: Evan Teich
Subject: Subcttee on Combined Governance Questions

Hi Travis,

At last week's joint meeting, Evan suggested the SB and Trustees send you our questions to get the Subcommittee on Combined Governance started.

Below my name are several of mine.

Thank you!

Irene

- 1) What would be the legal process needed (to update our current town charter) in order to allow the current SB to expand from 5 to 10-members -- including having Village Trustees (so long as there is a Village Charter in force) to populate the 5 TIV seats and electing 5 TOV residents to populate the 5 TOV seats?
- 2) Assuming we'd need an overlay district to allow proper voting for the latter, how would TOV residents set one up (with their own Trustee Board similar to the Village's) -- including: petition wording, number of signatures, who would be allowed to vote (TOV only or TIV also), sample charter?, for example,
- 3) If the TOV were an overlay district, which unconsolidated depts and budgets would it be fair for its new Trustee Board to take on policymaking and budgeting for -- including anticipated budgetary effects? That is, if the Essex Free Library were so designated, for example, its entire budget might be covered by TOV taxpayers only, and the entire Brownell Library budget might be covered by TIV taxpayers. No library expenses would appear in the Town budget, unless and until the libraries merged in a way that put the control of both under the 10-member Town SB.
- 4) Would Lauren be able to update the Tax Rate History chart (which currently ends at 2007) before she retires? It gives a picture of the tax inequities (and more) over time that we are trying to remedy.
- 5) What is the legal or logical precedent / justification for TOV (only) residents paying a sizable highway tax since at least 1951 without TOV (only) representation?
- 6) What is the general legal or logical precedent / justification for states / populations having equivalent representation at the state and federal legislative levels?

Travis Sabatasa

From: Evan Teich
Sent: Tuesday, July 10, 2018 5:03 PM
To: Travis Sabatasa; Gregory Duggan
Subject: FW: Scheduling meetings

From: George Tyler
Sent: Friday, June 29, 2018 3:10 PM
To: Irene Wrenner <imwren@aol.com>; Elaine Sopchak <esopchak@essexjunction.org>; Max Levy <MLEvy@ESSEX.ORG>; Irene Wrenner <IWrenner@ESSEX.ORG>
Cc: Evan Teich <eteich@essex.org>
Subject: Re: Scheduling meetings

Irene (and Elaine and Max) -

Right now I only have fairly complicated questions which are probably beyond the scope of what Evan was expecting. For example, I would still like to know if it's legally feasible to have a single elected body execute two charters. I'm curious about this because maintaining two charters might be a basis for creating separate taxing districts which could provide a mechanism for equalizing tax rates without a dramatic tax increase for Essex outside the village. It might also obviate needing to select a new place name, which has been a hurdle in the past for a variety of reasons. There might be other advantages as well.

When we put the question to Claudine Safar (our new attorney) she said she didn't think this would be feasible but wasn't sure. I wasn't surprised because it's not a standard governance model and is probably a fairly unprecedented concept. The quick answer to my question then might be 'no' but it might be something the Legislature would approve under certain circumstances. Bottom line -- answering my question with certainty may require substantial legal fees and leg work in Montpelier, so it makes no sense to pursue it if others (selectmen/trustees) aren't interested in pursuing it.

I'd also like to know more about 'overlay districts.' Town staff often refer to the Village as an overlay district (we in the Village know better!). It isn't. The Village has the same legal, jurisdictional authority as any other VT municipality. But Vermont planning statues do allow 'overlay districts,' which are designated sub-units within towns established for zoning or development restrictions, which can include preserving historic character. Whether this sort of thing might be applicable to our situation will likely require substantial research, but, again, why go there if most of us don't think it's a worthwhile question to investigate.

Another example -- I remain very concerned about the Essex community (town and village) losing a seat on the CCRPC. Having two seats puts us in a fairly advantageous position which I think is appropriate given the traffic burden we're coping with and our rapid growth in population. Other Chittenden communities probably don't see it that way. I'm specifically concerned about losing a significant portion of the revenue that CCRPC disperses every year. When I raised this question during the TGIA process, I received a very quick and decisive response from several people associated with the RPC that it would not be a problem and we wouldn't see our revenues reduced. However, under the Circ alternative program the CCRPC distributed about \$30 M to the four 'circ communities' -- Essex Town, Essex Junction, Colchester, Williston -- more or less

equally. In other words, the Essex community received about 50% of the money. Had there just been a single charted Essex community, we would have received about 30%. So that contradicts the responses I heard during the TGIA program. I think this is a crucial question we need to ask and we'll need to wrestle with it ourselves and do some serious homework. I'd be happy to work with the RPC on it but I'm uneasy with just allowing them to answer it for us. But -- why go down that road right now if we don't think we'll actually be dissolving the two charters any time in the near future?

Bottom line - I have lots of questions but I'd prefer to hold off asking them until the four of us get together once or twice to get a sense of direction and timeline. But -- this is just me. I certainly welcome the rest of you to submit questions to Evan/Travis.

GT

George Tyler, President
Village of Essex Junction
2 Lincoln Street
Essex Junction, VT 05452
(802) 878-6944 (Village Office)
(802) 310-8215 (Mobile)

From: Irene Wrenner <imwren@aol.com>
Sent: Thursday, June 28, 2018 10:58 PM
To: Elaine Sopchak; Max Levy; Irene Wrenner; George Tyler
Cc: Evan Teich
Subject: Re: Scheduling meetings

Hi Elaine,

Thanks for the Doodle poll.

Per Evan's request to both boards at our last joint meeting, I sent my questions to Travis, and expect others did, too.

If Travis doesn't have enough input, I'd like him and Evan to send out a request for questions, so that our point person remains consistent.

I'm away the second week you proposed and back for the rest of July, should we need to go further to find a common date(s) to meet.

Irene

-----Original Message-----

From: Elaine Sopchak <esopchak@essexjunction.org>
To: Max Levy <MLevy@ESSEX.ORG>; Irene Wrenner <IWrenner@ESSEX.ORG>; George Tyler <gt Tyler@essexjunction.org>

Cc: Evan Teich <eteich@essex.org>; Gregory Duggan <gduggan@ESSEX.ORG>

Sent: Thu, Jun 28, 2018 8:56 am

Subject: Scheduling meetings

Good morning everyone,

At our Tuesday meeting, the Village Trustees chose George and me to sit on the governance subcommittee. I'm looking forward to working with you all on this.

First thing to do is set our first meeting. Rather than use up an evening, I would be glad to meet during the day, as the rest of you are in Essex during work hours. Here is a date poll for the middle 2 week's of July. Please provide your availability:

<https://doodle.com/poll/xuse2wabr5ubh5pp>

As a first step, I am hoping we can begin collecting questions from board members to help guide our discussions. I would be glad to reach out to both boards about this. Please let me know your thoughts.

Thanks,

Elaine

Elaine Haney Sopchak

Town of Essex Selectboard Member, esopchak@essex.org

Trustee, Village of Essex Junction, e sopchak@essexjunction.org

(802) 324-2546

Travis Sabatase

From: Irene Wrenner <imwren@aol.com>
Sent: Wednesday, July 11, 2018 1:51 AM
To: Travis Sabatase
Cc: Evan Teich
Subject: Re: Subcttee on Combined Governance Questions

Hi Travis,

Here are a few more questions, as it sounds like you'll distribute another round soon.

This makes an even 10 from me.

Thank you!

Irene

- 1) We understand that inter-municipal agreements are allowed by state law. The Town and Village are not two separate municipalities, however, as Jericho and Colchester are. The Village is both its own municipality as well as a part of the entire Town. What state law, if any, allows inter-municipal agreements that are, at the same time, intra-municipal agreements?
- 2) Much has been made of the ability of Village residents (who happen to be Trustees) to sit at the board table and discuss the future of the Town government, while the very idea of TOV residents sitting at that same board table has been rejected. Under the Town Charter, who (if anyone) has the legal right to formulate Town policy alongside Selectmen?
- 3) What statute, if any, suggests that uneven numbers of board seats are preferable to even-numbered ones?
- 4) What statute, if any, encourages elected at-large seats in any governing body over elected ward (or district) representation?

-----Original Message-----

From: Travis Sabatase <tsabatase@ESSEX.ORG>
To: Irene Wrenner <imwren@aol.com>
Cc: Evan Teich <eteich@essex.org>
Sent: Tue, Jun 26, 2018 8:00 am
Subject: RE: Subcttee on Combined Governance Questions

Thanks Irene.

Travis Sabatase

HR Director

Town of Essex/Village of Essex Junction

81 Main Street
Essex Junction, VT 05452
802.878.1341 (phone)
802.857.0095 (fax)



From: Irene Wrenner <imwren@aol.com>
Sent: Thursday, June 21, 2018 5:04 PM
To: Travis Sabatasa <tsabatasa@ESSEX.ORG>
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- Can a town board merge itself with the governing board of its village? Can each board amend its charter to allow both boards to merge into one governing body?
 - Is it legal for the former members of the town board to make decisions regarding village business, and vice versa?
 - If these two boards merge, how would taxation of the village be affected? Village residents would no longer have representation by a board that makes spending decisions solely on their behalf. Would taxation have to be adjusted at the same time as the joining of the boards, or could the adjustment proceed at the slower pace anticipated?
 - If these two boards merge, what would be their process for acquiring debt? How would the two communities bond?

- In a town with an incorporated village, is it legal for the area not inside the village to form its own governing body, similar to the village's, to make decisions for that area, separately from decisions made by the town governing body?
 - Can a committee-of-the-whole model apply to a town with an incorporated village?
 - Are there decisions made by a town governing body that do not apply to its incorporated village?

- What would happen to the town's and village's representation on regional governing boards if the two boards were to merge into one?
 - We already have one representative for both municipalities on at least two boards--CSWD, Channel 17--and have retained 2 votes on each board. Would the village lose its representation if both boards merged?
 - Would funding received from bodies like CCRPC be reduced to reflect one one municipality? Would village funding be rolled into town funding?

- If the two boards merged, would there still be an annual meeting for each municipality?

- Would there be any impact on municipal committees like planning commissions if the two boards merged?

- What are the ways that other Vermont towns have used to merge?