



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

81 Main St.
Essex Junction, VT 05452
Tuesday, March 24, 2020
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.

COVID-19 UPDATE: Due to the Covid-19/coronavirus pandemic, the Selectboard and Trustees are instituting certain changes to their meeting process. The meeting will be held at the Town of Essex Offices, 81 Main St., Essex Jct., where a larger conference room allows for greater social distancing for board members and the public. Board members may be participating remotely via Microsoft Teams. Town and Village staff are working on ways to allow the public to also participate remotely; more details will be available at www.essexjunction.org and www.essex.org. We expect the meeting to be live-streamed on Channel 17's YouTube channel, as is always the case. Thank you for your patience and understanding.

- 1. CALL TO ORDER [7:00 PM]
2. STATEMENT ABOUT COVID-19 AND PUBLIC MEETINGS
3. AGENDA ADDITIONS/CHANGES
4. APPROVE AGENDA
5. PUBLIC TO BE HEARD
a. Comments from Public on Items Not on Agenda
6. BUSINESS ITEMS
a. Discuss recommendations from Governance Subcommittee memo and draft transition provisions
b. Discuss Q&A for water/sewer district recommendations and public works infrastructure
c. Discuss future meeting schedule of Governance Subcommittee
d. Discuss Strategic Advance and potential new date
e. COVID-19 Update and discussion of community and local business impacts
7. CONSENT ITEMS
a. Approve minutes: February 3, 2020 – (Trustees only; Selectboard approved 2/18)
8. READING FILE
a. Board Member Comments
9. EXECUTIVE SESSION
a. An executive session is not anticipated
10. 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: 03/20/2020 [Signature]

Memorandum

6 March 2020

From: Essex Junction/Essex Town Subcommittee on Governance

To: Essex Junction Board of Trustees and Essex Town Selectboard

Re: Update on Proposed Charter for Merged Community

The Subcommittee has reached a point in the transitions provisions section of the charter development process where it would be beneficial for the joint boards to give definitive guidance and/or final approval on three questions:

- I. **Representation Model** In light of the recent vote to amend the Town charter we recommend waiting for the Vermont Legislature's Government Operations Committee's response before taking any further action on this. Our earlier recommendation of 2-2-3 was based on the results of the KSV survey, advice from our attorney, and our own insights as seated board members. Given the political contentiousness that has arisen around this issue we feel it's more appropriate for the joint boards, as representatives of the community, to act on this directly. Please note that the draft transitional charter presently contains language describing the establishment of a seven-member board of 2 town, 2 village, 3 at-large. This should just be considered 'placeholder' language until the joint boards make a decision about representation. Also note that we have included a paragraph that allows the selectboard to establish and alter voting wards and a paragraph that requires the selectboard to establish a voting-ward/districting committee within five years after approval of the charter.

- II. **Tax Rate Integration Models** *(see draft charter version 2.28.20, paragraph§ 104)* Which of the proposed tax phase-in/reconciliation recommendations should be included in the transitional portion of the merger charter? Do you approve the concept to incrementally reconcile the differential between the Village and Town general funds over 12 years at a rate that will increase taxes on the average (\$280K) T.O.V. home an average of approximately \$26 per year? Which, if any, of the other tax rate increase mitigation recommendations should be included in the transition charter (i.e. Village as a 'Sidewalk District,' 'Capital Improvement District,' village center as a 'Downtown Improvement District')? Please note that the Vermont Legislature's Government Operations Committee and Legislative Counsel have reviewed these ideas and not cited any particular concerns. Also note that the Subcommittee and administrative staff have yet to determine the specific tax rates and revenue estimates to be attached to the 'Sidewalk,' 'Capital,' and 'Downtown'

districts. Before asking staff to develop these numbers the Subcommittee would like to get joint board guidance on any or all of these concepts.

- III. **Transition Provisions* Language and Terms** Excluding paragraphs and sections mentioned above, do the joint boards approve the remainder of the draft version of the transition provisions for a merged municipal charter so far, with specific attention to the interim period between Legislative approval and election of the new board AND during the first five year 'transitional' phase of the merger?

*The transitions provisions are not the whole draft charter, just the draft of Subchapter 1 temporary transitional language needed to merge. After all transitions specified in Subchapter 1 are made, the transition provisions will sunset and can disappear from the "permanent" merged municipal charter. The Subcommittee is only focusing on the Subchapter 1 transition provisions of a draft charter at this time.

Additional Work to be Completed: The Governance Subcommittee and Staff are organizing and overseeing a collaborative effort between the Essex Junction and Essex Town Planning Commissions and Community Development/Planning staff to recommend a model for a planning/zoning/development review structure in the merged community. For example: should the new community have a planning commission and zoning board of adjustment (ZBA) or convert to a planning commission/development review board (DRB) model? How many seats should be on each commission/board? What are their terms of service? What issues, if any, need to be addressed in the charter about integrating current Town and Village municipal plans, zoning, building codes, etc.

We anticipate that this process will be completed by May. All recommendations will be reviewed by the Subcommittee and present to the joint elected boards for final approval before inclusion in the charter.

Draft Subchapter 1 Transitions Provisions
for Merged Charter/ version 3.9.20
(Still Requires Legal Review and Edits)

PREAMBLE

The inhabitants of the town of Essex, including the historical, unincorporated village of Essex Junction, are a corporate and political body under the name of "town of Essex" (herein called "the town"). As such, inhabitants enjoy all rights, immunities, powers, and privileges and are subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation.

Subchapter 1: Transitional Provisions

§ 101 Adoption of town and village assets and liabilities

This first provisions should demarcate the new entity as the successor entity to the village and the town as such all assets, contracts, liabilities, rights, and obligation held by the former entities shall transition to the new entity. This should dovetail and mirror Section 201 below.

(a) All assets and obligations formerly owned or held by the Town and Village shall become the assets and obligations of the [name of municipality] upon the effective date of the charter. This shall include all real property, easements, rights and interests in land, buildings and other improvements; vehicles, equipment, and other personal property; assessed but uncollected taxes, rents and charges, together with lien rights and enforcement powers; moneys, rights of action in legal or administrative proceedings; insurance policies; documents and records; debts, claims, bonded indebtedness; without any further act, deed, or instrument being necessary.

(b) All contracts, agreements, trusts, and other binding written documents affecting the Town or Village shall remain in effect on the effective date of the charter, and the [Name of Municipality] shall assume all the responsibilities formerly belonging to the Town and Village.

§ 102. Transition Period

This provision should define the length of the transition period, if the period will extend to all or certain municipal functions, when the transition will begin, and when its provisions will sunset.

(Question for Dan Richardson: Can you recommend language that allows us to have some discretion about which departments will be immediately consolidated within the first year of the merger while others may take a few or more years?)

The transition period shall begin not later than July 1, following the approval of the charter by the Legislature, and end on June 30, 20___. At the end of the transition period, the charter will become effective and the City or Town (Town of Essex) shall be fully established and organized. Nothing in this section shall affect or limit other provisions in this subchapter or in other subchapters, which serve a transitional purpose and which by their own provisions continue beyond the transitional period. In such cases, transitional provisions intended to extend beyond the transitional period shall be governed by specific sunset terms.

§ 103. Organizational Municipal Meeting

Depending on whether the new entity follows a town meeting format or an Australian ballot format of annual meetings, this provision should lay out what will happen at the first meeting of the new entity, who will be elected, who will lead the meeting, and what items (such as a budget) will be voted.

The first annual City or Town meeting shall occur on the same date as the Essex Westford School District preceding the July 1 effective date of the charter. This shall be a unified meeting of the new municipality and shall be noticed and warned to all residents of the Town of Essex and (unincorporated) Village of Essex Junction. This meeting shall be for the purpose of presenting and discussing the budget only. Other (new Town) business may also be presented and discussed but not voted on. After presentation and discussion of the budget and any other business the meeting shall adjourn. Voting on the budget shall be by Australian ballot and shall occur on the same day as the budget vote for the Essex-Westford School District. Voting for (new Essex Town) elected officers shall also occur at this time. Time and holding of the meeting shall be pursuant to section ___ of the City or Town charter. The first annual City or Town meeting shall be jointly warned by the Village Trustees and Town Selectboard. The election of a moderator shall be the first order of business.

§ 104. Transitional Districts

[Village becomes Debt Assessment District] For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Debt Assessment District for the purpose of retiring the Village's residual bonded debt, which is scheduled to retire in FY 2035.

[Village becomes Tax Reconciliation District] For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated

as a Tax Reconciliation District for the purpose of transferring the cost of the Village's municipal operations into the Town's operational budget. (Do we need to specify an algorithm or some other formula by which this phase-in of costs occurs?)

[Village becomes a Sidewalk District] *For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Sidewalk District for the purpose of levying a special tax on properties within the Village for the purpose of maintaining the Village's sidewalks, including snow removal and routine maintenance, but not capital repairs, in accordance with its previous sidewalk maintenance procedures prior to the merger.*

[Village becomes a Capital Improvement District] *For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Capital Improvement District for the purpose of levying a special tax on properties within the Village for the purpose of paying for Village capital infrastructure projects on the Village's Capital Reserve Plan prior to the merger. The Capital Improvement District is not required to complete all projects in the plan prior to the end of the transitional period and the (new governing board) shall designate in their proposed budgets which projects are to be completed in each new fiscal year of the transitional period.*

[Village Center Zone become a Downtown Improvement District] *For a transitional period of 12 years commencing from the July 1 effective date of the charter, the Village Center Zone, as designated in the Essex Junction zoning plan, shall be designated as a Downtown Improvement District for the purpose of continuing the Village's downtown revitalization efforts as outlined in the Village's municipal plan. The (new Town government) shall levy a special tax on commercial properties within the District at a rate up to but not to exceed an additional \$0.01 on the community-wide tax rate in each fiscal year to pay for infrastructure improvements, landscaping improvements and maintenance, and real estate purchases within the District in accordance with the revitalization objectives in the municipal plan.*

§ 105. Interim Governing Body

This provision should lay out how the new municipality will be governed between adoption of the new charter and the first organizational meeting. There are a variety of options. This body could be the duly elected Trustees and Selectboard; a representative hybrid of the two; or a body created by each of the Trustees and Selectboards composed of new members. This body should have certain powers and duties to oversee the new municipality and to oversee the transition.

(a) For the transition period described in paragraph § 102 following the approval of the charter by the Legislature, all members of the Town Selectboard and Village Trustees

shall comprise an Interim Governing Body. In no event shall the Interim Governing Body consist of less than three trustees and three selectpersons. If one or two member(s) of one board resign(s) during the transition period, an equal number of members shall resign from the other board. Each board shall designate its own process for determining such resignations with a preference for retaining selectpersons who reside outside the Village. The Interim Governing Body shall, at a minimum, schedule, warn, and hold bi-monthly meetings. The selectpersons shall address details and issues relating to expenditures in the Essex Town budget approved by voters for the fiscal year of the transitional period. The trustees shall address details and issues relating to expenditures in the Essex Junction budget approved by voters for the fiscal year of the transitional period. The selectpersons and trustees shall address all details and issues relating to the transition from a town and village to the new (Town of Essex) jointly. The Interim Governing Body with the assistance of the Unified Manager shall develop recommendations for whatever proposals or policies are needed to ensure a smooth transition. The (Town of Essex) council may implement such proposals once the charter becomes effective.

(b) The Interim Governing Body will also, with the assistance of the Unified Manager and staff, propose and warn in the manner pursuant to this charter, the first annual budget of the [the Town of Essex] for consideration by the voters at the first annual meeting held pursuant to § 103. This meeting shall be informational only. Voting for the budget shall occur on the same day as voting for the Essex-Westford School District budget pursuant to § 103.

§ 106. Budget and Municipality Administration

Following the approval of the charter by the Legislature pursuant to § 103 and § 105, the Manager will propose a unified budget for the community for the next fiscal year that addresses proper service levels, contractual obligations, capital projects, debt, and that reflects any changes related to the merger.

§ 107. Village and Town Boards and Department Transitional Provisions

For a transitional period of 5 years commencing from the July 1 effective date of the charter, the Manager, with the advice and consent of (new governing board), shall integrate the fire departments, community development and planning offices, libraries, parks and recreation offices, and any other town and village municipal services and operations, with special provisions and considerations outlined below.

FIRE DEPARTMENTS

The [new town] shall continue to operate the former Essex Junction Fire Department and Essex Town Fire Department, and each department shall have a chief appointed by the manager. At the manager's discretion, one person may be appointed chief for both departments. During the transitional period, pursuant to § 105, the Interim Governing

Body may review options for integrating the operations of the two departments for the purpose of improving efficiency and service levels and with a preference for retaining the historic identities of the two departments and for the predominant level of service remain "paid on call." Recommendations made by the Interim Governing Board pertaining to the fire departments cannot be adopted during the transitional period pursuant to § 102 or during the fiscal year commencing on July 1 after approval of the Charter and ending on the next June 30, nor without the approval of the (new governing body) pursuant to § 103.

COMMUNITY DEVELOPMENT, PLANNING, AND ZONING

(This section will contain the recommendations from the joint meeting between the Town and Village planning commissions and development/planning staff. This section will also describe how existing Town and Village municipal plans, zoning, building codes, and all other regulations pertaining to development, planning, and zoning will be integrated post-merger)

RECREATION AND PARKS DEPARTMENTS

During the five-year transitional period the Manager, with the advice and consent of the (new board) shall integrate and reorganize the town and village recreation and parks department and the Manager shall appoint a department head.

§ 108. Unification and Adoption of Ordinances, bylaws, and rules

This provision should provide (1) for adoption of existing ordinances and bylaws; (2) the repeal of such ordinances or bylaws that conflict; and (3) a temporary grant of power to the transitional body to oversee these ordinances and to make changes as may become necessary during the transition.

On the effective date of this charter, all ordinances, and bylaws of the Town of Essex and the Village of Essex Junction shall become ordinances and bylaws of the City or Town. The City council or Town selectboard shall be fully authorized to amend or repeal any ordinance according to the provisions of subchapter __ of the charter. Whenever a power is granted by any such ordinance, or bylaw to an officer or officers of the Town of Essex or the Village of Essex Junction, such power is conferred upon the appropriate officer or officers of the [name of municipality].

§ 109. Personnel

This provision should cover all town and village employees during transitional period for issues of employment, compensation, and benefits.

- (a) *The Interim Governing Body established in § 105 shall develop a pay and classification plan and make recommendations to meet the Town's needs. The City council or Town selectboard may implement such proposals once the charter becomes effective.*
- (b) *The Town of Essex personnel regulations in effect as of 6/30/___ shall carry over and control as of July 1, 20__ until amended by the [name of municipality] council or selectboard.*
- (c) *Employees of the Town of Essex and the Village of Essex Junction shall become employees of the [name of municipality]. The dates of hire with the Town of Essex and the Village of Essex Junction will be used as the dates of hire for purposes related to benefits with the [name of municipality] and all accrued benefits shall carry over.*
- (d) *Upon the effective date of the charter, employees of the Village as of June 30, 20__ shall have the option to remain in the retirement program they are enrolled in as of June 30, 20__ or to join the Vermont Municipal Employees Retirement System*
- (e) *All new employees hired after the effective date of the charter will be considered [name of municipality] Employees and are subject to the Town Employee Manual and/or their respective labor agreement.*

§ 110. Water and Sewer Districts

Upon the effective date of the charter of the merged municipality, there shall be a transitional phase to incorporate the municipal water system(s) and municipal sewer system(s) into one service area district. The one district shall be made up of multiple systems which follow the boundaries of the legacy systems including those operated separately by the Village of Essex Junction and the Town of Essex. Each system will have its own user base consistent with the legacy systems. Costs specific to each system will be charged solely to the user base within the boundaries of that system including capital and debt service costs. Any new costs incurred after the effective date of the charter of the merged municipality attributable to the entire district will be borne by all users. Costs attributable to specific users through a special assessment, surcharge or other contractual arrangement shall continue to be assessed to the specific users until they are paid in full.

§ 111. Finances

Declaring all grand lists to remain in effect from the town and village and that any taxes due under the old entities will be payable to the new municipality. That the new entity will manage the existing budget of the old entities with the assistance of the existing selectboard and board of trustees. Transition provisions for assets and property, bonds, and obligations.

(a) The existing real property tax system of the town shall become the system of the [name of municipality]. Upon the effective date of the charter, all grand lists will remain in effect and any remaining taxes due to the Village and Town will be payable to the [name of municipality]. The [name of municipality] will manage the existing budget of the Village and Town with oversight by the Interim Governing Body.

All Tax and indebtedness incurred by the Village tax payers at the time of merger are to remain with these properties until final payment of said obligations are made in full.

All existing legal obligations, including but not limited to tax stabilization agreements and any agreements to purchase real property, are to be considered obligations of the new governmental entity.

§ 112. Terms Extended

Extending the governing officers' terms for the length of the transitional period (if necessary).

The Selectboard and Trustee terms set to expire in 20__ shall be extended without further action necessary, until June 30, 20__.

§ 113. Transitional Tax Districts and Transitional Tax Provisions.

(Question for Dan Richardson: Do we need this paragraph? How does it improve upon § 104 above?)

§ 114. Repeals

(a) 24 App. V.S.A. chapters 117 (Town of Essex Charter) and 221 (Village of Essex Junction Charter) are repealed.

§ 115. Revisions (?)

TOWN SELECTBOARD (COUNCIL??)

Composition, Eligibility, Terms (NOTE: This entire section is preliminary language solely to outline the current '2&2&3' representative model proposed by the Governance Subcommittee)

There shall be a Selectboard of seven members elected by the qualified voters of the Town as follows: two members who reside within the boundaries of the former incorporated Village of Essex Junction to be elected by the qualified voters within the boundaries of the former incorporated Village of Essex Junction; two members who reside within the boundaries of the Town of Essex exclusive of the former Village of Essex Junction to be elected by the qualified voters of the Town of Essex exclusive of the former Village of Essex Junction; three members elected at large by all qualified voters of the Town.

(Terms – three year terms staggered. The precise language TBD)

(Election of Chair – the precise language TBD)

WARDS

The Selectboard is empowered to make such changes from time to time, by resolution or ordinance, in the number and boundaries of the several wards of the Town as it may deem proper, having regard so far as practicable and convenient, to an equal division of population among them; provided that after the first change so made, such changes shall not be made more than once in five years. (From the City of St. Albans charter, Chapter 011-5)

Appointment of Ward Commission Within five years after the first election of the seven-member Selectboard, the Selectboard shall appoint a special commission to study the composition of voting wards within the Town, including the former incorporated Village of Essex Junction, and, having regard to an equal division of population and other considerations deemed proper, recommend changes to the boundaries by which members of the Selectboard, are elected.

Memorandum

To: Town of Essex Selectboard; Village of Essex Trustees; Evan Teich, Unified Manager

CC: Greg Duggan, Deputy Manager; Sarah Macy, Assistant Manager and Finance Director

From: Ann Janda, Project Manager

Re: Discuss and Consider Approving Q&A for Water Sewer Transition Language

Date: March 24, 2020

Issue

The Governance Subcommittee has approved the water and sewer transition language proposed by staff. However, the Subcommittee requested a Question and Answer sheet explaining the transition language, including language about who pays for water and sewer and a comparison of the two systems.

Discussion

The following, two-sided Q&A was developed based on questions that staff received from Subcommittee members about the water and sewer transition language and from members of the public who are interested in a general side by side infrastructure comparison.

Recommendation

Staff recommends that joint board members discuss the draft Q&A and consider approving for ongoing use with the public, including at outreach events.

Questions and Answers on Governance Position on Municipal Sewer and Water

1. How similar are the current municipal water and sewer systems in both municipalities?

The Town and the Village both obtain their water from the Champlain Water District (CWD). The Town outside the Village has 3538 customers, 59.2 miles of waterline and 474 hydrants. The Village has 3346 customers, 34.42 miles of waterline and 379 hydrants. Water service encompasses almost the entire Village; rural portions of the Town are on wells.

Both municipalities treat their wastewater flow at the Tri-Town (Essex, Essex Junction and Williston) Wastewater Facility in the Village. The Town outside the Village has 30.54 miles of sewer, 16 municipal pump stations and 880 sewer manholes. In comparison, the Village has 30.09 miles of sewer, 9 pump stations and 774 manholes. Almost all of the Village is on municipal sewer; sewer in the Town is only allowed within the designated sewer core area as a pre-existing grant condition to limit urban sprawl.

2. Why is the recommendation made that the merger will transition the two systems into one with separate user classes that have different rates?

One entity will provide centralized control by the merged government for consistency with overall community zoning and utility coverage, operational efficiencies especially with respect to staffing, and simplified State permit compliance.

Although the wholesale water cost from CWD and the wholesale sewer cost from the Tri-Town facility are at the same rate for both municipalities, their retail rates currently differ. Existing debt is different and contributes to the rate differential as does the amount of infrastructure, the financial participation by Global Foundries and other issues.

3. How would the combined system be managed and would the fees remain different?

The elected governmental body would act similar to a Board of Water and Sewer Commissioners and manage the system as one entity. Daily operation of the systems would be under control of the Municipal Manager and his/her staff would manage and operate the entire system as one. Debt incurred under the legacy systems would be paid off by the users of each legacy system until such debt was retired. Water and sewer charges within each legacy sub-system during the transition would likely be different - a combination of a uniform rate charge based on usage and different surcharge costs that reflect the difference in the two legacy systems. Some existing debt remains due for the next 20 years so a full rate consolidation would take at least that long to achieve equality.

Flip page to see an Infrastructure Comparison

Infrastructure Comparison

Village of Essex Junction and Town of Essex Outside the Village

TWO IMPORTANT NOTES:

1. Water and sewer utility rates do not impact tax rates. Maintenance of these systems is paid for by the users.
2. The age of infrastructure is not the issue when it comes to cost. The issue is the maintenance needs.

ROADS: Based on a study of all roads in greater Essex, using a standardized assessment protocol, the general condition of the road network is about the same in the Village as in the Town outside the Village. However, the Village has 36 miles of paved roads; the Town outside the Village has 53 miles of paved roads and 23 miles of gravel roads. Grant funding covers a small portion of the cost of maintenance.

SIDEWALKS: Although ADA compliance and maintenance issues are continually studied and addressed, there is no current, comprehensive study of the average condition of the entire sidewalk network. However, the Village has a sidewalk policy to be pedestrian-friendly as an urban center and has historically put more resources into snow removal and maintenance. The Town outside the Village has a much larger road network (see above) that requires more resources than the Village, and this competes with sidewalks for resources. Grant funding covers a fairly large portion of the cost of sidewalk construction.

WATER UTILITY: The Village and the Town outside the Village both obtain their water from the Champlain Water District (CWD) at the same rate. Village water infrastructure is on a similar maintenance schedule as the Town outside the Village water infrastructure. Maintenance schedules are based on multiple factors, not just the age of the system. All costs are paid by the users of the system. Residents not on municipal water pay nothing.

SEWER UTILITY: Both municipalities treat their wastewater flow at the Tri-Town (Essex, Essex Junction and Williston) Wastewater Facility in the Village at the same cost. Village sewer infrastructure is on a similar maintenance schedule as the Town outside the Village sewer infrastructure. Maintenance schedules are based on multiple factors, not just the age of the system. All costs are paid by the users of the system. Residents not on municipal sewer pay nothing.

STORMWATER: Stormwater is already aligned/consolidated under the current Public Works budget. The entire stormwater infrastructure of greater Essex is currently being studied. Most large stormwater projects qualify for grant funding.

How we would maintain systems in a post-merger environment: Little would change. Public Works and utilities will conduct studies on issues and look for funding to address them, including state and federal grants. Departments anticipate some improved efficiency in addressing maintenance issues.

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager
Cc: Sarah Macy, Finance Director / Assistant Manager; Ann Janda, Project Manager
From: Greg Duggan, Deputy Manager GSD
Re: Future meeting schedule of Governance Subcommittee
Date: March 20, 2020

Issue

The issue is for the Trustees and Selectboard to discuss future meetings of the Governance Subcommittee.

Discussion

The Trustees and Selectboard may wish to discuss future meetings and tasks for the Governance Subcommittee.

Cost

N/a

Recommendation

This memo is for discussion purposes.

To: Town of Essex Selectboard; Village of Essex Junction Trustees; Evan Teich, Unified Manager
CC: Greg Duggan, Deputy Manager; Sarah Macy, Assistant Manager and Finance Director
From: Ann Janda, Project Manager
Re: Strategic Advance II and Annual Board Retreat

Date: March 24, 2020

Issue

The issue is planning a Strategic Advance II meeting of joint board members and an Annual Board Retreat on May 2 from 8:30AM to 12:30PM at the Police Department Community Room Conference Room.

Discussion

As a follow-up to the Strategic Advance held in June 2019, there will be a Strategic Advance II to bring new elected officials up to speed on the merger initiative, discuss next steps, and brainstorm ideas for public education and engagement on the issue. Directly following will be a joint board retreat to draft top priorities for the year. Below is the proposed agenda for this meeting.

Strategic Advance II --- 8:30AM – 11:00 AM (Ann Facilitates)

1. Breakfast/Coffee, Call to Order, Introductions, Agenda Review, Goals for the Day – 15 minutes
2. Merger Efforts Past and Present - Review and Q&A for New Board Members – 30 minutes
3. Review of Logistical and Legal Next Steps Leading up to November 3 Vote – 45 minutes
4. Public Education and Engagement Brainstorm and Q&A for Elected Officials using external case studies and focusing in on the general approach – facilitated by Liz Gamache, former St. Albans Town Mayor and Seth Leonard, former Winooski Mayor – 1 hour
5. Non-Binding Resolution to Continue Merger Vote Effort

Annual Board Retreat --- 11:00 AM – 12:30 PM (Evan Facilitates)

1. Review Draft Top 5 Joint Board Priorities for Year (Evan will work with Chairs in advance to prepare the draft for joint board review)
2. Finalize, Prioritize, and Consider Motion to Approve Top 5 Priorities for Year (to be reviewed again after merger vote at Strategic Advance III in November)

Recommendation

For informational purposes only.

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager
Cc: Sarah Macy, Finance Director / Assistant Manager; Ann Janda, Project Manager
From: Greg Duggan, Deputy Manager GSD
Re: Strategic Advance II date
Date: March 20, 2020

Issue

The issue is the date of the Strategic Advance II.

Discussion

In light of uncertainty around Covid-19, the Selectboard and Trustees may want to reschedule the Strategic Advance II for a date later than May 2.

A decision is not necessary on March 24, however, the boards should know that May 2 is not a required date.

Cost

N/a

Recommendation

This memo is for informational purposes.

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager
Cc: Sarah Macy, Finance Director / Assistant Manager; Rick Garey, Police Chief
From: Greg Duggan, Deputy Manager
Re: Municipal update about Covid-19
Date: March 20, 2020

Issue

The issue is to provide information to the Trustees and Selectboard about Essex and Essex Junctions' response to Covid-19.

Discussion

Staff will provide an update on municipal services to the boards on Tuesday. Information and knowledge has been changing rapidly. The Town and Village will adapt accordingly.

To review some steps taken to date:

- Municipal buildings are closed to the public through at least April 6. Residents and customers are asked to conduct all municipal business electronically, by phone, or by mail. Municipal business that can only be conducted in-person is by appointment only.
- Departments with non-essential staffing are working with the minimum staffing levels necessary, through at least April 6. All staff that is able to do so is working from home. All staff who are not on leave remain available to work if called upon.
- Secure drop boxes are available at the main entrance of the Town Offices (81 Main St.) and at the rear entrance of the Village Offices (2 Lincoln St.). Both boxes are checked daily. Residents are being asked to put any and all payments in the drop boxes. Closures and staffing levels will be reconsidered weekly.
- Public use of meeting spaces in the Town Offices, Village Offices, Brownell and Essex Free libraries, Fire Stations, Police Station, and Recreation Offices is suspended through April 19. All upcoming board/commission/committee meetings that do not require important business or deadlines are cancelled through at least April 19. Exceptions will be made to comply with open meeting laws for essential public meetings, including Essex Selectboard and Essex Junction Board of Trustees.
- Trustee, Selectboard, and joint meetings of the two boards will have the option of remote participation. Board members and the public are encouraged to take advantage of the remote meeting option. As this is a new system, we may face some kinks and hiccups, and ask for patience from the board members and the public as we learn.
- Staff is working to bolster our website updates about how Covid-19 is affecting municipal services.
- Staff is looking to, and directing residents to, the Vermont Department of Health (www.healthvermont.gov) and the Centers for Disease Control (www.cdc.gov) websites for daily updates and for tips for hygiene and preventing the spread of the virus.

Cost

N/a

Recommendation

This memo is for informational purposes.



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

Essex High School Cafeteria

2 Educational Drive

Essex Junction, VT 05452

Monday, February 3, 2020

7:45 PM (or immediately following
Town Selectboard Meeting)

E-mail: manager@essex.org

www.essexjunction.org

Phone: (802) 878-1341

www.essex.org

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

1. **CALL TO ORDER** [7:45 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 potential merger of Town of Essex and Village of Essex Junction with the delegation of Essex area State Senators and State Representatives
 - b. Review and consider approval of draft Essex Merger Vote 2020 FAQ for use at upcoming public meetings and events
 - c. *Evaluation of a public employee
6. **CONSENT ITEMS**
 - a. Approve minutes: January 21, 2020 – (Selectboard and Trustees approval)
7. **READING FILE**
 - a. Board Member Comments
8. **EXECUTIVE SESSION**
 - a. An executive session is anticipated to discuss the evaluation of a public employee
9. **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: 01/31/2020 *J Mitchell*

VILLAGE OF ESSEX JUNCTION TRUSTEES
TOWN OF ESSEX SELECTBOARD
DRAFT SPECIAL MEETING MINUTES
Monday, February 3, 2020

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SELECTBOARD: Elaine Haney, Chair; Annie Cooper; Max Levy; Patrick Murray; Andrew Watts.

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

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager.

CHITTENDEN COUNTY LEGISLATORS: Senator Tim Ashe; Senator Debbie Ingram; Senator Virginia Lyons; Senator Christopher Pearson; Senator Michael Sirotkin; Representative Robert Bancroft (8-3); Representative Dylan Giambatista (8-2); Representative Lori Houghton (8-2); Representative Linda Myers (8-1); Representative Marybeth Redmond (8-1)

OTHERS PRESENT: Harris Abbott; Jan Abbott; Gil Allen; Lisa Allen; Paul Austin; Gary J. Balaun; Iris Banks; Gina Halpin Barrett; Dennis Bergeron; Robert Bates; Alyssa Black; Al Bombardier; Diane Clemens; Patty Davis; Paula Duke; Libby Dunbar; Betsy Dunn; Vincent Franco; Jerry Fox; Matt Gilbert; Ann Gray; Mary Lou Hurley; Sharon Illenye; Stephanie Isaboreh; Tim Jerman; Art Johnson; Lynn Johnson; Brad Kennison; Dave Kilbon; John Larkin; Bob Leuang; Alice Martin; Catherine Mitchell; Candace Morgan; Guy Morin; Abbie Nelson; Hubert Norton; Mike Nosch; Michael Plageman; Mary Post; Linda Proctor; Michael Ross; Sara Serabian; Brian Shelden; Gabrielle Smith; Harlan Smith; Margaret Smith; Ken Signorello; Mitch Stern; Alvin Strong; Daryl Stultz; Saramichelle Stultz; Mike Sullivan; Andy Suntup; Linda Suntup; Dennis Thibault; Mike Thorne; Ralph Undercoffler; Chuck Vile; Carl Wermer; Jean White; Irene Wrenner; Lorraine Zaloom

1. CALL TO ORDER

Elaine Haney called the Essex Selectboard back to order from recess, and Andrew Brown called the Village of Essex Junction Trustees to order, to enter into the Special Joint Meeting of the Village of Essex Junction Trustees and the Town of Essex Selectboard at 8:22 PM.

2. AGENDA ADDITIONS/ CHANGES

There were no additions or changes to the agenda.

3. AGENDA APPROVAL

With no changes to the agenda, approval was not required.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

There were no comments from the public.

5. BUSINESS ITEMS

a. Discussion of a potential merger of the Town of Essex and Village of Essex Junction with the delegation of Essex area State Senators and State Representatives

Mr. Tyler provided an overview and showed a PowerPoint about the Governance Subcommittee's efforts to address the question of whether or not the Village of Essex Junction would merge with the Town and, if so, how. He pointed out that the subcommittee is

50 made up of two board members who live in the Town outside the Village and two who live in
51 the Village. Mr. Tyler began his overview focusing on major efforts during the past 7 years
52 related to consolidation, unified leadership, joint meetings, and shared municipal services in
53 police, public works, and recreation. He talked about the subcommittee’s formation in 2018 to
54 research, review and determine possible governance models. He explained the expertise
55 gleaned from Special Counsel Dan Richardson, esq., as well as through the market research
56 done by KSV. Mr. Tyler said the subcommittee considered many options for Governance and
57 Tax consolidation over two years and are now proposing a hybrid governance transition
58 model. Mr. Tyler described the proposed 5-year transitional phase for the new governance
59 model and a 12-year phase-in of tax reconciliation. He explained the rationale for a 7-member
60 transitional governance structure of two elected from the Village, two elected from the Town
61 outside the Village and 3 elected at-large (2-2-3). He talked about why the committee moved
62 away from a 3-3-1 model, which would have one elected person at-large. He discussed the
63 interests of residents to construct a districting model and how this could take place during the
64 transitional phase, once the U.S. Census provides clarity on population counts. Mr. Tyler
65 discussed the phased-in tax reconciliation rationale and the mechanisms for facilitating this
66 merger. He discussed other subcommittee recommendations including voting for budgets by
67 Australian ballot, the Annual Meeting dynamics, the name of the new community (Essex) and
68 how sewer and water would be handled.

69
70 Andrew Brown invited the representatives present to discuss the proposal with the boards.

71
72 Sen. Ashe wondered why the board members had expressed concern that the legislature may
73 not approve the Charter change if it was approved by the voters. Mr. Tyler spoke about the
74 unusual choice within the model to establish special Tax Districts to help ease the tax burden.
75 Mr. Ashe suggested that because these will not pose a negative tax change to the State there
76 will most likely be support of the new Charter within the legislature.

77
78 Sen. Lyons commented on the thorough, good work conducted by the Governance
79 Subcommittee. She cautioned that the board members should be able to effectively explain
80 the Tax District strategy to Essex residents. She said legislators familiar with Essex tend to be
81 supportive of the merger.

82
83 Sen. Sirotkin talked about his history with the Town of Essex and Village of Essex Junction
84 and said that if the residents vote for the merger, he is pretty sure the legislature will too.

85
86 Sen. Ingram praised the work of the board members and agreed that if the voters learn about
87 the framework presented and approve it, the legislators will too.

88
89 Sen. Pearson thanked the board members for explaining the plan and said he looks forward
90 to hearing whether the voters will approve it. He said he believes the legislators will approve
91 the plan if the voters do.

92
93 Rep. Houghton talked about her experience as a Village Trustee from 2013-2018 when much
94 of this work to determine a plan forward was taking place. She acknowledged the many
95 extensive hours of hard work that board members and staff have put into this. She said she
96 plans to discuss the merger strategy with Vermont’s Government Operations committee.

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Rep. Meyers mentioned her 13 years of service on the Selectboard and agreed with the other senators and representatives that, in the event the voters approve it and as long as the plan does not affect state taxes, it should pass in the legislature.

Rep. Bancroft said, coming from Westford, the urban/suburban/rural split of representation is a concern of his and is a concern shared at the state level. He pointed out that the school merger process in Westford was contentious and divided because of this and financial incentives helped deescalate the tensions.

Rep. Giambatista commended the work of the board members and the comments of the community. He said that they continue to consider how regionalism factors into the structure being developed. He underscored the importance of achieving clarity about how the new Charter will achieve the long-term vision of the entire municipality.

Rep. Redmond said this process of creating a new charter should reflect the voice of the voters. She mentioned a concern at the State House that there is confusion about what is being proposed. Rep. Redmond said she appreciates the thought that has gone into devising solutions for the merger and hopes the board members can carefully communicate and distill these ideas to the community.

Mr. Watts thanked the legislators for sharing their positive responses and Ms. Cooper added that their appreciation is rejuvenating in the midst of the tireless work of this effort.

Ms. Haney called a 2 minute recess and then reconvened the boards at 9:14 PM.

b. Review and consider approval of draft Essex Merger Vote 2020 FAQ for use at upcoming public meetings and events

Mr. Duggan introduced the Merger Vote 2020 FAQs draft for use at upcoming meetings and events. Mr. Levy noted that the revisions he had provided in advance were incorporated. Mr. Watts suggested that the words “focus groups” be changed to “listening sessions”. He also suggested that the line above the last list of bullets, on the second page, should be revised to clarify that the tax impact would be split over 12 years, with the average Town outside the Village property owner seeing an increase of between \$20 and \$30 each year, above normal budgetary increases, over this time period. He was glad to see the comparison between current Village and Town outside the Village tax rate on the FAQs. The board members suggested that the document include a “Revised on” date at the top of the first page along with a note to visit www.greateressex2020.org for the most up-to-date information.

Ms. Wrenner asked if a Town Meeting FAQ on the community-led Charter change proposal warned for March would be available. Mr. Duggan said one is currently not available.

A community member wondered how the November ballot would read and asked if the Village would need to answer two questions in order to dissolve one charter and accept another. The boards acknowledged this would be considered over the upcoming months.

143 **MAX LEVY** made a motion, seconded by **PATRICK MURRAY**, that the Selectboard approve
144 the draft FAQ, with board edits, for use at the upcoming annual meetings, other public
145 outreach meetings, and to update www.greateressex2020.org. The motion passed 5-0.
146

147 **GEORGE TYLER** made a motion, seconded by **DAN KERIN**, that the Trustees approve the
148 draft FAQ, with board edits, for use at the upcoming annual meetings, other public
149 outreach meetings, and to update www.greateressex2020.org.. The motion passed 5-0.
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151 c. ***Evaluation of a public employee**
152 This took place as item 8a of the agenda.
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154 **6. CONSENT AGENDA**

155 a. **Approve minutes: January 21, 2020 – (Selectboard and Trustees approval)**
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157 **MAX LEVY** made a motion, seconded by **ANNIE COOPER**, that the Selectboard approve
158 the Joint meeting minutes of January 21, 2020 with Selectboard comments:

159 . Mr. Levy suggested the addition of the word “approved” after “Selectboard” on line 178.

160 **The motion passed 5-0.**

161 Mr. Tyler requested his name be removed from line 14.
162

163 **AMBER THIBEAULT** made a motion, seconded by **DAN KERIN**, to that the Trustees
164 approve the minutes from the last meeting, as amended. The motion passed 5-0.
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167 **7. READING FILE**

168 a. **Board Member Comments**

169 . There were no board member comments at this time.
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171 **8. EXECUTIVE SESSION**

172 a. ***An executive session is anticipated to discuss the evaluation of a public employee**
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174 **MAX LEVY** made a motion, seconded by **ANNIE COOPER**, that the Selectboard enter into
175 executive session to discuss the evaluation of a public employee in accordance with 1
176 V.S.A. Section 313(a)(3) and to include the Selectboard/Trustees. The motion passed 5-0 at
177 9:31 PM.
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179 **ANDREW BROWN** made a motion, seconded by **DAN KERIN**, that the Trustees enter into
180 executive session to discuss the evaluation of a public employee in accordance with 1
181 V.S.A. Section 313(a)(3) and to include the Selectboard/Trustees. The motion passed 5-0 at
182 9:31 PM.
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184 **DAN KERIN** made a motion, seconded by **GEORGE TYLER**, that the Trustees close the
185 executive session. The motion passed 5-0 at 10:20 PM.
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187 **MAX LEVY** made a motion, seconded by **ANNIE COOPER**, that the Selectboard close the
188 executive session. The motion passed 5-0 at 10:20 PM.
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190 **9. ADJOURN**

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DAN KERIN made a motion, seconded by GEORGE TYLER, for the Trustees to adjourn the meeting. The motion passed 5-0 at 10:23 PM.

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Ms. Haney returned the Selectboard back into the Selectboard meeting at 10:23 PM.

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Respectfully Submitted,

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Cathy Ainsworth

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Recording Secretary