



**VILLAGE OF ESSEX JUNCTION TRUSTEES
TOWN OF ESSEX SELECTBOARD
SPECIAL MEETING AGENDA**

81 Main Street
Essex Junction, VT 05452
Tuesday, July 23, 2019
7:00 PM (or immediately
following Village Trustees Meeting)

E-mail: manager@essex.org

www.essexjunction.org

www.essex.org

Phone: (802) 878-1341

The Selectboard and Trustees meet together to discuss and act on joint business. Each board votes separately on action items.

1. **CALL TO ORDER** [7:00 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
5. **BUSINESS ITEMS**
 - a. Discussion of proposed changes to Dog Licensing and Control Ordinance—Chief Garey
 - b. Discussion of funding sources for budgeted EJRP non-resident fee revenue—Sarah Macy
 - c. Adopt tax rates for FY20 (Village of Essex Junction)—Sarah Macy
 - d. Adopt tax rates for FY20 (Town of Essex)—Sarah Macy
 - e. Update from Governance Subcommittee—George Tyler
6. **READING FILE**
 - a. Board Member Comments
 - b. Presentation of Essex Police Recruitment video—Chief Garey
 - c. Governance Change (Merger) Vote 2020—Project Timeline
 - d. Definitions for common language of consolidation
 - e. Memo from Ann Janda re: Summary of Strategic Advance—Broad Themes
 - f. Discussion of revised schedule for board meetings—Greg Duggan
 - g. KSV presentation of July 2019 Essex Resident Survey Findings
7. **EXECUTIVE SESSION**
 - a. An executive session is not anticipated
8. **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 or President, 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 or President. This agenda is available in alternative formats upon request. Meetings, like all programs and activities of the Village of Essex Junction and the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Unified Manager's office at 878-1341.

Certification: _____ 07/19/2019 _____ *Imitchell*

Memorandum

To: Selectboard, Trustees; Evan Teich, Unified Manager

From: Rick Garey, Police Chief

Re: Ordinance Update – Dog licensing and Control

Date: July 19, 2019

Issue

The issue is for the Selectboard & Trustee to review and potentially approve an update to the current Town and Village ordinances related to the licensing and control of dogs. This update would create one ordinance to be used and enforced in both the Town and Village of Essex Jct.

Discussion

Current ordinances for the licensing and control of dogs in the Town and Village of Essex are not the same which leads to different rules and enforcement depending on where you live.

Having two separate ordinances for the same topic is burdensome and sometime leads to confusion and subjective enforcement. Dog licensing and enforcement issues are the same in the Town as in the Village of Essex Junction and so our rules and regulations should be the same.

State laws pertaining to vicious dog bites are our only current enforcement mechanism when dealing with potentially vicious dogs and include several very narrow restrictions. There are currently no State laws or local ordinance that allows the Town or Village to regulate or take enforcement actions on dogs that are potentially vicious but do not bite human beings. The recommended ordinance update will provide local regulation and some enforcement authority for dogs that are potentially vicious but do not or have not bitten a person under certain State defined conditions.

This updated ordinance will also close some loop holes in our current Town and Village ordinances that have made dog licensing and control difficult to enforce over the years. Several examples are:

- A new hearing mechanism and enforcement proceedings for “potential vicious dogs” that does not require a human bite.
- Requirement for dog’s not licensed in Essex to wear owner contact information and have updated rabies vaccination proof available.
- Clearly defined requirements for the payment of dog fee’s or penalties
- A more clear standard for “barking dog” violations and enforcement
- A new regulation and penalties for falsifying dog records

Cost

None

Recommendation

It is recommended that the Selectboard and Trustee review the proposed updated dog licensing and control ordinance, take public feedback on the subject matter and provide feedback to staff for a final draft to be considered for adoption by both the Town and Village of Essex Jct.

Chapter 4.04

DOG LICENSING AND CONTROL

Sections:

4.04.000	Authority
4.04.010	Definitions.
4.04.020	License requirements.
4.04.030	Falsifying documents
4.04.040	Investigation of vicious domestic pets or wolf-hybrids; order
4.04.050	Potentially Vicious Dogs
4.04.060	Dog Bites.
4.04.070	Noisy dogs—.
4.04.080	Running at large—.
4.04.090	Dog Waste.
4.04.100	Impoundment—Contracting for services.
4.04.110	Impoundment—Authorized when—Notice to owner.
4.04.120	Impoundment—Release conditions.
4.04.130	Unclaimed dogs—Disposition.
4.04.140	Unclaimed dogs—Owner responsible for costs.
4.04.150	Interference with impoundment prohibited.
4.04.160	Confinement of Animals
4.04.170	Enforcement
4.04.180	Violations - Penalties
4.04.190	Severability

4.04.000 Authority.

This ordinance is enacted pursuant to 24 VSA, Section 2291 (10, 14, 15) and 20 VSA, Section 3549. It shall constitute a civil ordinance within the meaning of 24 VSA, Chapter 59.

4.04.010 Definitions.

Used in this chapter, unless the context indicates otherwise;

- A. "Dog" shall mean an animal of the canine species, and wolf-hybrid as defined in V.S.A Title 20, Section 3541.
- B. "At large" means off the premises of the owner except for those areas as defined in subsection B of 4.04.080, and not under the control of the owner, a member of his immediate family, or an agent of the owner, by leash, cord or chain so that at all times the dog may be prevented from causing any damage, disturbance, nuisance or annoyance.

- C. "Person" means and shall include any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- D. "Potentially Vicious Dog" shall mean a dog running at large that inflicts minor injuries on a person not necessitating medical attention; chases in a menacing manner, threatens to attack or attacks another domestic pet or domestic animal; causes damage to personal property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. This definition shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.
- E. "Vicious Dog" shall mean a dog, which causes reasonable fear of bodily injury by attacking or threatening to attack a person or other domestic animal, unless the person is trespassing on the property of the dog, was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault; or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.
- F. "Municipal official" shall mean a police officer, deputy sheriff, health officer; or any person designated by the municipality for the control of dogs.
- G. "Nuisance or annoyance" as it relates to noise in this ordinance will be defined as a dog who is consistently barking in excess of fifteen (15) minutes without provocation or justifiable reason as determined by a municipal official.

4.04.020 License requirements.

- A. Dogs must be registered and licensed annually in accordance with the town clerk's office. Pursuant to V.S.A. 20 annotated 3581.
- B. All dog owners shall obtain and be required to demonstrate proof of current rabies vaccinations, a certificate or a certified copy thereof signed by a duly licensed veterinarian as a requirement of the annual license application.
- C. All dogs must wear a collar or harness with current license and/or rabies tags attached. Any dogs visiting from another town, city or state must wear a collar or harness with current license of said jurisdiction or current owner identification & rabies tag attached. An identification tag will include at least current owner name and phone number.

4.04.030 Falsifying documents

- A. No person shall knowingly give / present false documentation to the town clerk's office with the purpose of misleading the breed of the dog. This shall also apply to proof of rabies vaccination certificates.

4.04.040 Investigation of vicious domestic pets or wolf-hybrids; order

- A. When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the legislative body of the municipality. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation required by subsection (b) of this section.
- B. The legislative body, within ten (10) days from receipt of the complaint, may request the police department (or Essex Animal Control) to investigate the charges and hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.
- C. If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. §3550.
- D. The procedures provided in this section shall apply if the domestic pet or wolf-hybrid is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of subchapter 5 of T20 V.S.A. Chapter 193 and the rules of the department of health shall apply, the terms and conditions set forth in the legislative bodies' order shall be enforced.
- E. The procedures provided in this section shall not apply if the voters of a municipality, at a special or annual meeting duly warned for the purpose, have authorized the legislative body of the municipality to regulate domestic pets or wolf-hybrids by ordinances that are inconsistent with this section, in which case those ordinances shall apply.

*Cross reference. General Provisions,
See 20 V.S.A. § 3546; Penalties,
See 20 V.S.A. § 2550 ; Control of Rabies,
See 20 V.S.A. § 3801-3813.*

4.04.050 Potentially Vicious Dogs.

- A. A person claiming a dog is a “potentially vicious dog” may file a written complaint with the legislative body. The complaint shall contain the time, date and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked; the name and address of any victim(s), a sworn statement about why the dog is suspected to be vicious; and any other facts that may assist the legislative body in conducting its hearing.
- B. A police officer, Essex Animal Control or health officer, upon discovery of a potentially vicious dog, may also file a written complaint with the legislative body of the municipality. Upon receipt of a “potentially vicious dog” complaint the legislative body may proceed as in the case of a “vicious dog” complaint with the exception that if the legislative body determines that the behavior classifies the dog as “potentially vicious” the legislative body may order any protective measures be taken absent the dog being humanely destroyed.

4.04.060 Dog Bites.

- A. No person shall permit or cause any dog to cause bodily injury to a person or other domestic animal.

4.04.070 Noisy dogs.

- F. No person shall keep or harbor any dog, which, by frequent or long continued noise, disturbs the comfort or repose of persons in the vicinity. For the purposes of this ordinance, a dog who is consistently barking in excess of fifteen (15) minutes without provocation or justifiable reason, as determined by a law enforcement officer or Essex Animal Control personnel, is a violation.

4.04.080 Running at large.

- A. No person shall permit or cause any dog to go at large off the premises of said person’s property, on any public or private property within the Town of Essex. Dogs shall be restrained by leash, cord or chain.

- B. Exemptions - Dogs shall be under control of the aforementioned individuals, but may be unrestrained by leash, cord or chain:

- (a) Saxon Hill Forest;
- (b) Undeveloped area of Indian Brook Park, which includes any areas except for the following: boat launch area, boat launch parking area, upper parking lot, lower parking lot, dam and beach area, and picnic area on west side of Indian Brook Dam;
- (c) The dog park located at 111 West Street, according to the regulations for use of the park;
- (d) Hunting with the owner.

4.040.090 Dog Waste

- A. The owner of every dog shall be responsible for the removal and proper sanitary disposal of any solid waste excrement deposited by his / her animal on public walks, recreation areas, or public or private property. In any event excrement is not promptly removed or properly disposed of, the owner of said dog shall be in violation.

4.04.100 Impounding—Contracting for services.

- A. The Selectboard and/or Trustees may enter into a contract or contracts with persons or firms for impoundment services and enforcement of this chapter.

4.04.110 Impounding—Authorized when—Notice to owner.

- A. Any dog running at large on public land or on land of other than its owner may be impounded by a municipal official. The owner shall be notified within 24hrs after the impounding of any dog. If the owner of the dog is unknown, at minimum notice shall be posted on municipal social media account (and /or websites) and municipal offices describing the dog and the place and time of taking.
- B. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all kennel fees and other charges required under this chapter. (Ord. passed 6/3/96 (part))

4.04.120 Impoundment—Release conditions.

- A. Any dog so impounded shall be transported to a boarding kennel wherein it shall be kept until released by the authority of the impounding officer or his/her agent.
- B. The owner of any dog so impounded may affect a release of the dog after providing proof that such a dog is licensed, and payment of waiver fee and reasonable kennel fees for boarding of dogs at the impounding kennel.
- B. In the event that the dog does not have a current vaccination against rabies, the dog shall be vaccinated for rabies (>6 months) prior to release owner. The owner will pay all boarding, vaccination and penalty fees before the dog is released.

4.04.130 Unclaimed dogs—Disposition.

- A. Unless sooner redeemed by payment, it shall be the duty of the pound keeper or other official designated by the municipality to keep all dogs so impounded for a period of seven days. If, at the expiration of seven days from the initial date of impoundment, such dog shall not have been redeemed, it may be sold, given away or destroyed. Any proceeds from the sale of the impounded dog, over and above impoundment fees, license fees and other charges required under this chapter, shall be paid over to the owner, if any is found.

4.04.140 Unclaimed dogs—Owner responsible for costs.

- A. Any owner, if known, who elects not to redeem his/her dog and does not pay the boarding fees and impoundment fees within (30) thirty days of initial impoundment, may be assessed all of such fees and charges in a civil action brought under this chapter.

4.04.150 Interference with impoundment prohibited.

- A. Any person who interferes with the impounding of a dog under provision of this chapter, or releases or who attempts to release an impounded dog contrary to this chapter, shall be punished by fees not to exceed Five hundred dollars in an action brought under this chapter.

4.04.160 Confinement of Animals

- A. A person shall not leave an animal unattended in a standing or parked motor vehicle in a manner that would endanger the health or safety of the animal.
- B. Any police officer or Essex Animal Control may use reasonable force to remove any such animal from a motor vehicle. The official so removing an animal shall deliver the animal to a humane society, veterinarian or municipal kennel. If the owner of the animal cannot be found, the officer shall place a written notice in the vehicle, bearing the name of the officer and the department and address where the animal may be claimed. The owner shall be liable for reasonable expenses, and a lien may be placed on the animal for these expenses. The officer may not be held liable for criminal or civil liability for any damage resulting from actions taken under subsection (a) of this section.

*Cross reference. Humane and Proper Treatment of Animals,
See 13 V.S.A. § 876;*

4.04.170 Enforcement:

- A. This is a civil ordinance and shall be enforced by Enforcement Official in the Vermont Judicial Bureau in accordance with 24 V.S.A. § 1974a et seq.

4.04.180 Violations – Penalties:

- A. Any person in violation of any provisions of this chapter shall be fined pursuant to Chapter 4.04 Section 4.04.180. If any violation continues, each day shall constitute a new violation.

1. Waiver Fees

- a. An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the following waiver amount for each violation:

First Offense	\$50.00
Second Offense	\$100.00
Third and subsequent Offense	\$200.00
Offenses shall be counted on a calendar year basis.	

2. Civil Penalties

- a. An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation:

First Offense	\$100.00
Second Offense	\$200.00
Third and subsequent Offense	\$400.00
Offenses shall be counted on a calendar year basis.	

3. In addition to the enforcement procedures available before the Judicial Bureau, the town manager or designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

4.04.190 Severability

- A. If any portion of this ordinance and any amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance shall be amended this ordinance shall be deemed to refer to such statute as amended.

Title 4

ANIMALS

Chapters:

4.04 Dog Licensing and Control

Chapter 4.04

DOG LICENSING AND CONTROL*

Sections:

- 4.04.010 Definitions.**
- 4.04.020 License Requirements.**
- 4.04.030 Applicability—Statutory regulations on vicious dogs.**
- 4.04.040 Noisy dogs—Penalty for violation.**
- 4.04.050 Running at large—Penalty for violation.**
- 4.04.060 Impoundment—Contracting for services.**
- 4.04.070 Impoundment—Authorized When—Notice to owner.**
- 4.04.080 Impoundment—Release conditions.**
- 4.04.090 Unclaimed dogs—Disposition**
- 4.04.100 Unclaimed dogs—Owner responsible for costs.**
- 4.04.110 Interference with impoundment prohibited.**

*Prior ordinance history: Ordinances passed 07/11/88, 04/21/86 and 12/18/95.

4.04.010. Definitions.

Unless the context otherwise indicates, as used in this chapter:

A. "At large" means off the premises of the owner except for those areas as defined in subsection C of this section, and not under the control of the owner, a member of his immediate family, or an agent of the owner, by leash, cord or chain so that at all times the dog may be prevented from causing any damage, disturbance, nuisance or annoyance. Notwithstanding, any dog accompanied by its owner or keeper on the premises of another with permission which is neither threatening to persons, livestock, domestic or wild animals, nor causing damage, disturbance, nuisance or annoyance and is in obvious control of or is obedient to the commands of its owner or keeper shall not be considered to be at large.

B. "Person" means and shall include any person or persons, firm, association or corporation owning, keeping or harboring a dog.

C. Dogs shall be under control of the aforementioned individuals, but may be unrestrained by leash, cord or chain in the Saxon Hill Forest and the undeveloped area of Indian Brook Park which includes any areas except for the following: boat launch area, boat launch parking lot, upper parking lot, lower parking lot, dam and beach area, and picnic area on west side of Indian Brook Dam. (Ord. passed 06/03/96 (part))

4.04.020 License requirements.

No person shall keep a dog within the limits of the Town of Essex unless it is licensed in accordance with the requirements of the Vermont Statutes as are now in effect and as may be amended. (Ord. passed 06/03/96 (part))

4.04.030 Applicability—Statutory regulations on vicious dogs.

The ordinance codified in this chapter is in addition to any similar dog control ordinance enacted by the Village of Essex Junction and any powers granted by V.S.A. for

the control of dogs. Specifically, any vicious dogs shall be handled in the manner set forth under Section 3546 of Title 20 of the V.S.A. (Ord. passed 06/03/96 (part))

4.04.040 Noisy dogs—Penalty for violation.

A. No person shall keep or harbor any dog which, by frequent or long continued noise, disturbs the comfort or repose of persons in the vicinity.

B. Any person who keeps or harbors a dog in violation of this section shall be subject to a civil penalty of up to five hundred dollars (\$500) per day for each that such violation continues, with a mandatory minimum civil penalty set for that offense unless the person does not contest the municipal complaint and pays the waiver fee. 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 bureau a municipal complaint.

C. An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the following waiver amount for each violation:

First offense	\$25.00
Second offense	\$50.00
Third offense	\$100.00
Fourth and subsequent offenses	\$200.00

Offenses shall be counted on a calendar year basis.

D. An issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First offense	\$50.00
Second offense	\$100.00
Third offense	\$200.00
Fourth and subsequent offenses	\$400.00

Offenses shall be counted on a calendar year basis.

E. In addition to the enforcement procedures available before the traffic and municipal ordinance bureau, the town manager or designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law. (Ord. passed 06/03/96 (part))

4.04.050 Running at large—Penalty for violation.

A. No person shall permit or cause any dog to go at large within the Town of Essex, except for those areas defined in Section 4.04.010, subsection C. An owner or any person responsible for any dog deemed to be running at large, shall be held to have permitted such dog to go at large.

B. In lieu of impoundment as hereinafter provided, any owner allowing his/her dog to run at large in violation of this section shall be subject to a civil penalty of up to five hundred dollars (\$500) per day for each day that such violation continues with a mandatory minimum civil penalty that shall not be less than the civil penalty set for that offense unless the person does not contest the municipal complaint and pays the waiver fee. 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 bureau a municipal complaint.

1. An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the following waiver amount for each violation:

First offense	\$25.00
Second offense	\$50.00
Third offense	\$100.00
Fourth and subsequent offenses	\$200.00

Offenses shall be counted on a calendar year basis.

2. An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation:

First offense	\$50.00
Second offense	\$100.00
Third offense	\$200.00
Fourth and subsequent offenses	\$400.00

Offenses shall be counted on a calendar year basis.

3. In addition to the enforcement procedures available before the traffic and municipal ordinance bureau, the town manager or designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

C. A person who owns a dog or is responsible for the keeping or control of a dog shall be responsible for cleaning up after the dog when the dog is off such person's property. Any person who violates this section shall be subject to a civil penalty of up to five hundred dollars (\$500) per day for each day that such violation continues, with a mandatory minimum civil penalty that shall not be less than the civil penalty set for that offense unless the person does not contest the municipal complaint and the pays the waiver fee. 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 bureau a municipal complaint.

1. An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the following waiver amount for each violation:

First offense	\$25.00
Second offense	\$50.00
Third offense	\$100.00

Fourth and subsequent offenses	\$200.00
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Offenses shall be counted on a calendar year basis.

2. An issuing municipal official is authorized to recover civil penalties in the following amounts of each violation:

First offense	\$50.00
Second offense	\$50.00
Third offense	\$200.00
Fourth and subsequent offenses	\$400.00

Offenses shall be counted on a calendar year basis.

3. In addition to the enforcement procedures available before the traffic and municipal ordinance bureau, the town manager or designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law. (Ord. passed 6/3/96 (part))

4.04.060 Impounding—Contracting for services.

The Selectboard may enter into a contract or contracts with persons or firms for impoundment services and enforcement of this chapter. (Ord. passed 6/3/96 (part))

4.04.070 Impounding—Authorized when—Notice to owner.

Any dog running at large on public land or on land of other than its owner may be impounded by the constable of the Town of Essex or any police officer, deputy sheriff, or any person designated by the town for the control of dogs. Not later than two days after the impounding of any dog, the owner shall be notified, or, if the owner of the dog is unknown, written notice shall be posted for at least three days in three or more conspicuous places in the town describing the dog and the place and time of taking. The owner of any dog so impounded may re-

claim such dog upon payment of the license fee, if unpaid, and all kennel fees and other charges required under this chapter. (Ord. passed 6/3/96 (part))

4.04.080 Impoundment—Release conditions.

A. Any dog so impounded shall be transported to a boarding kennel wherein it shall be kept until released by the authority of the impounding officer or his/her agent.

B. The owner of any dog so impounded may affect a release of the dog after providing proof that such a dog is licensed, and payment of waiver fee and reasonable kennel fees for boarding of dogs at the impounding kennel.

C. In the event that the dog does not have a current vaccination against rabies, in addition to boarding charges and penalties, the owner shall deposit the sum of twenty dollars (\$20) with the town clerk, which shall be refunded upon licensing of the dog. (Ord. passed 6/3/96 (part))

4.04.090 Unclaimed dogs—Disposition.

Unless sooner redeemed by payment, it shall be the duty of the pound keeper or other official designated by the Selectboard to keep all dogs so impounded for a period of seven (7) days. If, at the expiration of seven (7) days from the initial date of impoundment, such dog shall not have been redeemed, it may be sold, given away or destroyed. Any proceeds from the sale of the impounded dog, over and above impoundment fees, license fees and other charges required under this chapter, shall be paid over to the owner, if any is found. (Ord. passed 6/3/96 (part))

4.04.100 Unclaimed dogs—Owner responsible for costs.

Any owner, if known, who elects not to redeem his/her dog and does not pay the

boarding fees and impoundment fees within thirty (30) days of initial impoundment, may be assessed all of such fees and charges in a civil action brought under this chapter. (Ord. passed 6/3/96 (part))

4.04.110 Interference with impoundment prohibited.

A. Any person who interferes with the impounding of a dog under provision of this chapter, or released or who attempts to release an impounded dog contrary to this chapter, shall be punished by fees not to exceed five hundred dollars (\$500) in an action brought under this chapter.

B. In lieu of impoundment as hereinafter provided, any owner allowing his/her dog to run at large in violation of this section shall be subject to a civil penalty of up to five hundred dollars (\$500) per day for each day that such violation continues, with a mandatory minimum civil penalty that shall not be less than the civil penalty set for that offense unless the person does not contest the municipal complaint and pays the waiver fee. 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 bureau a municipal complaint.

1. An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the following waiver amount for each violation:

First offense	\$25.00
Second offense	\$50.00
Third offense	\$100.00
Fourth and subsequent offenses	\$200.00

Offenses shall be counted on a calendar year basis.

2. An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation:

First offense	\$50.00
Second offense	\$100.00
Third offense	\$200.00
Fourth and subsequent offenses	\$400.00

Offenses shall be counted on a calendar year basis.

3. In addition to the enforcement procedures available before the traffic and municipal ordinance bureau, the town manager or designee is authorized to commence a civil action to obtain injunctive and other appropriate relief.

C. A person who owns a dog or is responsible for the keeping or control of a dog shall be responsible for cleaning up after the dog when the dog is off such person's property. Any person who violates this section shall be subject to a civil penalty of up to five hundred dollars (\$500) per day for each day that such violation continues, with a mandatory minimum civil penalty that shall not be less than the civil penalty set for that offense unless the person does not contest the municipal complaint and pays the waiver fee. 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 bureau a municipal complaint.

1. An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the following waiver amount for each violation:

First offense	\$25.00
Second offense	\$50.00
Third offense	\$100.00
Fourth and subsequent offenses	\$200.00

Offenses shall be counted on a calendar year basis.

2. An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation:

First offense	\$50.00
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Third offense	\$200.00
Fourth and subsequent offenses	\$400.00

Offenses shall be counted on a calendar year basis.

3. In addition to the enforcement procedures available before the traffic and municipal ordinance bureau, the town manager or designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law. (Ord. passed 6/3/96 (part))

**VILLAGE OF ESSEX JUNCTION
MUNICIPAL CODE
CHAPTER 5.
REGULATION OF DOGS**

SECTION 501:

No person shall keep a dog that becomes a public nuisance by excessive barking, howls, or any other manner. No person who owns a dog or is responsible for the keeping or control of a dog shall permit the dog to roam freely out of such person's control. "Control" is defined as being on the owner's property or being on a leash of the owner, agent or guardian of the dog. (Amended Sept. 8, 1998)

SECTION 502:

A person who owns a dog or is responsible for the keeping or control of a dog shall be responsible for cleaning up after the dog when the dog is off such person's property.

SECTION 503:

A person whose dog defecates off the owner's property or in the public right-of-way shall be required to pick up any fecal matter and properly dispose of it in a trash container. (*Amended 6/24/03*)

SECTION 504:

Dogs accompanied by an owner, agent or guardian shall be permitted to be off-leash within the confines of the fenced-in dog park located at 111 West Street, according to the regulations for use of the park as adopted and enforced by the Essex Junction Recreation Department. (*New Section 504 adopted 1/31/12*)

The Vermont Statutes Online

The statutes were updated in November, 2018, and contain all actions of the 2018 legislative session.

Title 20: Internal Security And Public Safety

Chapter 193: Domestic Pet Or Wolf-hybrid Control

Subchapter 1: General Provisions

§ 3541. Definitions

As used in this chapter:

- (1) "Secretary" where no other department is referenced means the Secretary of Agriculture, Food and Markets, and includes his or her designee.
- (2) "Domestic animal" means those animals defined by 6 V.S.A. § 1151(2).
- (3) "Domestic pet" or "pet" means any domestic dogs, domestic cats, and ferrets. The term shall also include such other domestic animals as the Secretary shall establish by rule, provided that the Secretary finds that the animal has the potential to become an imminent danger to public health or welfare if not subjected to the provisions of this chapter.
- (4) "Ferret" means only the European ferret (*Mustela putorius furo*).
- (5) "Legislative body" means the legislative body of a town, city, or incorporated village.
- (6) "Owner" means any person who owns a domestic pet or wolf-hybrid and includes any person who has actual or constructive possession of the pet or wolf-hybrid. The term also includes those persons who provide feed or shelter to a domestic pet or wolf-hybrid.
- (7) "Respondent" means a person alleged to have violated any provision of this chapter.
- (8) "Wolf-hybrid" means an animal that is the progeny or descendant of a domestic dog (*Canis familiaris*) and a wolf (*Canis lupus* or *Canis rufus*). "Wolf-hybrid" also means an animal that is advertised, registered, licensed, or otherwise described or represented as a wolf-hybrid by its owner or an animal that exhibits primary physical and behavioral wolf characteristics. The Commissioner of Fish and Wildlife shall adopt a rule describing primary physical and behavioral wolf characteristics.
- (9) "Working farm dog" means a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered as a working farm dog pursuant to subsection 3581(a) of this title.
- (10) "Pet dealer" means any person who sells or exchanges or who offers to sell or exchange cats, dogs, or wolf-hybrids, or any combination thereof, from three or more litters of cats, dogs, or wolf-hybrids in any 12-month period. This definition shall not apply to pet

shops, animal shelters, or rescue organizations as those terms are defined in section 3901 of this title. (Added 1993, No. 213 (Adj. Sess.), § 2, eff. June 15, 1994; amended 2003, No. 42, § 2, eff. May 27, 2003; 2009, No. 48, § 7, eff. May 28, 2009; 2013, No. 30, § 1.)

§ 3541a. Feral animals; responsibility

It is not the intent of the General Assembly to require a person to be responsible under this chapter for a feral animal that takes up residence in a building other than the person's home, even if the person occasionally provides feed to the animal. (Added 2013, No. 30, § 2.)

§§ 3542-3544. Repealed. 1977, No. 215 (Adj. Sess.), § 15, eff. April 12, 1978.

§ 3545. Right to kill domestic pets or wolf-hybrids generally

(a) A person may kill a domestic pet or wolf-hybrid that suddenly assaults him or her or when necessary to discontinue an attack upon the person or another person provided that the attack or assault does not occur while the domestic pet or wolf-hybrid is restrained, within an enclosure containing the domestic pet or wolf-hybrid, or on the premises of the owner.

(b) A domestic pet or wolf-hybrid found wounding, killing or worrying another domestic pet or wolf-hybrid, a domestic animal or fowl may be killed when the attendant circumstances are such that the killing is reasonably necessary to prevent injury to the animal or fowl which is the subject of the attack. (Amended 1977, No. 215 (Adj. Sess.), § 1, eff. April 12, 1978; 1979, No. 92 (Adj. Sess.), § 1, eff. Feb. 28, 1980; 1993, No. 213 (Adj. Sess.), § 3, eff. June 15, 1994.)

§ 3546. Investigation of vicious domestic pets or wolf-hybrids; order

(a) When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the legislative body of the municipality. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation required by subsection (b) of this section.

(b) The legislative body, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.

(c) If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzled, chained, or confined.

The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in section 3550 of this chapter.

(d) The procedures provided in this section shall apply if the domestic pet or wolf-hybrid is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of subchapter 5 of this chapter and the rules of the department of health shall apply.

(e) The procedures provided in this section shall not apply if the voters of a municipality, at a special or annual meeting duly warned for the purpose, have authorized the legislative body of the municipality to regulate domestic pets or wolf-hybrids by ordinances that are inconsistent with this section, in which case those ordinances shall apply. (Amended 1977, No. 215 (Adj. Sess.), § 2, eff. April 12, 1978; 1993, No. 213 (Adj. Sess.), § 4, eff. June 15, 1994; 2007, No. 121 (Adj. Sess.), § 15.)

§ 3547. Repealed. 1977, No. 215 (Adj. Sess.), § 15, eff. April 12, 1978.

§ 3548. Application to unorganized towns and gores; supervisors

The provisions of subchapters 1, 2, 4 and 5 of this chapter shall apply to unorganized towns and gores, and the duties imposed upon municipal clerks by this chapter shall, in unorganized towns and gores, be performed by the supervisors thereof. (Amended 1993, No. 213 (Adj. Sess.), § 5, eff. June 15, 1994.)

§ 3549. Domestic pets or wolf-hybrids; regulation by towns

The legislative body of a city or town by ordinance may regulate the licensing, keeping, leashing, muzzling, restraint, impoundment, and destruction of domestic pets or wolf-hybrids and their running at large, except that a legislative body of a city or town shall not prohibit or regulate the barking or running at large of a working farm dog when it is on the property being farmed by the person who registered the working farm dog, pursuant to subsection 3581(a) of this title, in the following circumstances:

(1) if the working farm dog is barking in order to herd or protect livestock or poultry or to protect crops; or

(2) if the working farm dog is running at large in order to herd or protect livestock or poultry or to protect crops. (Added 1967, No. 300 (Adj. Sess.), § 1, eff. March 20, 1968; amended 1993, No. 213 (Adj. Sess.), § 6, eff. June 15, 1994; 2007, No. 121 (Adj. Sess.), § 16; 2009, No. 48, § 8, eff. May 28, 2009; 2013, No. 162 (Adj. Sess.), § 2.)

§ 3550. Penalties; enforcement; municipal legislative body; Secretary

(a) A municipal legislative body or an officer designated by the Secretary may impose a civil penalty of up to \$500.00 per violation in accordance with the provisions of this section.

(b) A municipal legislative body may impose penalties for violation of any provisions of subchapter 1 or 2, refusal to obtain a pet dealer permit under subchapter 3, or a refusal to comply with an order issued by a municipal officer under subchapter 5 of this chapter.

(c) An officer designated by the Secretary may impose penalties for violation of a rule adopted by a State agency under subchapter 5 of this chapter, violation of a quarantine order issued under subchapter 5 of this chapter, or refusal to comply with an order issued by a State officer under subchapter 5 of this chapter.

(d) In determining the amount of the civil penalty to be ordered, the legislative body or officer shall consider the following:

- (1) the degree of actual or potential impact on public health, safety, and welfare resulting from the violation;
- (2) whether the respondent has cured the violation;
- (3) the presence of mitigating circumstances;
- (4) whether the respondent knew or had reason to know the violation existed;
- (5) the respondent's record of compliance;
- (6) the deterrent effect of the penalty;
- (7) the costs of enforcement; and
- (8) the length of time the violation has existed.

(e) When the legislative body or officer has reasonable grounds to believe that a person has violated a provision of this chapter under its purview, the legislative body or officer may issue a notice of the alleged violation, which shall be delivered to the respondent in person or mailed to the respondent by registered mail. The notice of violation shall include:

- (1) a civil penalty of up to \$500.00;
- (2) a brief description of the alleged violation and identification of the law alleged to have been violated;
- (3) a statement that the respondent has a right to a hearing before the legislative body or a hearing officer designated by the Secretary at no cost to the respondent, a description of the procedures for requesting a hearing, and a statement that failure to request a hearing within 21 days of the date of mailing of the notice shall result in a final decision with no right of appeal; and
- (4) if applicable, a directive that the respondent take actions necessary to achieve compliance with the law.

(f) A person who receives a notice of violation shall be offered an opportunity for a hearing before the legislative body or hearing officer, provided that the request for hearing is made in writing to the clerk of the municipality or the Secretary no later than 21 days after the date of mailing of the notice of violation. If the respondent does not request a hearing in a timely fashion, the decision shall be final and the penalty shall be payable within 35

days following mailing of the notice of violation. If the respondent does make a timely request for a hearing, the legislative body or hearing officer shall hold a hearing within 14 days of receipt of the request. After the hearing, the legislative body or hearing officer may affirm, reduce, or eliminate the penalty. The decision shall be delivered or mailed to the respondent in the same manner as the notice of violation and shall be effective five days following mailing of the decision or immediately following delivery of the decision.

(g) Imposition of a penalty under this subchapter precludes imposition of any other administrative or civil penalty under any other provision of law for the same violation.

(h) The civil penalty shall be paid to the enforcing agency or enforcing legislative body. If the respondent fails to pay the penalty within the time prescribed, the legislative body or Secretary may bring a collection action, including a small claims action, in the Civil Division of the Superior Court.

(i) A respondent aggrieved by a decision made following a hearing before the legislative body or hearing officer may appeal within 30 days of receipt of the decision to the Civil Division of the Superior Court, which shall consider the matter de novo.

(j) On application of a municipality or the Secretary, the Civil Division of the Superior Court shall have jurisdiction to enjoin the violation of any provision of this chapter. The Court may also authorize the seizure and disposition of domestic pets or wolf-hybrids when owners refuse to have the pets or wolf-hybrids inoculated or licensed, or when the Court determines that there is a threat to the public welfare. (Added 1993, No. 213 (Adj. Sess.), § 7, eff. June 15, 1994; amended 2013, No. 30, § 3; 2015, No. 23, § 147.)

§ 3551. Search warrants

An officer who has attempted to seize a domestic pet or wolf-hybrid under sections 3546, 3549, 3624, 3745, 3806, or 3807 of this chapter and has not been permitted to search for or take the animal, may apply to a judicial officer authorized to issue search warrants for a warrant to search the properties of the owner of the animal or any other property if the officer has reasonable cause to believe that the animal may be on it. If the judicial officer is satisfied that there is a reasonable cause to believe that the animal is on a property, the judicial officer shall issue a search warrant authorizing a law enforcement officer of the state of Vermont to search the property and premises for the animal within a specified period of time not to exceed 10 days and to seize the animal. The warrant shall be served between the hours of 6:00 A.M. and 10:00 P.M. unless the warrant directs that it may be served at any time. The judicial officer may, by appropriate provision in the warrant, and for reasonable cause shown, authorize its execution at other times. The warrant shall designate the court to which it shall be returned. (Added 1993, No. 213 (Adj. Sess.), § 8, eff. June 15, 1994.)

Subchapter 2: Licenses

§ 3581. General requirements

(a) A person who is the owner of a dog or wolf-hybrid more than six months old shall annually on or before April 1 cause it to be registered, numbered, described, and licensed on a form approved by the Secretary for one year from that day in the office of the clerk of the municipality in which the dog or wolf-hybrid is kept. A person who owns a working farm dog and who intends to use that dog on a farm pursuant to the exemptions in section 3549 of this title shall cause the working farm dog to be registered as a working farm dog and shall, in addition to all other fees required by this section, pay \$5.00 for a working farm dog license. The owner of a dog or wolf-hybrid shall cause it to wear a collar, and attach thereto a license tag issued by the municipal clerk. Dog or wolf-hybrid owners shall pay for the license \$4.00 for each neutered dog or wolf-hybrid, and \$8.00 for each unneutered dog or wolf-hybrid. If the license fee for any dog or wolf-hybrid is not paid on or before April 1, its owner or keeper may thereafter procure a license for that license year by paying a fee of 50 percent in excess of that otherwise required.

(b) Before a person shall be entitled to obtain a license for a neutered dog or wolf-hybrid, he or she shall exhibit to the clerk a certificate signed by a duly licensed veterinarian showing that the dog or wolf-hybrid has been sterilized.

(c)(1) A mandatory license fee surcharge of \$4.00 per license shall be collected by each city, town, or village for the purpose of funding the dog, cat, and wolf-hybrid spaying and neutering program established in chapter 193, subchapter 6 of this title.

(2) An optional license fee surcharge of up to \$10.00 per license is to be implemented by the legislative body of a city, town, or village that has established an animal and rabies control program for the sole purpose of funding the rabies control program.

(3) The license fee surcharges in this subsection shall not be considered part of the license fee for purposes of calculating a penalty for late payment.

(d) Before obtaining a license for a dog or wolf-hybrid six months of age or older, a person shall deliver to the municipal clerk a certificate or a certified copy thereof issued by a duly licensed veterinarian, stating that the dog or wolf-hybrid has received a current preexposure rabies vaccination with a vaccine approved by the Secretary, and the person shall certify that the dog or wolf-hybrid described in the certificate or copy is the dog or wolf-hybrid to be licensed. The municipal clerk shall keep the certificates or copies thereof on file. The Secretary shall prescribe the size and format of rabies certificates. The owner of any such dog or wolf-hybrid shall maintain a copy of the rabies vaccination form and provide it to State or municipal officials upon request.

(e) For the purposes of licensing a dog or wolf-hybrid, a current vaccination against rabies means that:

(1) All dog and wolf-hybrid vaccinations recognized by State and local authorities shall be administered by a licensed veterinarian or under the supervision of a licensed veterinarian.

(2) All dogs and wolf-hybrids over three months of age shall be vaccinated against rabies. The initial vaccination shall be valid for 12 months. Within nine to 12 months of the initial vaccination, the animal must receive a booster vaccination.

(3) All subsequent vaccinations following the initial vaccination shall be valid for 36 months.

(4) All vaccinations, including the initial vaccination, shall be with a U.S. Department of Agriculture-approved three-year rabies vaccine product.

(f) In addition to the license fees assessed in subsections (a) and (c) of this section and section 3583 of this title, municipal clerks shall assess a \$1.00 fee for each license sold. The clerks shall forward the fees collected under this subsection to the State Treasurer on or before the 15th day of May, September, and January of each year, together with an accounting of the licenses sold. The funds collected under this subsection are to be used for rabies control programs. For this purpose, on or before the 30th days of May, September, and January, the State Treasurer shall disburse the funds collected under this subsection as follows:

(1) Forty-five percent to the Fish and Wildlife Fund.

(2) Forty-five percent to the Commissioner of Health.

(3) Ten percent to the Secretary of Agriculture, Food and Markets. (Amended 1965, No. 36, § 1, eff. April 28, 1965; 1966, No. 62 (Sp. Sess.), § 1; 1977, No. 215 (Adj. Sess.), § 3, eff. April 12, 1978; 1979, No. 92 (Adj. Sess.), § 3, eff. Feb. 28, 1980; 1989, No. 256 (Adj. Sess.), § 10(a); eff. Jan. 1, 1991; 1993, No. 213 (Adj. Sess.), § 9, eff. April 1, 1995; 2001, No. 39, § 5; 2003, No. 42, § 2, eff. May 27, 2003; 2003, No. 163 (Adj. Sess.), §§ 37, 38; 2007, No. 153 (Adj. Sess.), § 13; 2009, No. 48, § 9, eff. May 28, 2009; 2015, No. 57, § 31; 2017, No. 113 (Adj. Sess.), § 144.)

§ 3581a. Immunization

(a) An owner of a domestic pet or wolf-hybrid shall have that animal inoculated against rabies by a licensed veterinarian in accordance with section 3581 of this title, if applicable, and with rules adopted by the secretary.

(b) No rabies vaccine may be used for domestic pets unless it is first approved by the secretary.

(c) Until the secretary approves a rabies vaccine for use on wolf-hybrids, these animals shall be vaccinated with a vaccine approved by the secretary for domestic dogs and a veterinarian inoculating a wolf-hybrid in accordance with this section shall not be liable for the failure of the rabies vaccine to protect the animal from rabies nor for any adverse reaction that may be attributable to the vaccination.

(d) A person may use an approved vaccine to inoculate a feral feline that takes up residence in a building other than the person's home and need not use the services of a licensed veterinarian for this purpose.

(e) The secretary of the agency of agriculture, food and markets and the department of health shall provide notices to veterinarians designed to help them to inform people about the provisions of this section regarding cats, wolf-hybrids and other domestic pets. (Added 1993, No. 213 (Adj. Sess.), § 10, eff. June 15, 1994; amended 2003, No. 42, § 2, eff. May 27, 2003.)

§ 3582. Dogs or wolf-hybrids obtained after April 1

A person who becomes the owner after April 1 of a dog or wolf-hybrid six months old which has not been licensed, or a person who owns, keeps or harbors a dog or wolf-hybrid in which becomes six months old after April 1 shall within 30 days apply for and obtain a license for the dog or wolf-hybrid the same manner as the annual license is obtained. If an application under this section is made after October 1, the fee for the license shall be one-half the amount otherwise required. If the license fee is not paid within 30 days, the owner may thereafter procure a license for that license year by paying a license fee of 50 percent in excess of that otherwise required. (Amended 1977, No. 215 (Adj. Sess.), § 4, eff. April 12, 1978; 1979, No. 92 (Adj. Sess.), § 4, eff. Feb. 28, 1980; 1993, No. 213 (Adj. Sess.), § 11, eff. April 1, 1995.)

§ 3582a. Repealed. 1977 (Adj. Sess.), § 15, eff. April 12, 1978.

§ 3583. Domestic pets and wolf-hybrids kept for breeding purposes

(a) The owner or keeper of domestic pets and wolf-hybrids kept for breeding purposes may take out annually, on or before April 1, a special license for the domestic pets or wolf-hybrids, provided:

(1) He or she keeps the domestic pets or wolf-hybrids within a proper enclosure. A proper enclosure is a locked fence or structure of sufficient height and sufficient depth into the ground to prevent the entry of young children and to prevent the animal from escaping. A proper enclosure also provides humane shelter for the animal.

(2) The domestic pets or wolf-hybrids at all times have a current vaccination against rabies.

(3) When the number of domestic pets or wolf-hybrids so kept does not exceed ten, the fee shall be \$30.00 and for each additional domestic pet or wolf-hybrid so kept, an annual fee of \$3.00.

(b) Domestic pets and wolf-hybrids covered by the special license hereunder shall be exempt from other license fees, and all licenses under this section are exempt from the surcharge enacted under subsection (c) of section 3581 of this title.

(c) If the license fee is not paid by April 1, the owner or keeper may thereafter procure a license for that license year by paying a fee of 50 percent in excess of that otherwise required. These license fees are in addition to any fees required for the operation of a kennel under subchapter 3 of this chapter. (Amended 1977, No. 215 (Adj. Sess.), § 5, eff. April 12, 1978;

1979, No. 92 (Adj. Sess.), § 5, eff. Feb. 28, 1980; 1993, No. 213 (Adj. Sess.), § 12, eff. April 1, 1995.)

§§ 3584-3586. Repealed. 1977, No. 215 (Adj. Sess.), § 15, eff. April 12, 1978.

§ 3587. Dogs brought into state

Without obtaining a Vermont license, a person may bring or cause to be brought into the state for a period not exceeding 90 days, one or more licensed dog or dogs bearing the identification of the owner, provided that the owner possesses a certificate signed by a licensed veterinarian or a state official of any other state that the dog has received a rabies vaccination that is current for the 90 days following entry into the state. (Amended 1977, No. 215 (Adj. Sess.), § 6, eff. April 12, 1978; 1979, No. 92 (Adj. Sess.), § 6, eff. Feb. 28, 1980.)

§ 3588. Issuance of licenses; record of licenses

Municipal clerks shall issue licenses and receive the money therefor, and pay the same into the municipal treasury, within 60 days of the receipt thereof, retaining to their own use \$2.00 for each license or permit, and shall return therewith a sworn statement of the amount of moneys thus received and paid over by them. (Amended 1966, No. 62 (Sp. Sess.), § 3; 1971, No. 84, § 11; 1977, No. 215 (Adj. Sess.), § 7, eff. April 12, 1978; 1993, No. 213 (Adj. Sess.), § 13, eff. June 15, 1994.)

§ 3589. Record of licenses

Municipal clerks shall also keep a record of licenses issued by them, with the names of the owners or keepers of the dogs or wolf-hybrids licensed and the names, registered numbers and descriptions of such dogs or wolf-hybrids. (Amended 1993, No. 213 (Adj. Sess.), § 14, eff. April 1, 1995.)

§ 3590. List of dogs and wolf-hybrids not licensed

(a) The legislative body shall annually designate one or more persons to maintain a list of unlicensed, inoculated and licensed dogs and wolf-hybrids owned or kept in their municipality and to submit the list to the municipal clerk.

(b) On receiving a list of dogs and wolf-hybrids from persons authorized by the legislative body, the municipal clerk shall notify the owners or keepers of all dogs and wolf-hybrids named on the list that have not already been licensed or inoculated, and after May 30 shall furnish to the legislative body a list of dogs and wolf-hybrids not licensed or inoculated as required by law. Owners shall also be notified that unlicensed or uninoculated dogs or wolf-hybrids may be destroyed. (Amended 1965, No. 36, § 3, eff. April 28, 1965; 1977, No. 215 (Adj. Sess.), § 8, eff. April 12, 1978; 1979, No. 92 (Adj. Sess.), § 7, eff. Feb. 28, 1980; 1993, No. 213 (Adj. Sess.), § 15, eff. April 1, 1995.)

§ 3591. Transfer of license

A license from a municipal clerk shall be valid in any part of the state and may be transferred with the dog or wolf-hybrid licensed, provided such license is recorded by the clerk of the municipality where such dog or wolf-hybrid is kept. (Amended 1993, No. 213 (Adj. Sess.), § 16, eff. April 1, 1995.)

§ 3592. Repealed. 1993, No. 213 (Adj. Sess.), § 32, eff. June 15, 1994.

§ 3621. Issuance of warrant to impound; complaint

(a)(1) The legislative body of a municipality may at any time issue a warrant to one or more police officers, constables, pound keepers, or appointed animal control officers, directing them to proceed forthwith to impound all dogs or wolf-hybrids within the town or city not licensed according to the provisions of this subchapter, except as exempted by section 3587 of this title, and to enter a complaint against the owners or keepers thereof.

(2) A dog or wolf-hybrid impounded by a municipality under this section may be transferred to an animal shelter or rescue organization for the purpose of finding an adoptive home for the dog or wolf-hybrid. If the dog or wolf-hybrid cannot be placed in an adoptive home or transferred to a humane society or rescue organization within ten days, or a greater number of days established by the municipality, the dog or wolf-hybrid may be destroyed in a humane way. The municipality shall not be liable for expenses associated with keeping the dog or wolf-hybrid at the animal shelter or rescue organization beyond the established number of days.

(b) A municipality may waive the license fee for a dog or wolf-hybrid impounded pursuant to subsection (a) of this section for the current year upon a showing of current vaccinations and financial hardship. In the event of waiver due to financial hardship, the State shall not receive its portion of a dog license fee. (Amended 1977, No. 215 (Adj. Sess.), § 10, eff. April 12, 1978; 1979, No. 92 (Adj. Sess.), § 2, eff. Feb 28, 1980; 1993, No. 213 (Adj. Sess.), § 17, eff. April 1, 1995; 2009, No. 121 (Adj. Sess.), § 3; 2013, No. 162 (Adj. Sess.), § 4.)

§ 3622. Form of warrant

Such warrant shall be in the following form:

State of Vermont:)

)

)

_____ County, ss.)

To _____, constable or police officer of the town or city of

_____:

By the authority of the State of Vermont, you are hereby commanded forthwith to impound all dogs and wolf-hybrids not duly licensed according to law, except as exempted by 20 V.S.A. § 3587; and you are further required to make and return complaint against the owner or keeper of any such dog or wolf-hybrid. A dog or wolf-hybrid that is impounded may be transferred to an animal shelter or rescue organization for the purpose of finding an adoptive home for the dog or wolf-hybrid. If the dog or wolf-hybrid cannot be placed in an adoptive home or transferred to a humane society or rescue organization within ten days, or a greater number of days established by the municipality, the dog or wolf-hybrid may be destroyed in a humane way.

Hereof fail not, and due return make of this warrant, with your doings thereon, within 90 days from the date hereof, stating the number of dogs or wolf-hybrids destroyed and the names of the owners or keepers thereof, and whether all unlicensed dogs or wolf-hybrids in such town (or city) have been destroyed, and the names of persons against whom complaints have been made under the provisions of 20 V.S.A. chapter 193, subchapters 1, 2, and 4, and whether complaints have been made and returned against all persons who have failed to comply with the provisions of such subchapter. Given under our (my) hands at _____ aforesaid, this _____ day of _____, 20 _____.

Legislative Body

(Amended 1977, No. 215 (Adj. Sess.), § 11 eff. April 12, 1978; 1993, No. 213 (Adj. Sess.), § 18, eff. April 1, 1995; 2011, No. 155 (Adj. Sess.), § 5.)

§ 3623. Constable to make complaints

A constable to whom such warrant has been issued shall make complaints therein required to be made to the designee of the legislative body of the municipality. (Amended 2017, No. 93 (Adj. Sess.), § 17.)

§ 3624. Who may destroy; fees

A police officer or constable shall humanely destroy or cause to be destroyed dogs or wolf-hybrids whenever a warrant has been issued authorizing such actions, except as exempted by section 3587 of this title. Any action must be taken within 90 days of the issuance of the warrant. The officer shall incinerate, bury or cause to be buried or otherwise properly dispose of their remains.

Any officers, other than those employed under regular pay, shall receive compensation for each dog or wolf-hybrid so destroyed as authorized by the legislative body of their respective towns. Bills for any services shall be approved by the legislative body of the municipality in which the dogs or wolf-hybrids are destroyed, and paid from moneys received

under the provisions of this subchapter. (Amended 1977, No. 215 (Adj. Sess.), § 12 eff. April 12, 1978; 1993, No. 213 (Adj. Sess.), § 19, eff. April 1, 1995.)

§ 3625. Return by officers

Each police officer or constable to whom such warrant is issued shall make the return therein directed to the authority issuing the warrant within 90 days from its date. (Amended 1977, No. 215 (Adj. Sess.), § 13, eff. April 12, 1978.)

§ 3626. Certificate to state's attorney

The selectmen or mayor shall annually, within ten days from July 25, transmit a certificate, subscribed and sworn to, of the fact of the issue of such warrant, and whether the same has been duly executed and returned agreeably to the provisions of this chapter, to the state's attorneys of their respective counties, who shall prosecute town officers who fail to comply with the provisions of this subchapter.

§ 3627. Repealed. 1993, No. 213 (Adj. Sess.), § 32, eff. June 15, 1994.

Subchapter 3: Kennels

§ 3681. Pet dealer permit

A pet dealer shall apply to the municipal clerk of the town or city in which the cats, dogs, or wolf-hybrids are kept for a pet dealer permit to be issued on forms prescribed by the Secretary and pay the clerk a fee of \$25.00 for the same. A pet dealer who acquires a pet dealer permit shall allow inspections of the pet dealer's premises pursuant to section 3682 of this title as a condition of receiving and retaining the permit. The provisions of subchapters 1, 2, and 4 of this chapter not inconsistent with this subchapter shall apply to the pet dealer permit, which shall be in addition to other permits required. A pet dealer permit shall expire on March 31 next after issuance and shall be displayed prominently on the premises on which the cats, dogs, or wolf-hybrids are kept. If the permit fee is not paid by April 1, the owner or keeper may thereafter procure a permit for that license year by paying a fee of 50 percent in excess of that otherwise required. Municipal clerks shall maintain a record of the type of animals being kept by the permit holder. Upon issuance of the pet dealer permit, the municipal clerk shall provide the pet dealer with a copy of Part 3 (Standards) of the Animal Welfare Regulations adopted by the Agency of Agriculture, Food and Markets relating to cats, dogs, and wolf-hybrids. The municipal clerk shall also provide the pet dealer with contact information for the Animal Health Section within the Division of Food Safety and Consumer Protection of the Agency of Agriculture, Food and Markets and with information from the Department of Taxes on sales tax obligations for the sale of pets. (Amended 1971, No. 27, § 2, eff. March 24, 1971; 1971, No. 84, § 12; 1977, No. 215 (Adj. Sess.), § 14, eff. April 12, 1978; 1993, No. 213 (Adj. Sess.), § 20, eff. April 1, 1995; 2013, No. 30, § 4.)

§ 3682. Inspection of premises

(a) The pet dealer's premises may be inspected upon the issuance of the pet dealer permit or at any time the pet dealer permit is in effect. Inspections may be conducted by a municipal animal control officer, a law enforcement officer as that term is defined in 23 V.S.A. § 4(11), or a representative of the Agency of Agriculture, Food and Markets. The inspector may, at his or her discretion and with the approval of the municipality, be accompanied by a veterinarian or an officer or agent of a humane society incorporated in Vermont. This section shall not create an obligation on the part of any municipal legislative body to conduct inspections.

(b) Inspections shall be scheduled in advance with the pet dealer or pet dealer's agent. Inspections shall be conducted to facilitate compliance with the applicable standards in Part 3 (Standards) of the Animal Welfare Regulations adopted by the Agency of Agriculture, Food and Markets relating to cats, dogs, and wolf-hybrids. The person or persons authorized to inspect the pet dealer's premises shall be accompanied by the pet dealer or pet dealer's agent. If the pet dealer's premises are also used for human habitation, the inspection may occur only in those areas of the premises used for animal housing, animal care, birthing, and storage of food and bedding. Photographs or videos of the pet dealer's premises or property shall not be taken during an inspection and while on the pet dealer's premises without the written consent of the permit holder. Repeated failure to consent to an inspection may result in a revocation of the pet dealer permit.

(c) If an inspector, during the course of an inspection under this section, has reason to believe that a criminal animal welfare violation exists on the pet dealer's premises, nothing in this chapter shall preclude a criminal investigation into the suspected violation or shall preclude seeking the remedies available under 13 V.S.A. chapter 8. Assessment of an administrative penalty under this chapter shall not prevent assessment of a criminal penalty under 13 V.S.A. chapter 8.

(d) The inspector shall record the results of each inspection in a log and sign and date each entry. The entries shall be submitted to the municipality, which shall maintain records of all pet dealer inspections. A copy of the inspection results shall be provided to the permit holder. (Amended 1971, No. 27, § 3, eff. March 24, 1971; 1989, No. 256 (Adj. Sess.), § 10(a), eff. Jan. 1, 1991; 2003, No. 42, § 2, eff. May 27, 2003; 2013, No. 30, § 5.)

§ 3683. Quarantine of premises

In the event such officer, representative or agent and veterinarian shall find that domestic pets or wolf-hybrids are kept under unsanitary or inhumane conditions, that there is communicable disease among them, or that the condition of the domestic pets or wolf-hybrids is such as to jeopardize or endanger the health or safety of persons, they shall quarantine said premises by an order in writing delivered to the holder of the permit, which quarantine shall remain in effect until the conditions affording a basis for such quarantine order have been remedied. (Amended 1971, No. 27, § 4, eff. March 24, 1971; 1993, No. 213 (Adj. Sess.), § 21, eff. April 1, 1995.)

§ 3684. Offenses; bill of costs in prosecution

The person operating a kennel who is found to have neglected to remedy conditions specified in said quarantine order, other than the prevalence of contagious disease, within ten days after receiving notice of such order, or who sells, gives away or otherwise removes a domestic pet or wolf-hybrid under quarantine or affected with a contagious disease, shall be subject to the penalty provided in 13 V.S.A. § 353(a)(1). Necessary fees and expenses of a veterinarian designated by such officer or agent shall be included in the bill of costs in a prosecution made hereunder and shall be taxed to the respondent. (Amended 1993, No. 213 (Adj. Sess.), § 22, eff. April 1, 1995.)

Subchapter 4: Damages By Dogs

§§ 3741-3747. Repealed. 2011, No. 155 (Adj. Sess.), § 4.

Subchapter 5: Control Of Rabies

§ 3801. Rabies control authority

(a) In the event of an outbreak of rabies, the secretary of agriculture, food and markets, the commissioner of fish and wildlife, and the commissioner of health shall work together to assist the affected towns. In addition to the responsibilities provided by this chapter, the agency of agriculture, food and markets shall generally be responsible for management of rabies in livestock, education of veterinarians and livestock owners concerning rabies and vaccination recommendations for livestock. The department of fish and wildlife shall generally be responsible for management of rabies in wildlife and the education of the sporting community, municipal officials and the general public about rabies in wildlife. The department of health shall generally be responsible for the prevention of rabies in humans, management of rabies in animals that may have exposed humans, and assisting with diagnosis of rabies in animals that may have exposed humans and supervision of health officials' education.

(b) In addition to any other applicable authority, the agency of agriculture, food and markets, the department of health, and the department of fish and wildlife, may individually, or jointly, adopt rules to control the spread of rabies within a specific region, or within the state as a whole. The secretary of agriculture, food and markets is authorized to adopt rules necessary to control the spread of rabies in domestic animals, domestic pets and wolf-hybrids, including mandating the vaccination of specific species of animals, the conditions under which rabies inoculation clinics may be operated and establishing quarantines for domestic animals. The commissioner of fish and wildlife is authorized to adopt rules necessary to control the spread of rabies in wildlife, including mandating the vaccination of specific species of wild animals, translocation of wild animals and the destruction of wild animals through the use of registered pesticides, trapping or other means as may be necessary. The commissioner of health is authorized to adopt rules requiring the

reporting of incidents of animals biting humans, the confinement, quarantine, observation and disposition of animals that are suspected of exposing humans to rabies, and the disposition of animals bitten by animals suspected of carrying rabies and other rules as necessary to protect the general public from rabies.

(c) The agency of agriculture, food and markets, the department of health, and the department of fish and wildlife, may cooperate with other federal, state and local officials in controlling the spread of rabies within the state and within the region. (Amended 1965, No. 36, § 4, eff. April 28, 1965; 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1989, No. 256 (Adj. Sess.), § 10(a), eff. Jan. 1, 1991; 1993, No. 213 (Adj. Sess.), § 23, eff. June 15, 1994; 2003, No. 42, § 2, eff. May 27, 2003.)

§ 3802. Quarantine

With the approval of the governor, a town, county or the entire state may be placed under quarantine for such time as may be considered necessary by the commissioner of health, or the secretary of agriculture, food and markets. (Amended 1993, No. 213 (Adj. Sess.), § 24, eff. June 15, 1994; 2003, No. 42, § 2.)

§ 3803. Notice

When a quarantine is established as provided in section 3802 of this title notice of such quarantine shall be sent to the chairman of boards of selectmen, mayors, health officers and to the town clerk of each municipality in the quarantined area. Notice of such quarantine shall be printed in one or more newspapers circulating in the quarantined area.

§§ 3804, 3805. Repealed. 1965, No. 36, § 6, eff. April 28, 1965.

§ 3806. Confining or impounding a domestic pet or wolf-hybrid

(a) Any person authorized to enforce state livestock disease control, health, wildlife, or criminal laws and any person authorized to enforce local ordinances may confine, or impound any domestic pet or wolf-hybrid when:

- (1) It is suspected of having been exposed to rabies.
- (2) It is believed to have been attacked by another animal which may be rabid.
- (3) It has been attacked by a wild animal.
- (4) It has been running at large in violation of any of the provisions of this subchapter.
- (5) It has an unknown rabies vaccination history.

(b) In the event that a domestic pet or wolf-hybrid is confined or impounded under this section, the owner, if known, shall be notified within 24 hours. Notification may be accomplished by in-person communication, by telephone call, or by written statement sent to the last known address of the owner. If the owner's address is not known, notification may be posted in the municipal clerk's office and other usual places for public notice for a one-week period.

(c) Any domestic pet or wolf-hybrid which is considered a rabies suspect shall be managed in accordance with the rules of the department of health. Rules adopted by the department of health in accordance with this chapter shall provide for management of domestic pets or wolf-hybrids for whom there is no approved rabies vaccine. (Amended 1993, No. 213 (Adj. Sess.), § 25, eff. June 15, 1994.)

§ 3807. Killing a domestic pet or wolf-hybrid

(a) When the legislative body, a municipal officer designated by the legislative body, the commissioner of the department of fish and wildlife, the commissioner of the department of health, or the secretary of the agency of agriculture, food and markets reasonably suspects that a domestic pet or wolf-hybrid impounded under section 3806 of this title has been exposed to rabies, has been attacked by a rabid animal or has been running at large in violation of any of the provisions of this subchapter the official shall order the domestic pet or wolf-hybrid to be killed. However, if the official finds that it is not reasonable to suspect that a domestic pet or wolf-hybrid impounded under section 3806 of this title is rabid or has been exposed to rabies, the official may deliver the domestic pet or wolf-hybrid to the owner. When it is impractical to confine or impound a domestic pet or wolf-hybrid pursuant to section 3806 of this title, or when the owner of a domestic pet or wolf-hybrid confined or impounded cannot be ascertained, the officials may immediately order the domestic pet or wolf-hybrid to be killed.

(b) In the event that a domestic pet is suspected of exposing a human, pet, wolf-hybrid, or domestic animal to rabies, it shall be managed in accordance with the provisions of this subchapter and the rules of the department of health.

(c) Since there is no approved preexposure rabies vaccine for wolf-hybrids, until the commissioner finds and approves a rabies vaccine, any wolf-hybrid which bites or otherwise exposes a human, pet, or domestic animal to rabies shall immediately be destroyed and its head shall be sent to the state department of health for the purpose of testing its brain tissue for the presence of the disease. If an alternative means of testing is provided by rule of the department of health, that procedure may be substituted for the procedure described in this subsection. The legislative body of the municipality or a municipal officer designated by the legislative body shall be responsible for ensuring the provisions of this subsection are carried out. (Amended 1993, No. 213 (Adj. Sess.), § 26, eff. June 15, 1994; 2003, No. 42, § 2, eff. May 27, 2003.)

§ 3808. Fees for killing domestic pets or wolf-hybrids

Officers shall be entitled to the same fees for killing domestic pets or wolf-hybrids under the provisions of this subchapter as are provided in section 3624 of this title. The owner of an impounded domestic pet or wolf-hybrid or the town, in case the owner of the domestic pet or wolf-hybrid cannot be identified, shall be liable for all such fees. (Amended 1993, No. 213 (Adj. Sess.), § 27, eff. June 15, 1994.)

§ 3809. Killing a domestic pet or wolf-hybrid which attacks a person or domestic animal

Nothing in this subchapter shall be construed as preventing any person from killing a suspected rabid domestic pet or wolf-hybrid which attacks a person, another domestic pet or wolf-hybrid or domestic animal. A person so killing such domestic pet or wolf-hybrid shall not be held liable for damages for such killing. (Amended 1993, No. 213 (Adj. Sess.), § 28, eff. June 15, 1994.)

§ 3810. Repealed. 1993, No. 213 (Adj. Sess.), § 32, eff. June 15, 1994.

§ 3811. Carcass disposal

In order to protect the public health, the legislative body of a municipality or a municipal officer designated by the legislative body may dispose of the carcass of any animal suspected of having been exposed to rabies through incineration. Disposal of animal carcasses in the manner provided by this section shall not be subject to the provisions of chapter 23 of Title 10 and the rules promulgated thereunder. (Added 1993, No. 213 (Adj. Sess.), § 29, eff. June 15, 1994.)

§ 3812. Immunity from liability for volunteers

Any person who as a volunteer conducts or assists at a nonprofit public clinic for inoculating domestic pets, wolf-hybrids, and domestic animals against rabies shall not be liable to any other person for injuries resulting from the loss of animals, animal bites and from the inoculation process. (Added 1993, No. 213 (Adj. Sess.), § 30, eff. June 15, 1994.)

§ 3813. Vaccination administration

(a) The commissioner may purchase rabies vaccine for distribution at reduced cost to the public through rabies clinics.

(b) The commissioner shall ensure that reduced cost rabies clinics take place in all geographic areas of the state and shall cooperate with the veterinary profession to make certain that all owners of domestic pets and wolf-hybrids have access to reasonably priced rabies vaccines.

(c) Veterinarians shall provide an owner of a domestic pet or wolf-hybrid with a completed rabies vaccination form and tag for each animal which has been inoculated against rabies. (Added 1993, No. 213 (Adj. Sess.), § 31, eff. June 15, 1994.)

Subchapter 6: Dog

§ 3814. Findings

The general assembly finds:

(1) The supply of dogs, cats, and wolf-hybrids in Vermont is a major concern.

(2) There are insufficient resources in this state to care for or provide homes for these animals.

(3) Many of these animals are ultimately euthanized or become victims of accidents, starvation, or disease.

(4) Pet owners who have limited economic resources have great difficulty affording the cost of professional spaying and neutering services. (Added 2003, No. 163 (Adj. Sess.), § 39.)

§ 3815. Dog, cat, and wolf-hybrid spaying and neutering program

(a) The agency of human services shall administer a dog, cat, and wolf-hybrid spaying and neutering program providing reduced-cost spaying and neutering services and presurgical immunization for dogs, cats, and wolf-hybrids owned or cared for by low income individuals. The agency shall implement the program through an agreement with a qualified organization consistent with the applicable administrative rules.

(b) The program shall reimburse veterinarians who voluntarily consent to spay or neuter dogs, cats, and wolf-hybrids under the auspices of the program. The reimbursement shall be less any co-payment by the owner of a dog, cat, or wolf-hybrid for the cost of each spaying or neutering procedure.

(c) The secretary of human services, in consultation with the chair of the Vermont Board of Veterinary Medicine, may adopt and amend rules pursuant to chapter 25 of Title 3 to enable the agency to carry out the purposes of this act. (Added 2003, No. 163 (Adj. Sess.), § 39; amended 2009, No. 54, § 77, eff. June 1, 2009; 2011, No. 57, § 1.)

§ 3816. Animal spaying and neutering fund; creation

(a) There is created, pursuant to subchapter 5 of chapter 7 of Title 32, in the agency of human services the dog, cat, and wolf-hybrid spaying and neutering special fund to finance the costs of the dog, cat, and wolf-hybrid spaying and neutering program established in section 3815 of this title.

(b) Revenue for the fund shall be derived from:

(1) The surcharge payment paid to a municipality pursuant to subdivision 3581(c)(1) of this title.

(2) Gifts from private donors.

(3) Any appropriation which the general assembly makes to the fund.

(c) Interest earned on the fund shall be retained in the fund.

(d) The agency of human services shall use the revenue in the fund created in subsection (a) of this section for administering the dog, cat, and wolf-hybrid spaying and neutering program. (Added 2003, No. 163 (Adj. Sess.), § 39; amended 2011, No. 3, § 86, eff. Feb. 17, 2011; 2011, No. 57, § 2.)

§ 3817. Rules adoption authority

The agency of agriculture, food and markets may adopt rules to implement this subchapter. (Added 2003, No. 163 (Adj. Sess.), § 39.)

Memorandum

To: Town of Essex Selectboard, Village of Essex Junction Trustees
From: Ally Vile, Brad Luck, and Sarah Macy
Date: July 18, 2019
Re: Recreation residency status with co-location

As co-location becomes more imminent and preparations are being made for the first ever shared brochure between EPR and EJRP, we are finding ourselves a little stuck, disheartened, and challenged by the nuances of Town outside the Village (TOV) people being treated differently for different programs.

Our current plan is that for every EPR program in the brochure, there will be two fees – one labeled “Essex” and one labeled “non-Essex.” For EJRP programs in the brochure, there will be two fees – one labeled “Village” and one labeled “non-Village.”

You can start to see how this will be confusing. “So, I’m a resident for this program, but not a resident for that one?” “Do I live in the Town or the Village?” “Why do I have to pay more for that program?”

Our staff can answer those questions, and we have been for years, but that is where the status quo non-resident plan is really taking the wind out of our sails as we are trying to celebrate and embrace co-location. People will still be able to reap the benefits of one stop shopping, one phone number, one website, one WebTrac log-in, and one brochure, but.....sometimes you are a resident and sometimes you are not? While we recognize that this is indeed the fact of the matter, it doesn’t sit right. It makes for a clunky brochure and a year of answering a lot of questions and making a lot of people frustrated and confused.

We want to set co-location up for success, from the start. We believe that treating Town outside the Village people as residents for EJRP programs (except licensed childcare – Camp Maple Street, Camp REACH, Village Kids, EJRP Preschool, and Maple Street Pool related fees) will accomplish this. Licensed childcare and the Maple Street Pool facility are two major differences between Village and Town recreation. As such, we want to honor and preserve priority pricing and reduced cost for Village residents who have supported these programs and bonded to create the pool. However, when it comes to the rest of the programming, that is similar in the Village and Town, we want to present a united, uncluttered, easy to understand front for recreation. We estimate that by doing this, the Village general fund will come up short \$3,000 in revenues. As such, we recommend that the Town of Essex contribute the shortage.

This estimate comes from the fact that over the last two years participants from the TOV have averaged 31% of the total non-resident fees. That would be \$6,200 in FY20 (31% of the \$20,000 total budget for non-resident fees). Of that 31%, licensed childcare and pool related fees make up 50% of the TOV non-resident fees.

We recognize and appreciate that we are still two separate departments that operate under two separate municipalities. We understand that approximately 42% of all tax dollars collected by the Town were collected from Village property owners. We also recognize that the two boards have publicly expressed a desire for better integrated planning, better relations, elimination of duplication, improved communication, preserving identity, making public participation easier, and to speak with one voice. We feel that co-location is meeting all these desires. We think that changing an individual's residency status for different registrations is counter intuitive and not positively aligned with what we are all seeking to accomplish.

Therefore, we request that the boards take the following actions:

Selectboard Motion

To support co-location efforts of the recreation departments, I move that the Town of Essex pay the Village of Essex Junction \$3,000 to cover the estimated non-resident fees that would have been paid from Town outside the Village people to EJRP, so that Town outside the Village people can pay the resident rate for EJRP programs, except for licensed childcare and the Maple Street Pool.

Trustees Motion

To support co-location efforts of the recreation departments, I move that the Village of Essex Junction accept \$3,000 from the Town of Essex to cover the estimated non-resident fees that would have been paid from Town outside the Village people to EJRP, so that Town outside the Village people will be treated as residents for EJRP programs, except licensed childcare and the Maple Street Pool.

Memorandum

To: Village of Essex Junction Trustees, Evan Teich, Unified Manager
From: Sarah Macy, Finance Director/Assistant Manager
Re: FY20 Tax Rates – Village
Date: July 23, 2019



Issue:

The issue is setting the Village tax rates for FY20 (July 1, 2019 – June 30, 2020).

Discussion:

The FY20 tax rates have been calculated based upon the 2019 grand list after assessor appeals. The grand list figures as compared to last year are as follows:

	<u>2019 Grand List</u>	<u>2018 Grand list</u>	<u>\$ Change</u>	<u>% Change</u>
Village	\$ 11,134,240	\$ 11,103,636	\$ 30,604	0.3%

The Village voted to raise \$3,556,422 in property taxes for FY20 at the Annual Meeting.

The Grand List increased by 0.3% from 2018 to 2019. The Grand List value has been adjusted for the tax stabilization agreements for 4 Pearl St., 8 Pearl St., and the Whitcomb Farm property at 315 South Street, resulting in an adjusted Grand List value of \$11,094,478.

In order to raise the taxes necessary for the General Fund budget including bond payments, the tax rate needs to be set at \$0.3206 per \$100 of assessed value. This amount is an increase of \$0.0109 or 3.5% in the tax rate. The following table shows a more detailed comparison of this year's rate to last year's rates.

<u>Comparison of FY20 rates to FY19 rates</u>						
			<u>FY19</u>	<u>FY20</u>	<u>% Change</u>	<u>\$ Increase/ (Decrease)</u>
Debt Service tax rate			\$ 0.0288	\$ 0.0283	-1.9%	\$ (0.0005)
Other Expenditures tax rate			\$ 0.2810	\$ 0.2923	4.0%	\$ 0.0113
Total tax rate			\$ 0.3098	\$ 0.3206	3.5%	\$ 0.0109
Taxes on \$280,000 assessed value home			\$ 867	\$ 898	3.5%	\$ 30
Grand List Values			\$ 11,103,656	\$ 11,134,240	0.3%	\$ 30,584

This tax rate is higher than the rate (\$0.3185) estimated when the budget was approved. The reason for the difference between estimated and actual is a smaller than anticipated increase in the grand list.

As a reminder, the Village will also be assessing a \$.0100 tax per \$100 of assessed value for Economic Development Capital Improvement Projects. This tax was approved at the April 6, 2016 Annual Meeting with the provision that this tax rate is to be reconsidered by the voters at the annual meeting in 2021. In FY20 the \$.0100 tax will raise \$110,945.

Cost

The cost to a tax payer with a \$280,000 value home for the Village General tax will be will be \$898 for the Village General tax which is an increase of \$30 from the FY19 taxes. The cost of the \$.0100 tax is unchanged at \$28.

Recommendation

It is recommended that the Trustees set the FY20 Village General tax rate at \$0.3206 per \$100 of assessed property value.

Memorandum

To: Town of Essex Selectboard, Evan Teich, Unified Manager
From: Sarah Macy, Finance Director/Assistant Manager
Re: FY20 Tax Rates - Town
Date: July 23, 2019



Issue:

The issue is setting the Town tax rates for FY20 (July 1, 2019 – June 30, 2020).

Discussion:

The FY20 tax rates have been calculated based upon the 2019 grand list after assessor appeals. The Grand List figures as compared to last year are as follows:

	<u>2019 Grand List</u>	<u>2018 Grand list</u>	<u>\$ Change</u>	<u>% Change</u>
Town	\$ 26,482,155	\$ 26,208,363	\$ 273,792	1.0%
Town Outside Village	\$ 15,347,915	\$ 15,104,707	\$ 243,208	1.6%

The Grand List value has been adjusted for the tax stabilization agreement for 42 Allen Martin Drive, resulting in an adjusted Grand List value of \$26,415,303 and \$15,281,063 for the Town Outside the Village.

The cost of farm, open land and veteran's exemptions has been calculated in the rates. The educational cost of these contracts in both the Town Outside the Village (TOV) and in the Village has been calculated at **\$0.0019** and will be shown on the Town tax bill for all taxpayers as the **Local Agreement Rate**. The local agreement rate is taxed to the Town's municipal Grand List as per State Statute, 32 V.S.A. sec. 5404a(d). The contracts which cause the local agreement rate are approved on a Town-wide basis. The capital tax rate has been calculated at \$.0200 as was voted at the 2006 Town Meeting.

The Town General Fund tax rate has been calculated with the use of \$100,000 of Fund Balance as a revenue source as approved in the budget. This use of Fund Balance equates to a \$0.0038 reduction in the tax rate or \$10.64 for the average residence.

The combined general, capital, and local agreement rate is **\$0.5286** for Village residents and with the Highway rate added in, **\$0.5396** for Town Outside the Village taxpayers. These municipal rates compare with the combined rates last year of \$0.5151 and \$0.5261, respectively. The total rates represent an increase of \$0.0135 or 2.62% for Village taxpayers and \$0.0135 or 2.57% for TOV taxpayers. The increase equates to an annual tax increase of \$37.80 for all Town taxpayers based on the average single family home assessed value \$280,000. The total municipal increase of \$0.0135 for TOV is approximately \$0.0034 higher than the increase of \$0.0100 that was

projected in March. The change is due to adding \$100,000 to the budget at Annual Meeting coupled with grand list growth greater than anticipated.

The following table compares the new rates with the rates from last year.

Comparison of FY20 to FY19						
				<u>FY20</u>	<u>FY19</u>	<u>% Change</u>
<u>Tax Rate Comparison</u>						
Town General Tax Rate				0.50670	0.49320	2.74%
Local Agreement Rate				0.00190	0.00190	0.00%
Capital Tax				0.02000	0.02000	0.00%
Total Town Tax Paid by all Village				0.52860	0.51510	2.62%
Town Highway Tax Rate				0.01100	0.01100	0.00%
Total Tax Paid by Town Outside Village				0.53960	0.52610	2.57%
				<u>FY20</u>	<u>FY19</u>	<u>% Change</u>
<u>Grand List Comparison</u>						
Town General				26,482,155	26,208,363	1.04%
Town Outside the Village - Highway				15,347,915	15,104,707	1.61%
				<u>FY20</u>	<u>FY19</u>	<u>% Change</u>
<u>Taxes on \$280,000 value house</u>						
Village Taxpayers				\$1,480	\$1,442	2.62%
Town Outside Village Taxpayers				\$1,511	\$1,473	2.57%

Recommendation:

It is recommended that the Selectboard set the tax rates for fiscal year ending June 30, 2020 as follows:

Town General Fund Tax Rate	0.5067
Local Agreement Rate	0.0019
Town Capital Tax	<u>0.0200</u>
Total Municipal Rate Paid by all Village	0.5286
Town Highway Tax Rate	<u>0.0110</u>
Total Municipal Rate Paid by Town Outside Village	0.5396

Memo

From: George Tyler, chair, Essex Junction, Essex Town Joint Subcommittee on Governance

To: Essex Junction Trustees, Essex Town Select Board

Subject: Subcommittee Update 7.19.19

At our 18 July meeting Dave Treston of KSV presented and reviewed the results of the initial 'quantitative' survey assessing community awareness of and opinions about Town and Village consolidation. A copy of the report is included in the reading file for the 23 July joint board meeting.

After reviewing the KSV report the committee made the following recommendations:

- 1) Given the extensive and robust content of the report (over 690 respondents!) the joint boards should refrain from a general discussion of the results during the 23 July meeting. Instead, board members should individually review the survey results after the meeting and be prepared to discuss them at our next joint board meeting. Dave Treston can be available for that meeting to answer questions regarding survey methodology, etc.
- 2) The Governance Subcommittee is scheduled to meet with KSV on 26 July to begin formulating questions and topic areas for the focus groups to be held in mid-August. These focus group topic areas are to be informed, in part, by the survey results. Therefore, each subcommittee member will write a brief report summarizing their thoughts on the survey with emphasis on key takeaways. We will also each develop a list of draft questions/topic areas for focus groups discussion. We will also assess the conclusions KSV drew

from the survey results and whether we concur or whether revisions are needed and/or additional findings should be included. All of this information – our suggested focus group questions and KSV's conclusions – will provide the raw material for developing the actual questions for the August focus groups.

- 3) The Governance Subcommittee members will present our individual reports at the 23 July meeting for review and discussion by the Joint boards.

A final note: At the 18 July meeting the Subcommittee also reviewed and approved the 'focus group screener' which will be used to select members of the Essex community who indicate willingness to participate in a focus group. The screener will help KSV balance the groups by age, gender, village/town residence, income level, etc. The Subcommittee also reviewed the initial phase of FAQs about Town-Village consolidation to be posted on the informational website being developed by Ann Janda. We will briefly update the Joint boards about this effort at the 23 July meeting.

Thank you.

Memorandum

To: Selectboard, Trustees; Evan Teich, Unified Manager

From: Rick Garey, Police Chief

Re: Preview – Essex Police Recruiting Video

Date: July 19, 2019

Issue

Provide the Selectboard & Trustees a sneak preview of the new Essex Police video to be used soon primarily for recruiting purposes.

Discussion

The Essex Police just finished working with a small production firm to create a high quality recruitment video for the police department.

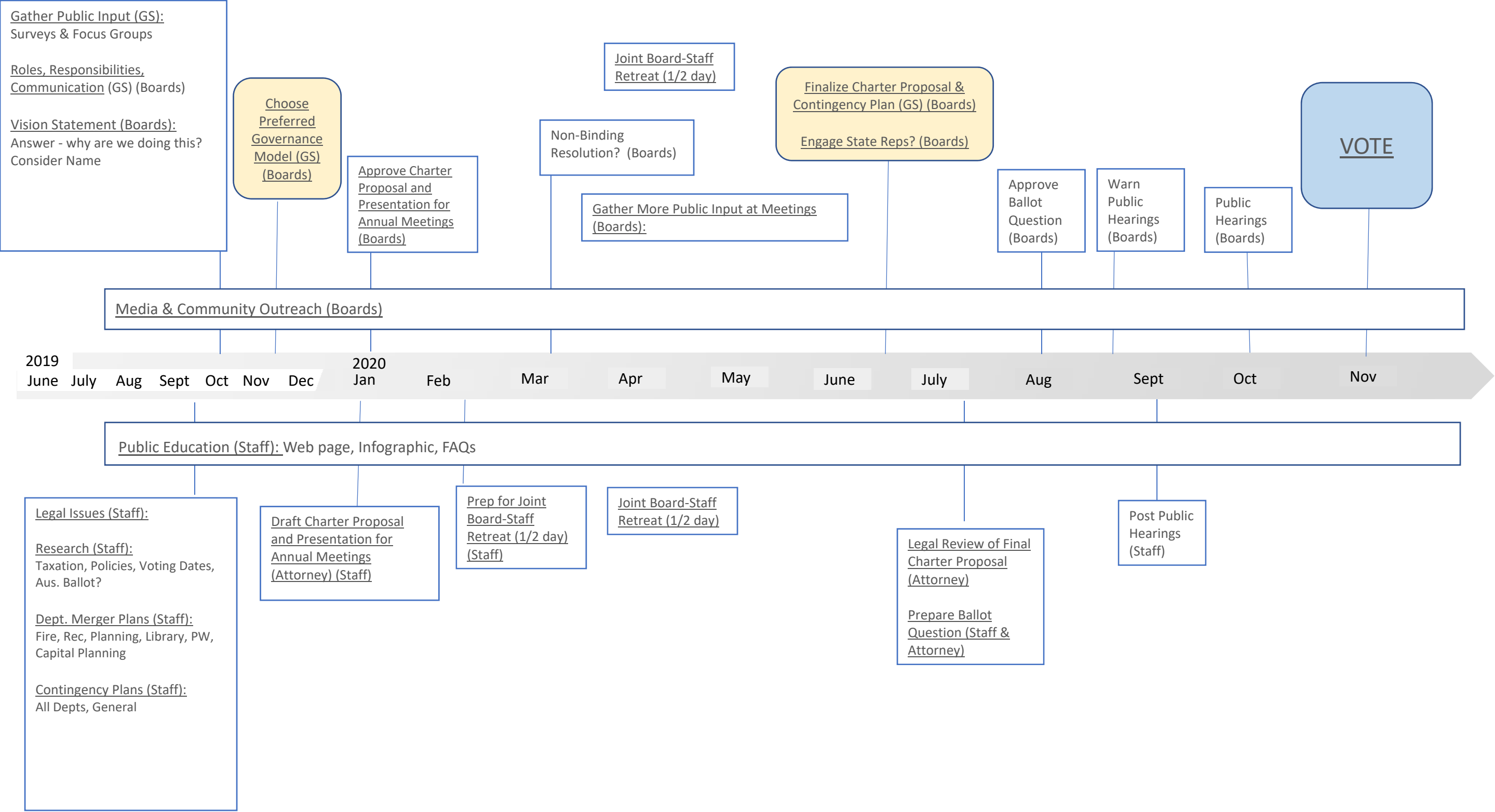
The Essex Police Department is currently down five (5) officers and one dispatcher from our authorized staffing levels. Competition for qualified candidates in Vermont is extremely competitive and is getting more difficult every day.

This new video will be used primarily for recruiting purposes on social media, college recruiting and potential commercial advertising in order to uniquely reach potential law enforcement candidates.

Recommendation

No recommended, this is simply a sneak peak

Governance Change (Merger) Vote 2020 - Project Timeline



Definitions for Common Language of Consolidation
Approved: July 18, 2018

Appropriate Level of Services

The quantity / quality of public services that the residents and businesses expect, need, or want, balanced with their ability to pay for them, as affirmed by the voters approving the annual budgets.

Community

A group of people living in a particular local area or having a particular characteristic(s) in common.

Consolidation

Combining of two or more departments, committees, or service areas with a goal of efficiency and cost-effectiveness, as well as maintaining appropriate levels of services, so that the resulting entity operates under a single point of authority, refers to one set of policies or procedures, follows the same best practices, and has a single budget for both revenues and expenses.

Culture

- 1) Beliefs, attitudes, expressions, and perceptions made by each individual and groups of individuals, which may vary greatly, as these are shaped by unique prior experiences.
- 2) An environment that allows work to get done in a timely way, safely, and by the rules, while respecting diversity, personal agency, and chain of command.

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.

Identity

1. Geographic areas within the municipality and their physical boundaries.
2. What these areas are called and what the entire municipality is called.

Definitions for Common Language of Consolidation
Approved: July 18, 2018

Public Input

The wide array of opportunities available for residents to communicate their expectations, opinions, and choices with elected officials and staff.

Quality of Life

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

The commitment of a person or small group of people to understand the needs, hopes, and interests of a larger group of people, and to participate in the governing process by deciding upon policy and legislative questions on behalf of that larger group.

Sense of Place

Why certain places hold special meaning to particular beings. The degree to which a connection to the area is deeply felt by inhabitants and visitors.

Success

When board-identified benchmarks are achieved and validated by voters.

Sustainability

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

Tax Equity

All property owners pay their fair share of property taxes to support the Town of Essex's (inclusive of the Village of Essex Junction) municipal services and have access to these services, 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

1. The entirety of Essex, including the Village, and all 21,000+ residents.
2. Board members should make every effort to be as specific as possible when using the term.

Transparency

The ability for people, groups, and organizations to obtain complete, accurate, and timely information about the activities of the government according to law.

Definitions for Common Language of Consolidation
Approved: July 18, 2018

Trust

1. Firm reliance on the honesty, dependability, strength, or character of someone.
2. Confidence or faith of the public in their representatives' ability to govern truthfully and equitably.
3. The presumption that board members honor publicly made commitments, adhere to board policies, and not betray or deceive other board members, staff, or the public.

Memorandum

To: Selectboard and Trustees; Evan Teich, Unified Manager

CC: Greg Duggan, Deputy Manager; Sarah Macy, Finance Director & Assistant Manager; Department Heads

From: Ann Janda, Project Manager

Re: Summary of Strategic Advance – Broad Themes

Date: July 12, 2019

Here are the broad themes that emerged at the June 22, 2019 Strategic Advance meeting.

Department Head Presentations

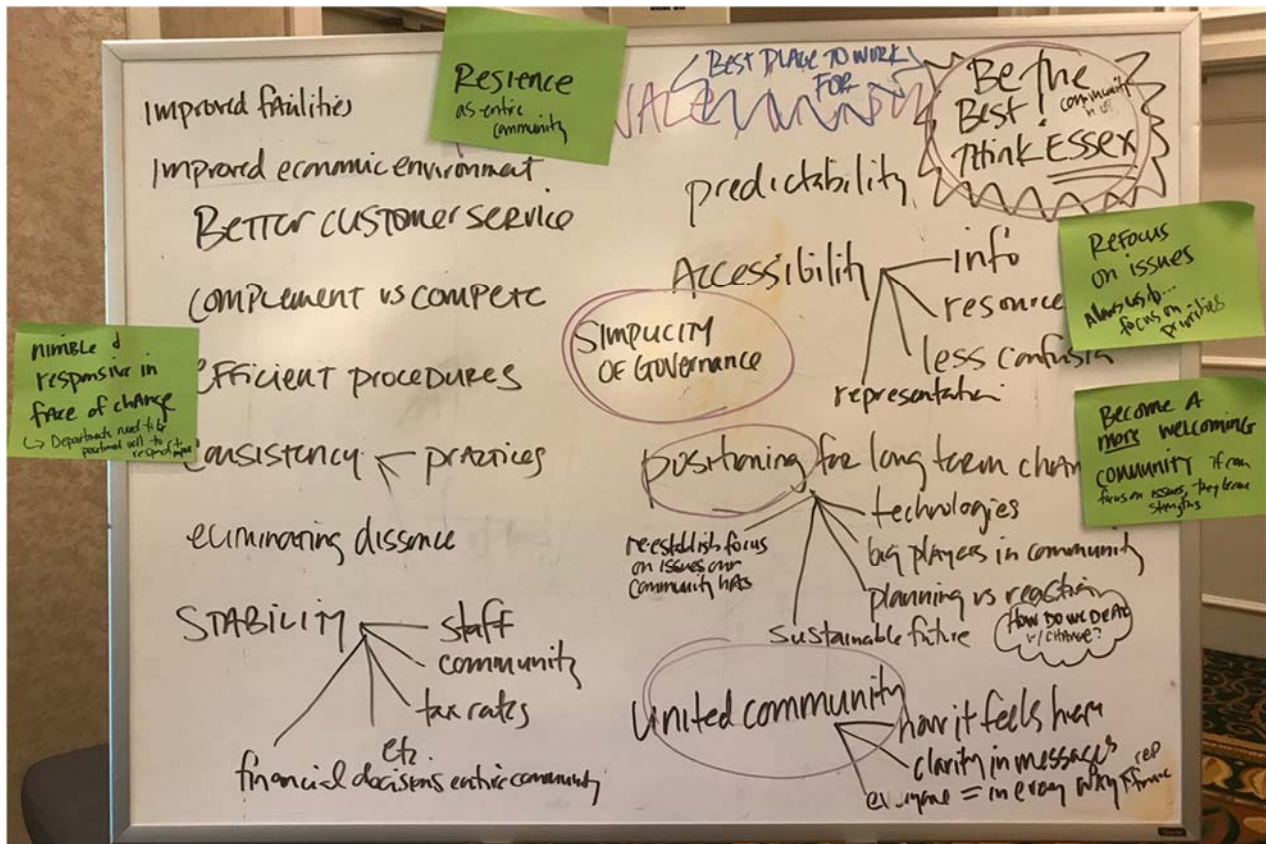
Department heads asked for clear direction from the boards. Some issues to think about:

- **Recreation:** not duplicating programs, resident/non-resident fees, pool program access, Not having two different childcare programs
- **Libraries:** Brownell's permanent Trustees, keeping identity of both libraries in tact
- **Public Works:** Capital planning – how to prioritize, rates currently not based on same methodology
- **Fire:** Volunteers want to maintain identity and history of each department even if both are in same community
- **Planning Departments:** Aligning fees, considering Development Review Boards
- **General Admin:** Aligning pay, benefits, policies, a taxation plan

What Can We Achieve Together Exercise – Repeating Themes

- Better service
- Focus on bigger picture
- Predictable business environment
- Improved economic environment
- One-stop shopping for residents – less confusion- better customer service
- Less confusion over voting
- Improved hiring and retention
- Public safety – improved coordination
- Public Works – equipment/contracting cost savings
- Common rates/fees

Visioning Exercise – to be continued by elected officials (see image on following page)



Decision Making Discussion

Both legislative bodies will be striving for unanimity on all big decisions, but in the event that a full consensus cannot be reached, decisions require a simple majority of each body. Chairs assume the responsibility to check for members' readiness to vote.

Striving to give as much notice of upcoming decisions/votes as possible so that members have time to research and make informed deliberations.

- Upcoming decisions/votes will be flagged on the agenda via the following key:
 - D (next to topics that are discussion)
 - DV (next to topics that are discussion and vote)
- Elected Officials will give due respect to Staff recommendation / expertise that is offered.
- Agendas for joint meetings will stay consistent with current guidelines for consent agenda items vs. business agenda items.

Memorandum

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

From: Greg Duggan, Deputy Manager; Sarah Macy, Assistant Manager/Finance Director

Re: Selectboard and Trustee revised meeting schedule 2019-2020

Date: July 23, 2019



Issue

The issue is for the Trustees and Selectboard to discuss and approve a revised meeting schedule for 2019-2020.

Discussion

In April, the Trustees and Selectboard moved from meeting individually twice a month and jointly once every two months, to adding a joint meeting to two individual meetings each month as follows:

1st Monday = Selectboard (7 p.m.) & Joint boards (7:30 p.m.)

2nd Tuesday = Trustees (6:30 p.m.)

3rd Monday = Selectboard (7 p.m.)

4th Tuesday = Trustees (6:30 p.m.) & Joint boards (7 p.m.)

While the move to more frequent meetings has helped increase timely decision making and continuity of discussion, the increased number of meetings, including the sub-committee on Governance, has been a very fatiguing and logistical challenge for all involved and may not be sustainable.

In an effort to acknowledge that we continue to have an increasing amount of issues to deal with on a joint basis as well as a primary focus of the November 2020 vote over the next 16 months and the meeting fatigue felt by all, staff proposes the following for the boards' consideration: **Reduce the total number of meetings per month from four to two by holding only joint board meetings on the 1st and 3rd Tuesdays of each month.** Meetings would begin at 7pm and alternate locations with one at 81 Main Street and the other at 2 Lincoln Street.

1st Tuesday = Joint boards (7 p.m.) [Suggested location: 81 Main Street]

3rd Tuesday = Joint boards (7 p.m.) [Suggested location: 2 Lincoln Street]

- Executive sessions can be called for 6:30 pm or held after business has concluded
- For discussion: the first 30-45 minutes could be for home court government business and then joint business thereafter

There is always the option to warn a special meeting of either of the two boards for before or after the joint meetings, or on an off day or week if necessary. Tuesday meetings give the boards the weekend to review materials and ask questions, and staff Mondays to research and answer questions. Meeting jointly as we move toward a November 2020 vote on governance allows each board to become familiar and up to speed on all issues affecting the other board/community. If a November 2020 vote creates one governing body that body will already be well on its way to being aligned, working together, and deliberating together on the issues facing the community.

With regard to required number of meetings, the Town of Essex Charter states in Section 117-204. Meetings “(a) As soon as possible after the election of the Chairperson and Vice Chairperson, the Board of Selectmen shall fix the time and place of its regular meetings and such meetings shall be held at least once a month.”

The Village of Essex Junction Charter states in Section 2.08. Procedure. “(a) Meetings. The Trustees shall meet regularly at least once in every month at such times and places as the Trustees may prescribe by rule.”

Cost

Savings: recording secretary’s time and production of meeting minutes

Recommendation

No recommendation is made for the July 23rd meeting – for first introduction only.

In the future the recommendation from staff will be as follows:

It is recommended that the Trustees and Selectboard approve amending the regular meeting schedule to meet twice a month on the first and third Tuesdays of the month beginning in September for the remainder of the 2019-2020 year.



July 2019 Essex Resident Survey Findings

July 18, 2019





Contents

Recap of Objectives & Methodology

Survey Respondent Characteristics

Key Findings

Takeaways & Recommendations

Next Steps



Recap of Objectives & Methodology





Research Objectives

Determine the level of awareness of past merger discussions and current level of favorability among residents

Understand potential challenges and perceived benefits of merging Town of Essex and Village of Essex Junction municipal functions and services

Uncover potential topics to probe on in upcoming focus groups and a future survey



Research Methodology

Online / Paper Survey with Essex Residents

Geography: Town of Essex, incl. Village of Essex Junction and Town outside the Village

Age: 18 years or older on November 3, 2020 (Election Day)

Other Exclusions: Not open to Essex Selectboard nor Village of Essex Junction Board of Trustees

Survey Length: 15 minutes / 23 questions

In Field: July 1 - 15, 2019

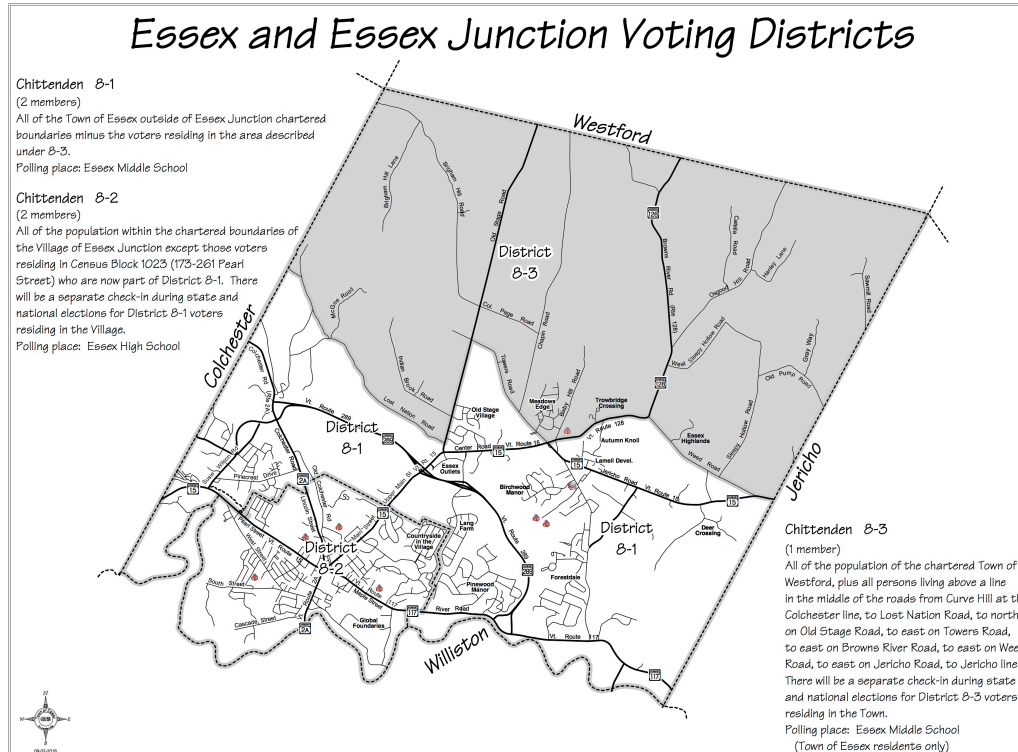
The survey included a mix of open-ended and closed-ended questions.



Survey Respondent Characteristics



Survey Respondent Characteristics



Location

- **58.8%** Town outside the Village
- **40.2%** Village of Essex Junction
- **1.0%** Essex resident, not sure where

Voting District

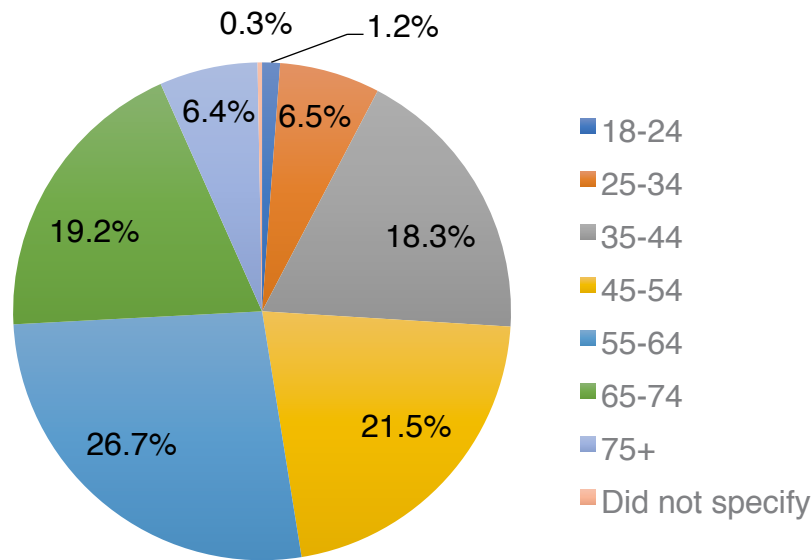
- **38.5%** registered in 8-1
- **31.6%** registered in 8-2
- **17.7%** registered in 8-3
- **10.0%** registered, not sure of district
- **2.2%** not registered to vote

Total completed responses: 690

2017 American Community Survey (US Census Bureau) estimates for Essex residents 18 and older:
51% live in the Town outside the Village
49% live in the Village of Essex Junction

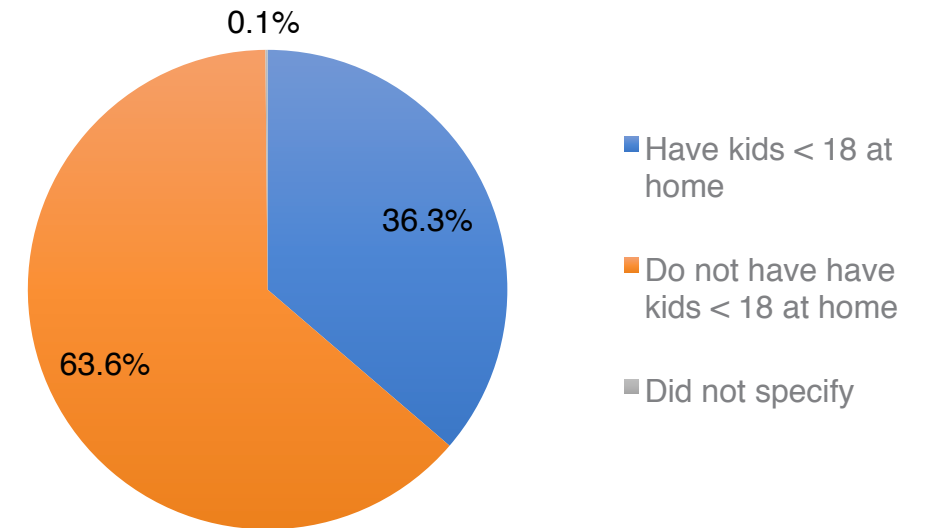
Survey Respondent Characteristics

Age on Nov. 3, 2020



*47.5% of respondents were under 55
52.5% of respondents were 55 and older*

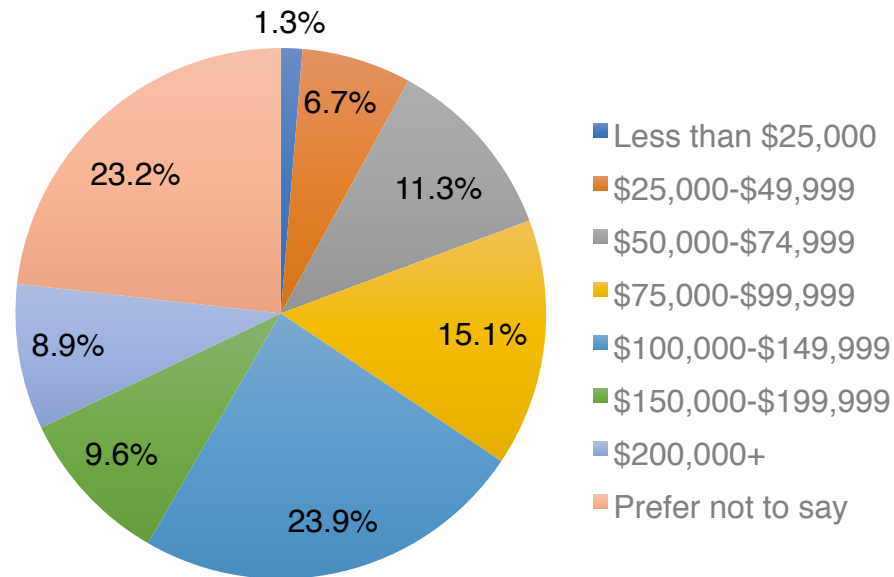
Children Under 18 at Home



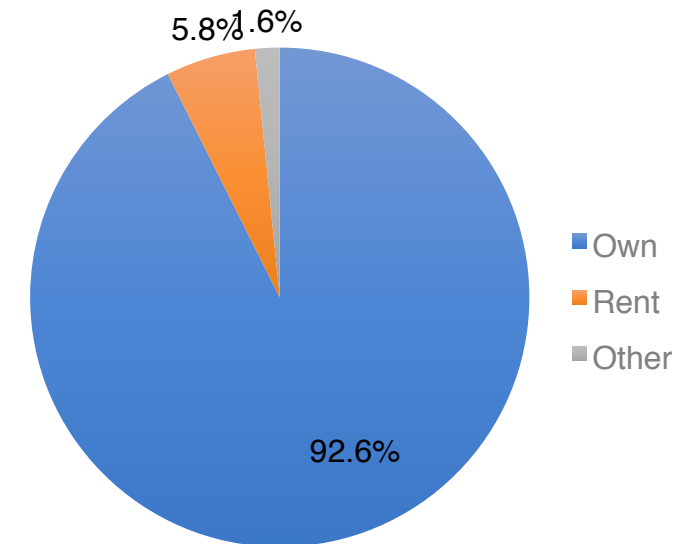
Total completed responses: 690

Survey Respondent Characteristics

Combined Household Income



Homeownership



2017 American Community Survey (US Census Bureau) estimates for Essex:

69.4% of housing units are owner-occupied
30.6% of housing units are renter-occupied

Total completed responses: 690



Key Findings





Key Issues within the Essex Community

Potential merger is within the consideration set of top issues the community faces

Q3 – In your opinion, what is the most important issue facing the Town of Essex and/or the Village of Essex Junction? [open-ended]

Perceived Issue	% of all
Taxes	29.2%
Economic development/attracting residents and businesses	20.3%
Traffic/infrastructure	18.8%
Merger	16.3%
Efficiency/quality of services	9.6%
Identity	6.8%

Please note: This was an open-ended question. Percentages above represent the percent of respondents that cited that particular issue top-of-mind. This list represents the answers most frequently cited and not all issues cited.

- Taxes was the top issue in each Essex voting district
- The merger ranks differently in each voting district
 - 8-1: 2nd most frequently cited issue (19.6%)
 - 8-2: 4th most frequently cited issue (14.7%)
 - 8-3: 3rd most frequently cited issue (12.3%)
- Mentions of the merger as a top issue in the community includes both positive and negative associations



Key Issues within the Essex Community

Essex residents identify the merger as a key issue regardless of whether they favor it

“The single most important project for the Selectboard should be working towards the combination of services, budgets, and efforts between the Village/Town. While progress has been made in this area (Public Works, etc), it seems as though it has taken far too long.”

- 8-1 resident

“Keeping the two communities separate!!”

- 8-1 resident

“Merging in a way that establishes representation for both TOV and Village. The TOV needs to be represented as a community with it’s own perspectives and needs.”

- 8-3 resident

“Stopping backdoor merger”

- 8-2 resident

“How to merge without losing the attributes of each location. How to maintain the specialness of the Town and the Village.”

- 8-2 resident

“Unification! To outsiders the Essex Junction community looks schizophrenic.”

- 8-3 resident



Key Issues within the Essex Community

Other top concerns take precedence, but may also be impacted by merger

Taxes

"Having to pay taxes to the Town when I reside in the Village."

- 8-2 resident

"TOV residents have been taxed without representation for decades. The merger has enormous implications for both sides."

- 8-3 resident

Development

"It's hard to develop or market our community when you get to the part about Village and Town."

- 8-1 resident

Infrastructure

"The residents in the Village have great use of sidewalks which encourages recreation and reduces traffic. The Town of Essex outside the Village also deserves the right to be connected by bike path and sidewalks. There is a tremendous disconnect in the Town."

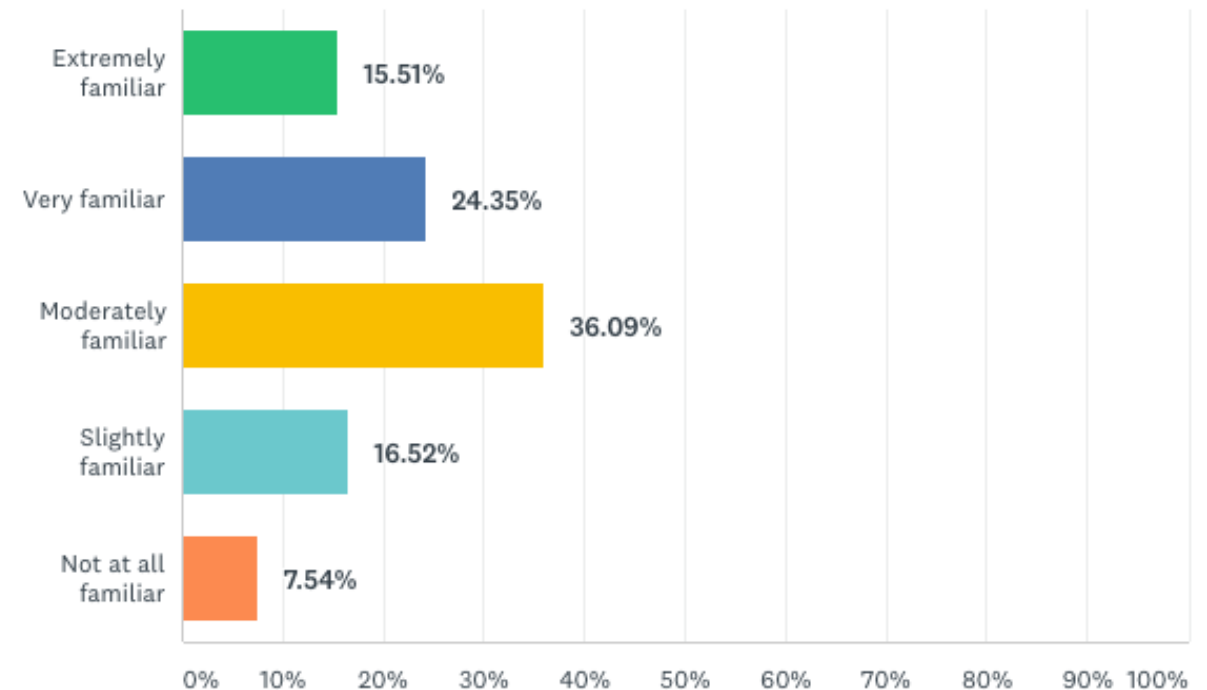
- 8-1 resident

Familiarity With Past Merger Efforts

Three-quarters of Essex residents are at least moderately familiar with merger history

- 4 in 10 Essex residents are at least “very familiar” with past merger efforts
- Younger residents are less familiar
 - 25-34 year olds: Half are “slightly” or “not at all familiar” (only 45 respondents, though)
 - 35-44 year olds: 4 in 10 are “slightly” or “not at all familiar” (126 respondents)

Q6 – How familiar are you with the past efforts to merge the Town of Essex and the Village of Essex Junction under a single government structure?





Familiarity With Governing Structure

Most say they are familiar with the structure of the local governments

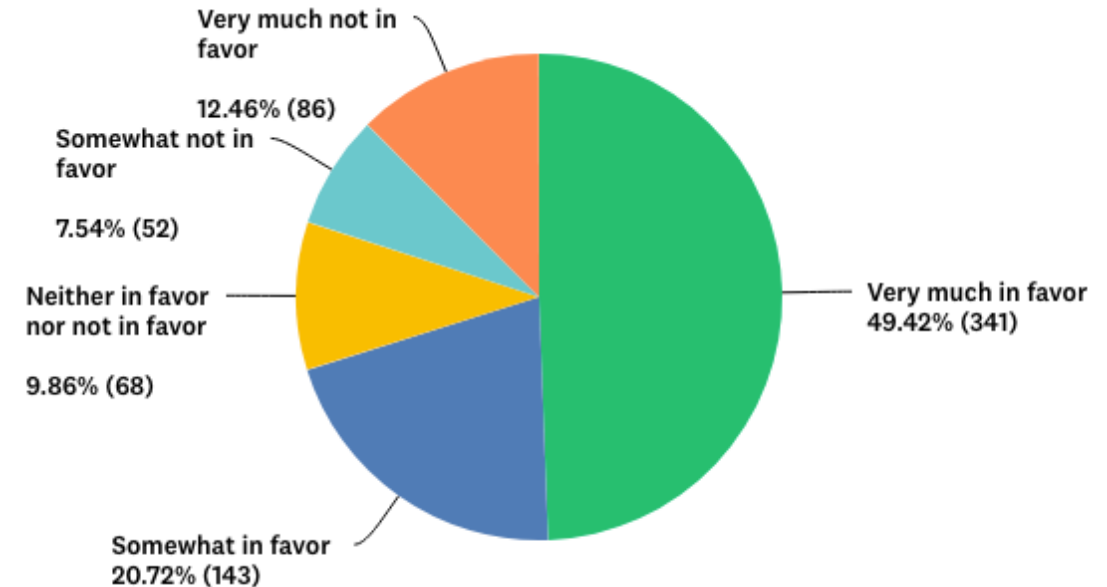
- 7 in 10 Essex residents are at least “moderately familiar” with the structure of local governments – 37% are “very” or “extremely familiar”
- At least 8 in 10 Essex residents were aware of the makeup of the community and the characteristics of the Town of Essex government compared to the Village of Essex Junction government (ex. Village residents also being Town residents, governing board representation of Town/Village, who pays which taxes)

Favorability Toward Merger

7 in 10 Essex residents favor merger at least somewhat, but respondents' income and voting districts reveal differences

- Nearly half of all Essex residents are “very much in favor”
- 2 in 10 oppose merger
- As income increases, so does favorability (HHI \$150-199K = 79% at least “somewhat in favor”) – perhaps lower income means more worry about tax burdens
- District 8-1 is most likely to be in favor (76% at least “somewhat in favor”)
- District 8-3 is most likely to not be in favor (29% at least “somewhat not in favor”)

Q9 – Knowing what you know today and thinking about the future, how much are you in favor of the merger of the Town and Village governments?





Favorability Toward Merger

Voting District Differences

Key issues that result in 8-3 residents showing less favorability toward merger include the possibility of paying for services not used, representation, and taking on the Village's debts:

"TOV residents paying for services they don't use – Water? Sewer? Sidewalks?"
- 8-3 resident

"Village residents can out vote the Town residents, particularly on issues like zoning regulations. Result is the rural character of the Town will be at risk."
- 8-3 resident

"ToV voters having to foot the bill for infrastructure improvements in the Village that were neglected during the time that IBM paid taxes to the Village."
- 8-3 resident

Voting District	% Somewhat / Very Much in Favor	% Somewhat Not / Very Much Not in Favor
8-1	75.8%	16.2%
8-2	72.5%	19.3%
8-3	63.4%	29.3%
Not sure	55.1%	20.0%



Perceived Challenges

Potential tax increases are the top perceived challenges with merger for Essex residents

Q11 – What do you believe would be challenges or negative impacts, if any, if the Town and Village merged governments? [open-ended]

Perceived Challenge	% of all
Tax increases	17.1%
Equal representation/losing control	9.3%
Losing identity	9.3%
Closures/losing access to services	8.2%
Culture clash/us vs. them	7.9%
No challenges	6.2%
Not sure	19.7%

Please note: This was an open-ended question. Percentages above represent the percent of respondents that cited that particular challenge top-of-mind. This list represents the challenges most frequently cited and not all challenges cited.

“For the Town outside the Village there would be increased taxes and I feel sympathy towards that. Perhaps there could be outreach to ask those residents how this could be amenable to them, such as an incremental increase over several years with some increased control?”
- 8-2 resident

“Achieving tax equity will be a challenge, especially if special cultural districts still remain so that ToV folks pay more in taxes but don’t share in some of the best parts of living in the Village currently (i.e., robust recreation and childcare programming).”
- 8-1 resident

“I foresee even higher taxes.”
- 8-3 resident



Perceived Challenges

Achieving equal representation, losing identity, losing access, and stirring tensions are also top concerns

Equal representation / losing control

"I believe the Town residents would lose our voice and control over our separate interests."

- 8-1 resident

"The Village would be outvoted and underfunded by the Town on issues."

- 8-2 resident

Losing identity

"Loss of identity, but I believe our governance structure can mitigate this. In fact, I believe that including 'neighborhood' representation into the structure stands a chance of better representing our needs than we have today."

- 8-3 resident

Losing access

"I feel like the quality of our rec department would go down and Village residents would no longer get the chance to register first for programs."

- 8-2 resident

Culture clash

"The 'Us vs. Them' mentality [is a challenge.]"

- 8-3 resident

"The Village and Town have very different cultures. People in the Village tend to be more connected and involved and more interested in community building. Many people in the Town seem less inclined to become engaged."

- 8-2 resident



Perceived Challenges **Voting District Differences**

Perceived Challenge	% of all	% of 8-1	% of 8-2	% of 8-3
Tax increases	17.1%	20.8%	11.9%	23.8%
Equal representation/losing control	9.3%	8.7%	6.4%	18.9%
Losing identity	9.3%	7.2%	13.8%	10.7%
Closures/losing access to services	8.2%	6.4%	13.3%	4.1%
Culture clash/us vs. them	7.9%	4.2%	9.2%	14.8%
Perception of Village passing debt to Town	5.6%	6.8%	2.3%	10.7%
Eliminating people/jobs	5.5%	8.3%	4.1%	4.1%



Perceived Challenges

Other Perceived Challenges Cited

- 6.5% – Inertia/fear of change
- 6.4% – Actually achieving tax equity / avoiding a big hit to tax bill upfront
- 5.8% – Growing pains / quality of service suffers
- 4.0% – Needing to educate residents about pros and cons/details of plan options
- 3.6% – Larger government leading to more bureaucracy or less personal service
- 2.1% – Navigating the consolidation of services and who decides what
- 1.0% – Not actually saving costs / needing to spend more / not eliminating redundancies
- 1.0% – Perception that school merger wasn't a benefit / negative perception of past consolidation
- 1.0% – Naming / new identity
- 0.9% – Letting old feuds die
- 0.6% – Anticipating organized opposition to merger
- 0.4% – Consolidation of Selectboard and Trustees
- 0.3% – Bigger is not always better
- 0.3% – Town is growing, Village is not, so merger benefits Village more

Perceived Benefits

Essex residents found more consensus in potential benefits; cost efficiencies is cited by over half

Q10 – What do you believe would be the benefits, if any, if the Town and Village merged governments? [open-ended]

Perceived Benefit	% of all
Cost efficiencies/eliminate redundancy	54.9%
Simplification of gov't structure/services	16.5%
United community/one voice	13.4%
Tax equity	9.5%
No benefits	7.7%
Not sure	15.3%

Please note: This was an open-ended question. Percentages above represent the percent of respondents that cited that particular benefit top-of-mind. This list represents the benefits most frequently cited and not all benefits cited.

“Higher efficiencies, reduce costs to run both, easier to manage, one governing entity. Better strategic planning as we would be thinking of both the Town and the Village and ensuring each are moving forward with the best ideas.”

- 8-1 resident

“Merger will result in lower governmental costs (taxes!!) by reducing redundant personnel. A look at the departments which are not yet merged will prove that out.”

- 8-1 resident

“Benefits should be reduction of costs due to economy of scale without sacrificing quality of service.”

- 8-3 resident



Perceived Benefits

Other benefits include simplification of the government, a united community, and tax equity

Simplification

“Simplification of tax bills and what they cover. Ease of knowing what office to go to for services or questions. In the long run, less cost with a streamlined government.”

- 8-1 resident

“Unified community-decision making and image, simpler interaction with municipal services, less duplication of operations.”

- 8-2 resident

Tax equity

“Tax equity across our Town, while hopefully maintaining our excellent quality of services and, in specific instances like the Fire Department and the Libraries, maintaining the unique identity of each under the common municipal structure.”

- 8-2 resident

United community

“Hopefully we could finally get away from the Hatfield’s and the McCoy’s mentality.”

- 8-1 resident

“More cohesion in long range goals and planning. If done properly, less tension between the Town and Jct. A healthier community.”

- 8-3 resident

“Tax equity” was the benefit cited most often by 8-2 residents after cost efficiencies. 18.8% of 8-2 residents mentioned “tax equity,” compared to 6.0% of 8-1 residents and 2.5% of 8-3 residents.



Perceived Benefits

Other Perceived Benefits Cited

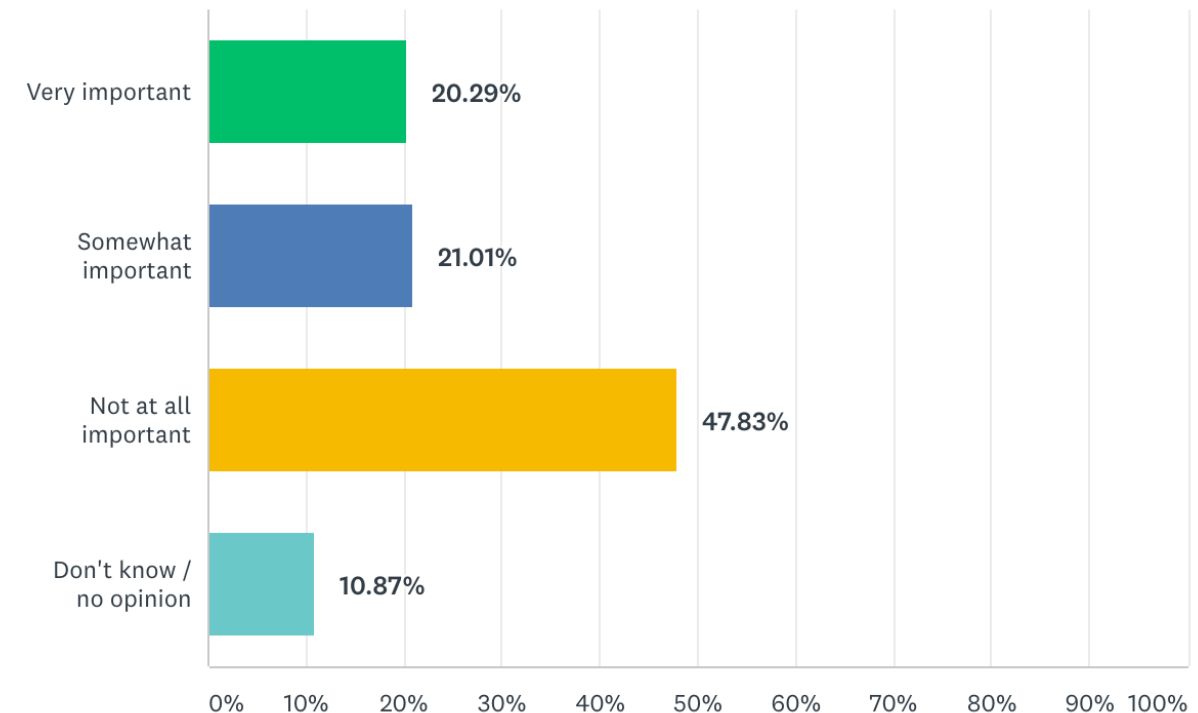
- 6.4% – Equal / greater access to services
- 6.4% – Unified planning / development
- 5.8% – The Village would benefit more than the Town outside the Village (ex. by spreading tax burden)
- 4.7% – Quality of services improve / consistency of services
- 1.8% – Finally put the merger issue behind us
- 0.7% – Equal representation in government
- 0.6% – The Town outside the Village would benefit more than the Village (ex. greater access to services)

Identity

More Essex residents don't feel the need to retain separate identities for Town and Village

- Almost half of all residents say it is “not at all important” to maintain aspects of separate identities following any potential merger
- However, when analyzing data by voting district, over half of 8-3 residents (54%) say it is at least “somewhat important” to retain aspects of separate identities

Q14 – How important is it to you that the Village of Essex Junction and the Town of Essex retain aspects of separate identities even with a merger of governments?





Identity

Preserving identity is about recognizing unique needs, ensuring representation

“We are not a homogenous community. Each community should be recognized for what it brings to the table, its needs, its concerns, etc.”

“I’ve lived in both the Village and Essex Center; there are very real differences in character and concerns; we have to recognize and celebrate these different perspectives and needs.”

“Since there’s been less and less representation for people living in the Town outside the Village (which a merger would surely exacerbate), keeping separate identities would be a half-measure in acknowledging these people exist.”

“The Village just has a different feel than the Town.”



Identity

Letting go of separate identities has several perceived benefits

Move forward together

"Because holding onto the past is like driving a car and just looking in the rearview mirror. I have lived here since the late 80s and feel like my neighbors are my neighbors, and I don't care who lives in the 'town' versus the 'village.' We are all Essex!"

Embrace fairness instead

"Don't care about identity. Care about fairness and cost reduction. This should be one community."

Reduce confusion

"I've lived in both the Town and the Village a combined 30 years and never understood why they were separate. ... Anyone from outside these areas has no idea about the difference and it's just confusing."

Dissolve tension

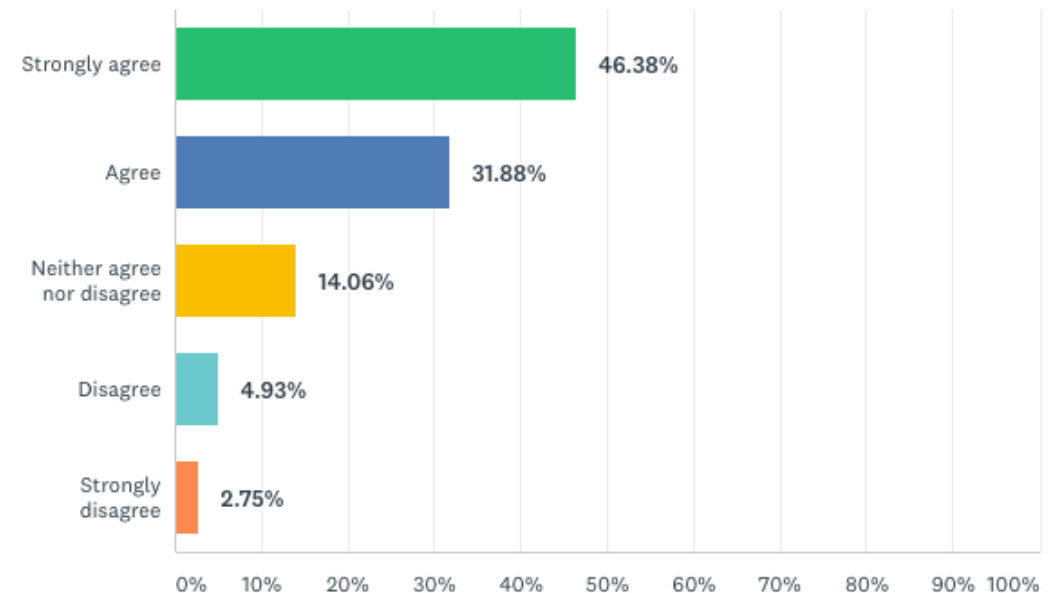
"The very question promotes 'us against them.' I moved to the area in 1965 and have witnessed this everlasting, obscene, and destructive attitude between two communities."

Sharing and Consolidating Services

Nearly 8 in 10 Essex residents agree shared services benefit the community

- Only 8% of Essex residents disagree shared services result in a benefit to the community
- There is no statistically significant difference in response when comparing voting districts
- 52% of 8-3 residents say it is “extremely” or “very” important to continue to share services and functions, compared to 66% of 8-2 residents and 68% of 8-1 residents who say the same

Q7 – To what degree do you agree or disagree with the following statement: The Town of Essex and the Village of Essex Junction benefit by having shared services, like a shared police department, shared public works department, shared clerk, and unified municipal manager.





Sharing and Consolidating Services

Essex residents feel all services would improve but would prioritize parks & rec and fire departments for consolidation

Q13 – Which specific services or municipal functions, if any, do you believe would improve if combined? Why? [open-ended]

Service / Function	% of all
All services and functions	27.3%
Parks & recreation	20.3%
Fire department	11.1%
Public works	7.0%
Police	6.1%
Libraries	4.9%
Governance	4.7%
Planning / zoning	4.6%
None	8.5%
Not sure	22.3%

Please note: This was an open-ended question. Percentages above represent the percent of respondents that cited that particular service or function top-of-mind. This list represents the services or functions most frequently cited and not all cited.

All

“ALL will share best practices, cost-savings, lack of duplication, end of the confusion...”

- 8-2 resident

Parks & rec

“It seems like combining all the [recreation] services could result in more and different offerings rather than duplication.”

- 8-3 resident

Fire department

“Both fire and recreation. Each can complement each other and would be a good fit. In the case of fire, maybe significant savings in equipment costs.”

- 8-1 resident



Sharing and Consolidating Services

Village residents are slightly more likely to say parks, fire departments, and libraries should be separate

Q13 – Which specific services or municipal functions, if any, do you believe would be best kept separate? Why do you say this? [open-ended]

Service / Function	% of all	% of 8-1	% of 8-2	% of 8-3
None / All should be together	46.1%	52.8%	45.9%	41.0%
Parks & recreation	10.5%	6.4%	15.6%	9.8%
Libraries	10.8%	7.9%	14.2%	11.5%
Fire department	8.0%	6.8%	10.6%	6.6%

Please note: This was an open-ended question. Percentages above represent the percent of respondents that cited that particular service or function top-of-mind. This list represents the services or functions most frequently cited and not all cited.



Sharing and Consolidating Services

Residents shared perceived drawbacks of combining services and functions

Losing fire department character

"If the community really becomes the 2nd largest in Vermont, how long before we have a single paid fire department with multiple sub-locations? The idea of volunteerism and service will be lost and the efficiency of a merged community will be handed a large increase in fire protection budgets."

8-2 resident

Some question safety of merging fire depts

"Fire departments should be kept separate just because of logistics. Traffic, train tracks. Could have one governing body but needs to be 2 departments for safety sake."

8-1 resident

Don't want to lose a library

"The two libraries have unique characteristics. I use them both and recognize the sense of community the smaller library in the town has developed. I'm wondering if merging the two would result in a loss of one of the buildings and services."

8-3 resident

Fear of losing access

"If Town has equal access to programs at these locations, it might impact the ability of those who live in the Village to be a part of ANY program."

8-2 resident

Potential de-prioritization of parks & rec

"If the unified municipality prioritized parks and rec services as highly as the Village currently does (or more highly), I would support it. I worry that it could get sidelined in a unified municipality."

8-2 resident



An Ideal Merger

Most are not sure what an ideal merger looks like; combined services, single governance, and single identity are most often cited

% of all	Description of ideal merger / what it includes
41.7%	Not sure
15.9%	All services combined / remove duplication
13.1%	Singular governance
11.6%	Singular identity / corporation / municipality
8.0%	None / no merger / no ideal merger
4.9%	Equal representation
4.3%	Tax equity
2.4%	Gradual consolidation
2.4%	Lower taxes
2.1%	More than two voting districts to remove us vs. them mentality
1.6%	Dissolve Village charter and become absorbed into Town of Essex
1.5%	Mayoral form with boroughs/districts/wards
1.3%	Status quo / keep as is
1.3%	Partial merger / keep some services separate (ex. library, rec, fire)
1.3%	Needs of residents in all parts of Essex addressed thoughtfully
1.2%	At-large / no districts
1.2%	Timely merger / just get it over with
1.2%	Effectively communicated / engagement with residents to share merger plans/data

- Many residents cited a benefit of a singular governing structure, but there wasn't consensus on how that would be comprised (all at-large seats vs. neighborhood representation; even vs. odd numbers, tiebreaking)
- Equal representation is a key part of an ideal merger for 8-3 residents – 9.8% cited this, compared to 5.7% for 8-1 and 2.3% for 8-2
- 8% of all residents said there is no ideal merger or that there shouldn't be a merger



Takeaways & Recommendations





Takeaways & Recommendations

The following slides outline the takeaways and recommendations for future research phases – the upcoming focus groups and second resident survey to be launched in September 2019.

Representation, tax equity, and identity were key themes, which we knew going in

- Many residents recognize, no matter what, they want fairness in how the community is governed, but there was no clear consensus on what fair or equal representation means – we recommend probing on different models: equal representation, proportional representation, at-large, combination, etc. to understand pros/cons and preferences
- About half said retaining identity was not all that important but it came up often in open-ended responses – we recommend further probing on the importance of identity and how aspects of historical identities may or may not complement a new, singular identity for the community
- Residents of each voting district prioritize these issues differently – we recommend focus group recruitment to include a filter for voting district, so that Town outside the Village participants include a mix of both 8-1 and 8-3 residents



Takeaways & Recommendations

Some respondents had a hard time conceptualizing or visualizing a potential merger and weren't confident in their responses

- In some instances, people responded to open ended prompts with “you tell us what this will look like” or “I don't have enough information to form an opinion”
- Future phases of research should include visuals of potential governing models, bullet-pointed lists of potential benefits/perceived challenges, lists/examples of what is already combined and what is being proposed – anything that would make it easy and plain-spoken
- Because of the open-ended nature of the questions, for example, some assumed consolidating/ combining services implied closing of certain facilities (fire stations, libraries) while others assumed facilities could remain open but were governed by one body – we recommend that future research gauge opinions using more concrete plans and having everyone evaluate options using the same information



Takeaways & Recommendations

Residents request that discussions are out in the open, ideas are clearly presented with examples, and communication is disseminated often and through multiple channels

- A few commented on “sneaky, backdoor” attempts at consolidating services or lack of outreach in previous attempts, resulting in poor engagement and distrust
- One resident cited the Thoughtful Growth In Action initiative and suggested open workshops, roundtables, coffee chats, and a comprehensive communication plan to encourage more resident collaboration
- Some also mentioned the need for data to “prove out” potential savings or efficiencies – when data exists, we should leverage that information, if not in the planned research, then in any resident education around the topic of potentially merging
- Future research should seek to understand how residents would prefer to be kept abreast of the merger discussion, what information would be most valuable, and if they have a desire to attend workshops or other similar open forums



Takeaways & Recommendations

The issue of how quickly to execute a potential merger was brought up

- Some residents advocated for a gradual, methodical roll-out to take place over a number of years, with services and functions being combined one at a time
- Others preferred a “rip the Band-Aid off” approach where consolidation occurs quickly or all at once as a way to put an end to long-simmering tensions
- Future research should gauge preferences on the timeline for execution, should a merger occur, to understand the preference among residents

Takeaways & Recommendations

Cultural differences and an “us vs. them” perception was a persistent theme

- Residents recognize the specific needs and characteristics of their communities and neighborhoods, leading to both unique experiences but also division and tension
- Most of the differences seem to arise from the differences between rural and urban settings and lifestyles
- Future research should have residents examine proposed merger options through a cultural lens, determining whether certain options do a better job alleviating cultural tension than others



Next Steps

KSV:

- Share research data set, including open-ended responses, tabulations, and comparative data – Monday, 7/22
- Develop first draft of focus group discussion guide – Wednesday, 7/24

Essex:

- Provide additional comments, questions, and feedback on survey findings
- Provide potential language / merger model options to include in focus group testing – is EOD Monday, 7/22 possible?

All:

- Review draft of focus group discussion guide – Friday, 7/26 8:00am



Thank You



Andy Watts comments on KSV initial governance survey summary report with questions for KSV, possible FAQ Topics and possible Focus Group questions

General

- 690 responses
- 60:40 TOV/Village
- 36:64 Kids/No kids
- Median age >55
- Median income \$150,000 - \$200,000
- 93% homeowners
- Knowledge of merger history correlates with age

Taxes (no surprises here)

- Top of list for comments
- Bigger concern for TOV
- 8-2 sees tax equity as a benefit

Voting

- The number of times we vote wasn't brought up by KSV (not all comments were included) but we have heard this as a significant concern in the past.
 - QUESTIONS FOR KSV; Were there comments about number of times residents vote? Can we ask about this in focus groups?
 - POSSIBLE FAQ TOPIC; Village residents vote one more time than TOV residents (Village Annual Meeting).
- NOTE: Some representation options make voting more complicated since Federal/State districts will remain in place (8-1, 8-2, 8-3) and any new districts may not be able to correspond exactly to existing districts.
 - POSSIBLE QUESTION FOR FOCUS GROUPS: Is increased voting complexity associated with adding districts acceptable?

Representation

- KSV recommends that we ask about specific representation models rather than asking open ended representation question.
 - At large
 - Proportional districts at/near current districts
 - Village/TOV
 - 8-1, 8-2, 8-3
 - Neighborhood based
 - Free-form
 - Other options?
- POSSIBLE QUESTION FOR FOCUS GROUPS: Is representation discussion about representation on Governance Sub-committee or final governance model or both?

Andy Watts comments on KSV initial governance survey summary report with questions for KSV, possible FAQ Topics and possible Focus Group questions

- POSSIBLE QUESTION FOR FOCUS GROUPS: Would proportional (district) representation increase or decrease “us vs them” concerns?
- POSSIBLE QUESTION FOR FOCAL GROUPS: Would you expect better governance if you are represented by someone who lives near you or if elected officials needed to appeal to all voters in the municipality?
- POSSIBLE FAQ TOPIC: No Vermont Towns have proportional representation on their Selectboard. All are at-large. Only 4 Vermont cities have proportional local representation.

Merger Support

- 7 in 10 in favor but skewed by income and voting district
 - 8-1 is 76% in favor
 - 8-3 is 29% not in favor
 - Support correlates with income
- QUESTION FOR KSV: In the survey results, do income and voting district correlate?
- POSSIBLE QUESTION FOR FOCUS GROUPS: What issues are specific to 8-3?
 - Identity, loss of rural character
 - Representation
 - Paying for Village infrastructure
- 2 in 10 oppose

Identity

- 9% have a concern, largest in 8-3.
- POSSIBLE QUESTION FOR FOCUS GROUPS: Clarify what is meant by identity concern.
- POSSIBLE FAQ TOPIC: Federal/State voting districts are independent of merger. The Post Office is named by the Federal government and will most likely remain Essex Junction and, for most of us, our legal mailing addresses will most likely remain Essex Junction.
- POSSIBLE FAQ TOPIC: Town of Hartford example with 5 Villages, 4 Libraries, 5 cemeteries, 2 water districts, 2 sewer districts, 7 historic districts and 3 overlay planning districts governed by at-large Selectboard with 7 members. Two of the Villages are White River Junction and Queechee are well known.

Services

- Village worried about losing access to EJP programs, childcare, and pool.
- 8 in 10 support shared services
 - POSSIBLE FAQ TOPIC: Village charter specifies Library, Planning Commission and Zoning Review Board. All else is approved by Village Annual Meeting vote.
- Some preference to keep EJP, Fire and Brownell Library separate.
 - POSSIBLE QUESTION FOR FOCUS GROUPS (Village): Are you willing to spend more to keep EJP, Fire, Library separate?

Andy Watts comments on KSV initial governance survey summary report with questions for KSV, possible FAQ Topics and possible Focus Group questions

- POSSIBLE QUESTION FOR FOCUS GROUPS (Village): If Brownell is kept separate, would you be willing to allow Town residents onto Brownell Library Board of Trustees?

Questions

- What evidence is there that Village residents are more connected and involved? Should we keep saying this?
- Can we put a multi-year tax phasing plan in place given that budgets are approved annually?
- QUESTION FOR KSV: Report mentions concerns about Village “debt.” Were comments specifically about debt or about Village costs?
 - POSSIBLE FAQ TOPIC; Village debt will be retained by current Village property owners until paid off.
 - POSSIBLE QUESTION FOR FOCUS GROUPS: Can we clarify whether concern is Village debt or Village costs?

Misunderstandings

- Why do I pay taxes to the Town if I live in the Village?
- TOV is taxed without representation.
- New municipality could vote to build Essex to its borders.
 - Question: Are there protections in place already or could we include such to protect rural Essex identity/character?
 - POSSIBLE FAQ TOPIC: Rural Essex development protections (if they exist).

George Tyler Governance Subcommittee 7/23/19

Key Takeaways From the Survey

Taxes: The overwhelming majority of respondents were homeowners. The ratio of owners vs renters will likely change in the general election of 2020 but I think the trend will remain. We must therefore conclude that the redistribution of the municipal tax burden that would occur in a complete merger is the most significant challenge for any merger proposal. In an all-out merger of Town and Village general funds, homeowners in Districts 8-1 (where there is already significant opposition to merger) and 8-3 would not only get a tax increase but their Village neighbors would get a tax decrease, which is likely to exacerbate the 8-1 and 8-3 opposition to merger.

Efficiency/Duplication: 'Efficiency' was one of the top five major issues mentioned, and throughout the survey there are comments indicating expectations that merger will improve 'efficiency' and reduce 'duplication.' This is a false expectation. The underlying assumption in our consolidation effort is that present service levels will be maintained. Merger might require some administrative reorganization among departments, but there should be no expectation for significant cost savings. In fact, consolidation so far has actually increased some costs.

Focus Group Discussion Points

Taxes and Tax redistribution: Do people understand that all Town and Village property owners support the Town budget, but only Village property owners support the Village budget? Do they understand that a full merger means the Village's costs would now be distributed to all property owners? Do they understand that this would result in an overall tax increase for Town outside the Village property owners and a tax decrease for Village property owners? Does this change their opinion about merger?

Efficiency and Duplication: There's no duplication of essential services (fire, police, community development, management, finance, etc.). The only duplication is with non-essential services (library, recreation). There's no intention to eliminate either library, so the only possible area for gaining a modest degree of 'efficiency' and reducing 'duplication' is with the two recreation departments. Do people understand this? Does it change their opinion about merger?

Infrastructure and Development: Do people who live outside the Village wish to see the Town become more developed, like the Village? Or should development be confined to the Village and the New Town Center area? Are people aware that development is guided by zoning and planning regulations and that merger is likely to have little impact on community development. Does this change their opinion about merger?

Culture Clash and 'Us vs Them': Are people aware that the Essex Select Board and Essex Junction Trustees have been meeting regularly for the last few years? Are they aware that the Select Board and Trustees have collaborated on a number of initiatives, such as consolidating the municipal manager's office and other administrative services? Are people aware that the overall tone of Village-Town relations is collaborative and cooperative and that there's very little of the old 'Us vs Them' rivalry? Does this change their opinion about merger?

from Max Levy 5e

Selectboard / Village Trustees Joint Meeting – July 24, 2019

- **Education module to include simple visuals (& possible videos) of current state of consolidation effort plus potential future governing models including any relevant available tax impact outlook**
 - List of departments that have already been consolidated
 - Consolidated via signed Agreements / Memoranda of Understanding (MoU)
 - List of departments that have not been consolidated
 - Bullet-pointed lists of potential benefits & perceived challenges of each type of governance model
- **Probe different governance models to understand pros/cons and preferences for type of representation**
 - Equal, at-large representation
 - Proportional representation with 2 or more districts
 - At-large, combination, etc.
- **Have residents examine proposed merger options to determine whether certain options do a better job of alleviating cultural tension than others do**
- **Understand what “identity” means to each focus group then probe the importance of preserving historical “identity” and how it may or may not complement a new, singular identity for the community.**
- **Probe the importance of what the merged community should be named**

Selectboard / Village Trustees Joint Meeting – July 24, 2019

- **Gauge preferences on the timeline for execution, should a merger occur**
 - Pull the Band-Aid off all at once?
 - Should tax equalization take place over a period of time?
 - If so, how long?

- **Town outside the Village focus groups should be sure to include a mix of both 8-1 and 8-3 residents**

- **Seek to understand how residents would prefer to be kept abreast of the merger discussion**
 - What method of communication
 - What information would be most valuable to them
 - Create workshops or other similar open forums, if community desires them

Raj Chawla, Trustee
Governance Subcommittee
July 22, 2019

I'm excited at the response rate for this survey (n=690.) With a 59% TOV and 40 % Village response rate, I think we can feel optimistic that we have a fair initial reading of how the community feels about moving forward. We can see that a majority of respondents can find something positive in merging. I do think there are some areas here that we should be very careful with, for instance the idea that image / identity is reported as not a priority for a majority of respondents. This will likely evolve into something quite important as the process progresses. And taxes are clearly an issue.

I look forward to combing through the qualitative results as I think those responses will prove valuable in terms of identifying areas for clarification or education. Addressing these areas should be a priority and should inform the direction for the focus groups.

The survey reports that 8 in 10 residents are aware of the makeup of the community and the characteristics of the TOE government compared to the Village government. I'm skeptical of this and think we should be careful acting on that assumption. The written responses will help us in this regard. There are numerous examples throughout the presentation that demonstrate a lack of understanding of how the community functions.

There is an interesting gradient that runs through the results, between the urban to rural (8-2, to 8-1 to 8-3). This could show up in conversations about appropriate representation in the merger discussions, in representation for the newly formed community etc. The middle 8-1 district (less urban, less rural) area has some particularly interesting trends. I think there is support for merger, perhaps including rec and library, but that could erode if assumptions of efficiency and cost savings fail to materialize and taxes increase for those TOV residents. There is a definite urban / rural divide though narrow support for this effort exists throughout the community.

More than half of all respondents felt that merger would result in cost reductions / efficiencies though we haven't presented anything that would prove that out and may not come to pass. A key strength is that 8 in 10 respondents think that shared services benefit the community. There seems to be confusion regarding duplication of services and residents report that they don't want to sacrifice services.

People report that all departments, including rec, libraries and fire should be consolidated though Village residents aren't as enthusiastic as those in the TOV. It will be interesting to tease this out in the focus groups. Are village residents nervous about access to EJP? That is something we should explore if we are considering a special tax district for rec, libraries etc.

It will be interesting to see if this narrow support for merger remains once many of these issues are clarified for residents.