



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

Online
Essex Junction, VT 05452
Monday, June 8, 2020
6:30 PM

E-mail: manager@essex.org

www.essexjunction.org
www.essexvt.org

Phone: (802) 878-1341
(802) 878-6951

*Due to the Covid-19 pandemic, **this meeting will be held remotely**. Available options to watch or join the meeting:*

- The meeting will be live-streamed on [Town Meeting TV](#).
- [Join Microsoft Teams Meeting](#). Depending on your browser, you may need to call in for audio (below).
- Join via conference call (*audio only*): (802) 377-3784 | Conference ID: 810 570 130#
- For the purpose of recording minutes, you will be asked to provide your first and last name.
- When listening to the meeting, please keep your phone or computer on “mute” as to prevent interruptions during the meeting. For agenda items when it is appropriate for the public to speak, please unmute your phone or computer and introduce yourself before requesting the floor from the Chair/President.

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

1. **CALL TO ORDER** [6:30 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. Board members’ quick thoughts about proceeding with a merger vote in November 2020
 - b. Public comment on possible merger of Town of Essex and Village of Essex Junction (30-minute limit)
 - c. Discussion about continuing toward a November 2020 vote on merger
 - d. Decide whether to continue toward November 2020 vote on merger
6. **CONSENT ITEMS**
 - a. Approve minutes: May 26, 2020 – (Trustees and Selectboard)
7. **READING FILE**
 - a. Board Member Comments
 - b. Letter from Sarah Copeland Hanzas and John Gannon re H. 944 – Amendments to the Town of Essex Charter
8. **EXECUTIVE SESSION**
 - a. An executive session is not anticipated
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. 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 TTY: 7-1-1 or (800) 253-0191.

Certification: 06/05/2020

Memorandum

To: Board of Trustees; Selectboard
From: Evan Teich, Unified Manager
Re: Board members' quick thoughts about proceeding with a merger vote in November 2020
Date: June 5, 2020

Issue

The issue is for the board members to share their initial thoughts about proceeding with a merger vote in November 2020.

Discussion

The June 8, 2020 meeting between the Essex Junction Board of Trustees and Essex Selectboard will be devoted to discussing whether or not the boards should continue working toward a town-wide vote in November 2020, asking residents whether or not to merge the Town of Essex and Village of Essex Junction.

For the first item on the agenda, prior to hearing from the public on the topic and prior to having more in-depth discussion, board members will be asked to quickly share their thoughts about whether the two municipalities should proceed with a November 2020 merger vote.

Cost

n/a

Recommendation

This memo is for discussion purposes.

June 8, 2020

Town of Essex Selectboard

Village of Essex Junction Board of Trustees

Agenda item 5b: Public comment on possible merger of Town of Essex and Village of Essex Junction

There are no materials for this item.

Memorandum

To: Board of Trustees; Selectboard
From: Evan Teich, Unified Manager
Re: Discussion about continuing toward a November 2020 vote on merger
Date: June 5, 2020

Issue

The issue is for the board members to have a discussion about whether to continue toward a November 2020 vote on merger.

Discussion

Before the Trustees and Selectboard decide whether to hold a town-wide vote in November 2020 about merging the Town of Essex and Village of Essex Junction, they may wish to discuss several topics, including by not limited to the following:

- a. Outstanding questions and other information needed to decide whether and when to have a town-wide vote
 - Transition plan?
 - Should merger discussions wait until after COVID-19 emergency is over?
 - Should Selectboard wait until the fifth seat is filled?
 - Should the boards discuss, negotiate and finalize all of the proposed districts?
 - Etc.?
- b. Legislature decision about 3 and 3 charter change and impact on potential merger
 - (see Reading File item 7b, Letter from Sarah Copeland Hanzas and John Gannon re H. 944)
- c. Outstanding items on draft charter (attached) and merger plan
 - Transition plan for elected officials
 - Planning Commission and Zoning Board of Adjustment/Development Review Board
 - District boundaries
 - reapportionment provisions for districts
- d. Public input and outreach about merger and alternatives
 - How to ask residents for feedback on timing of a vote
 - How to get information to and from residents in the age of social distancing
- e. What happens if merger does not pass, reasons why merger might not pass, and how to address those issues
- f. Alternative approaches for consolidation and collaboration between the Town of Essex and Village of Essex Junction
 - Shared capital planning and budgeting
 - Local Options Tax
 - Continue with departmental consolidations
 - Advisory votes on merger
- g. Administrative challenges of no merger
- h. Other?

The Secretary of State's Office has advised the Clerk that language for a merger vote has an August 24 deadline to be added to the general election ballot in November.

This deadline carries a couple of potential issues. The warning for the special town and village meetings has to be adopted and posted no earlier than 40 nor later than 30 days before the vote. The ballots for

the General election have to by law be ready to be mailed out 47 days before the vote. We would want to mail Town and Village ballots at the same time to avoid a double mailing.

The Secretary of State's Office suggested checking with our attorneys regarding the issue of not being able to make changes to the question before the warnings are adopted and after the ballots have been printed.

Cost

n/a

Recommendation

This memo is for discussion purposes.

TOWN OF ESSEX

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" 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

- (a) All assets and obligations formerly owned or held by the Town and Village shall become the assets and obligations of the new Town of Essex 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 new Town of Essex shall assume all the responsibilities formerly belonging to the Town and Village unless otherwise specified. Pursuant to § 104, the unincorporated Village shall become a debt assessment district until the Village's residual bond debt is retired.

§ 102 Transition Period

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 new 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

The first annual 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 Subchapter 5 of the Town charter. The first annual 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

Transitional district rates shall be set by the new Town Selectboard.

- (a) For a transitional period 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 in existence before the transitional period. This residual debt is scheduled to retire in FY 2035.
- (b) 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.
- (c) 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.
- (d) 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.

- (e) 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 of Essex 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

- (a) For the transition period described in paragraph § 102 following the approval of the charter by the Legislature, all members of the former 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, schedule, warn, and hold meetings as appropriate. 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 new Town of Essex Selectboard may implement such proposals once the charter becomes effective.

- ~~(a)~~(b) In the event of a vacancy that results in less than three members of the former Town Selectboard or less than three members of the former Village Trustees, all remaining members shall vote to appoint a member from the district with a vacancy in a manner pursuant to § 304.

- ~~(b)~~(c) 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 new 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 Town Selectboard

- (a) There shall be a Town Selectboard consisting of six members.
- (b) Three members shall 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. This area will become known as Ward 1. Boundary adjustments will be made over time as necessary pursuant to § 301. Three members shall 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. This area will become known as Ward 2. Boundary adjustments will be made over time as necessary pursuant to § 301.
- (c) The term of office of a Town Selectperson shall be three years and terms shall be staggered. For the first election cycle six people will be elected. One seat for each ward will be for three years; one seat for each ward will be for two years; one seat for each ward will be for one year. After that, every seat shall be a three-year term.
- (d) Within three years after the first election of the six-member Selectboard, the Selectboard shall appoint a special commission to study the composition of voting wards within the Town of Essex, 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.

§ 107 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.

§ 108 Village and Town Department Transitional Provisions

- (a) 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 the new Town of Essex selectboard shall integrate the fire departments, community development and planning offices, parks and recreation offices, and any other town and village municipal services and operations, with special provisions and considerations outlined below.

- (b) The Town of Essex 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."
- (c) During the five-year transitional period the manager shall integrate and reorganize the town and village recreation and parks departments and the manager shall appoint a department head.
- (d) During the five-year transitional period the manager shall integrate and reorganize the town and village community development and planning departments, and the manager shall appoint a department head.

§ 109 Planning and Zoning

- (a) On the effective date of this charter, the former Town plan and Village plan, and the former Town zoning bylaws and subdivision regulations (land development code) shall remain in effect in their respective former geographic areas until amended or a comprehensive re-write is presented by the merged Planning Commission and adopted by the new Town Selectboard.
- (b) Prior to the effective date of the charter, the Town Selectboard shall appoint three members of the then current town planning commission and the Village Trustees shall appoint three members of the then current village planning commission to serve on the new Town planning commission. Each shall appoint one member for a one-year term, one member for a two-year term and one member for a three-year term. The new Town Selectboard shall choose a seventh member for a four-year term, once it has organized.
- (c) Prior to the effective date of the charter, the Town Selectboard shall appoint two members of the then current town zoning board of adjustment and the Village Trustees shall appoint two members of the then current village zoning board of adjustment to serve on the Development Review Board. Each shall appoint one member for a one-year term and one member for a two-year term. The new Town Selectboard shall choose a fifth member for a three-year term, once it has organized.

§ 110 Unification and Adoption of Ordinances, bylaws, and rules

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 new Town of Essex. The new Town of Essex Selectboard shall be fully authorized to amend or repeal any ordinance according to the provisions of subchapter 6 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 new Town of Essex.

§ 111 Personnel

- (a) Pursuant to § 105, tThe Interim Governing Body established in § 105 shall develop a pay and classification plan and make recommendations to meet the Town's needs. The new-Town of Essex 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 new Town of Essex selectboard.
- (c) Employees of the Town of Essex and the Village of Essex Junction shall become employees of the new Town of Essex. 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 new Town of Essex 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 Town of Essex Employees and are subject to the Town Employee Manual and/or their respective labor agreement.

§ 112 Water and Sewer Districts

Upon the effective date of the charter, 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.

§ 113 Finances

- (a) The existing real property tax system of the town shall become the system of the new Town of Essex. 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 new Town of Essex keeping all existing due dates. The new Town of Essex will manage the existing budget of the Village and Town with oversight by the Interim Governing Body.
- (b) 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.
- (c) 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.

§ 114 Terms Extended

The Selectboard and Trustee terms set to expire in 20__ shall be extended without further action necessary, until June 30, 20__. All other elected officials holding office at the time of Legislative approval of the charter shall remain in their seats until new elections occur or until they step down from office.

§ 115 Transitional Tax Districts and Transitional Tax Provisions.

Transitional tax districts shall be established pursuant to § 104.

§ 115 Repeals

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

Subchapter 2: Incorporation and Powers of The Town

§ 201 Corporate Existence

The inhabitants of the Town of Essex, within the corporate limits as now established, shall be a municipal corporation by the name of the Town of Essex. This municipal

corporation is a merger of and a successor to the Town of Essex (24 App. V.S.A. chapter 117 repealed) and the Village of Essex Junction (24 App. V.S.A. chapters 221 repealed).

§202 General powers, law

Except as modified by the provisions of this charter, or by any lawful regulation or ordinance of the Town of Essex, all provisions of the statutes of this state applicable to municipal corporations shall apply to the Town of Essex.

§ 203 Specific Powers

- (a) The Town of Essex shall have all the powers granted to towns and municipal corporations by the Constitution and laws of this State together with all the implied powers necessary to carry into execution all the powers granted; and it may enact ordinances not inconsistent with the Constitution and laws of the State of Vermont or with this charter.
- (b) The Town of Essex may acquire real and personal property within or without its corporate limits for any municipal purpose, including storm water collection and disposal, waste water collection and disposal, solid waste collection and disposal, provision of public water supply, provision of public parks and recreation facilities, provision of municipal facilities for office, fire protection, and police protection, provision of public libraries, provision of public parking areas, provision of sidewalks, bicycle paths, and green strips, provision of public roadways, provision of public view zones and open spaces, and such other purposes as are addressed under the general laws of the State of Vermont. The Town of Essex may acquire such property in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, mortgage, hold, manage, and control such property as its interest may require.
- (c) The Town of Essex may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with other Vermont municipalities, the State of Vermont, any one or more subdivisions or agencies of the State, or the United States or any agency thereof.
- (d) The Town of Essex may establish and maintain an electric power system and regulate power line installations; provided, however, that the Town shall have no authority under this charter which conflicts with that authority granted to the Public Utilities Commission or any other state regulatory agency.
- (e) In this charter, mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers which the Town of Essex would have if the particular power were not mentioned.

§ 204 Reservation of powers

Nothing in this charter shall be so construed as in any way to limit the powers and functions conferred upon the Town of Essex and the Town Selectboard by general or special enactments in force or effect or hereafter enacted; and the powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments.

§205 Form of Government

- (a) The municipal government provided by this chapter shall be known as selectboard-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this chapter, all powers of the Town of Essex shall be vested in an elective Town Selectboard, which shall enact ordinances, codes, and regulations; adopt budgets; determine policies; and appoint the Town Manager, who shall enforce the laws and ordinances and administer the government of the Town. All powers of the Town shall be exercised in the manner prescribed by this chapter or prescribed by ordinance.
- (b) Voting Districts shall be established pursuant to § 301.

Subchapter 3: Voting District and Governance Structure

§ 301 Voting Wards

- (a) The former incorporated Village of Essex Junction shall be known as Ward 1. Boundary adjustments will be made over time as necessary pursuant to § 301.b. The Town of Essex exclusive of the former Village of Essex Junction shall be known as Ward 2. Boundary adjustments will be made over time as necessary pursuant to § 301.b.
- (b) The Selectboard is empowered to make such changes from time to time, by resolution or ordinance, in the number and boundaries of the 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 or seven years.

§ 302 Powers and Duties of Governing body

- (a) The members of the Town of Essex Selectboard shall constitute the legislative body of the Town of Essex for all purposes required by statute, and except as otherwise herein specifically provided shall have all the powers and authority given to, and perform all

duties required of town legislative bodies or selectboards under the laws of the State of Vermont.

(b) Within the limitations of the foregoing, the Town of Essex Selectboard shall have the power to:

- (1) Appoint and remove a Town Manager and supervise, create, change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this charter.
- (2) Appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter.
- (3) Provide for an independent audit by a certified public accountant.
- (4) Inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs.
- (5) Exercise every other power which is not specifically set forth herein, but which is granted to selectboards or legislative bodies by the statutes of the state of Vermont.

§ 303 Governing body composition and term of office

- (c) There shall be a Town Selectboard consisting of six members.
- (d) The term of office of a Town Selectperson shall be three years and terms shall be staggered.
- (e) Elected Selectpersons shall represent the Town and the ward they live in.

§ 304 Vacancy in office

In case of a vacancy of any elected Town official, such vacancy shall be filled by the Town Selectboard until the next annual election. The person then elected shall serve for the remainder of the unexpired term. If more than one vacancy occurs on an elected board at the same time the vacancy shall be filled by a special Town meeting called for that purpose. Separate filing shall be made for such unexpired term.

§305 Election of governing body officers

- (a) At the first meeting following the annual Town meeting, the Selectboard shall organize and elect a chairperson, vice chairperson, and clerk by a majority vote of the entire Selectboard, and shall file a certificate of the election for record in the office of the Town clerk. In the event of a tie vote, the selectperson of the two with the longest

most recent contiguous service on the board shall become chair. The same shall go for vice chair and clerk.

- (b) The chairperson of the Selectboard or in the chairperson's absence, the vice chairperson, shall preside at all meetings of the Selectboard and shall be recognized as the head of the Town government for all ceremonial purposes.
- (c) In the event of death, resignation, or incapacitation of any Selectboard member, the remaining members of the Selectboard may appoint a person to fill that position until the next annual election. At the next annual election, the vacancy shall be filled and the person so elected shall serve for the remainder of the term of office. In the event the Selectboard is unable to agree upon an interim replacement until the next annual Town election, a special election shall be held forthwith to fill the position.

§ 306 Compensation

- (a) Compensation paid to the Selectboard members as reimbursement for expenses shall be set by the voters at the annual meeting, with a minimum of \$1500.00 a year each. Selectboard members compensation must be set forth as a separate item in the annual budget presented to the meeting.
- (b) The Selectboard shall fix the compensation of all officers and employees, except as otherwise provided in this charter.

§ 307 Prohibitions and conflicts of interest

- (a) Holding Other Office. No Selectboard member shall hold any other Town office or employment during the term for which he/she/they was elected to the Selectboard. No former Selectboard member shall hold any compensated appointive municipal office or employment until one year after the expiration of the term for which they were elected to the legislative body.
- (b) Appointments and Removals. Neither the legislative body nor any of its members shall in any manner dictate the appointment or removal of any municipal administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the legislative body may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.
- (c) Interference with Administration. Except for the purpose of inquiries and investigations under Section 302 (b)(4), the legislative body or its members shall deal with the municipal officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the legislative

body nor its members shall give orders to any such officer or employee, either publicly or privately.

§ 308 Governing body meetings

As soon as possible after the election of the chairperson and vice chairperson, the Selectboard shall fix the time and place of its regular meetings, and such meetings shall be held at least once a month.

§ 309 Special meetings

Special Town meetings, shall be called in the manner provided by the laws of the State, and the voting on all questions shall be by the Australian ballot system.

§ 310 Procedure

- (a) The Selectboard shall determine its own rules and order of business.
- (b) The presence of four members shall constitute a quorum. Four affirmative votes shall be necessary to take binding Selectboard action. However, in the case of a tie vote on the budget, the Chair of the Planning Commission shall cast a vote to break the tie.
- (c) The Selectboard shall in accordance with Vermont law keep minutes of its proceedings. This journal shall be a public record.
- (d) All meetings of the Selectboard shall be open to the public unless, by an affirmative vote of the majority of the members present, the Selectboard shall vote that any particular session shall be an executive session or deliberative session in accordance with Vermont law.

§ 311 Appointments

The Selectboard shall have the power to appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter. The terms of all appointments shall commence on the day after the day of appointment unless the appointment is to fill a vacancy in an office, in which case the term shall commence at the time of appointment.

§ 312 Additional governing body provisions

- (a) No claim for personal services shall be allowed to the officers elected at the annual meeting, except when compensation for such services is provided for under the provisions of this chapter or by the general law. The compensation of all officers and

employees of the Town shall be fixed by the Selectboard, except as herein otherwise provided.

- (b) The Selectboard may authorize the sale or lease of any real or personal estate belonging to the Town.

Subchapter 4 Other Elected Offices

§ 401 Brownell Library trustees

There shall be a five-member Board of Library Trustees who shall be elected to five-year terms using the Australian ballot system pursuant to § 501. Only qualified voters of the Town of Essex shall be eligible to hold the office of library trustee. The five permanent, self-perpetuating library trustees shall function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925.

Subchapter 5 Town Meetings

§ 501 Town of Essex Meetings/Elections

- (a) Annual meetings for the election of officers, the voting on the budgets, and any other business included in the warnings for the meetings, shall be on a date established and legally warned by the Selectboard.
- (b) Provisions of the laws of the State of Vermont relating to the qualifications of electors, the manner of voting, the duties of elections officers, and all other particulars respective to preparation for, conducting, and management of elections, so far as they may be applicable, shall govern all municipal elections, and all general and special meetings, except as otherwise provided in this charter.
- (c) The election of officers and the voting on all questions shall be by Australian ballot system. The ballot boxes shall be open ~~for 12 consecutive hours~~ between 6:00 a.m. and 7:00 p.m. as shall be determined and warned by the Selectboard.

Subchapter 6 Ordinances

§ 601 Ordinances-Method of adoption and enforcement

- (a) The Selectboard may provide penalties for the breach of any ordinance authorized by general law or this charter; may prosecute any person violating the same through the Town attorney or police officers who for such purposes shall be informing officers; and may maintain actions to restrain actual or threatened violations of the same. The establishment of any fine or penalty shall be by ordinance.

- (b) Ordinance-making authority granted to the Town by this charter and general law shall be exercised pursuant to the provisions of sections § 602 through § 605 of this charter, except for zoning by-laws and/or subdivision regulations which shall be adopted pursuant to 24 V.S.A. Chapter 117, as amended from time to time hereafter.

§ 602 Introduction; first and second readings; public hearing

- (a) Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be "The Selectboard of the Town of Essex hereby ordains. . . ." If the Selectboard passes the proposed ordinance upon first reading, then the Selectboard shall cause it to be published in a newspaper of general circulation in the Town in the form passed, or a concise summary of it, including a statement of purpose, principal provisions, and table of contents or list of section headings, together with a reference to a place within the Town where copies of the full text of the proposed ordinance may be examined, at least once, together with a notice of the time and place when and where there will be a public hearing to consider the same for final passage. The first such publication shall be at least one week prior to the date of the public hearing. Any published notice shall explain citizens' rights to petition for a vote on the ordinance at an annual or special meeting, pursuant to Vermont Statutes Annotated, Title 24 § 1973, and shall also contain the name, address and telephone number of a person with knowledge of the ordinance who is available to answer questions about it.
- (c) At the time and place so advertised, or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be introduced, and thereafter, all persons interested shall be given an opportunity to be heard.
- (d) After the hearing, the Selectboard may finally pass the ordinance with or without amendment, except that if the Selectboard makes an amendment, it shall cause the amended ordinance to be published, pursuant to subsection (a) of this section at least once together with a notice of the time and place of a public hearing at which the amended ordinance will be further considered, which publication shall be at least three days prior to the public hearing. At the time so advertised or at any time and place to which the meeting may be adjourned, the amended ordinance shall be introduced, and after the hearing, the Selectboard may finally pass the amended ordinance, or again amend it subject to the same procedures as outlined herein.

§ 603 Effective date

Every ordinance shall become effective upon passage unless otherwise specified.

§ 604 Filing and recording of ordinances

The Town clerk shall prepare and keep in the Town clerk's office a book of ordinances which shall contain each ordinance finally passed by the Selectboard, together with a complete index of the ordinances according to subject matter.

§ 605 Public nuisances

The Selectboard may prosecute and seek damages and injunctive relief to end or mitigate public nuisances.

Subchapter 7: Town Manager

§701 Appointment/Hiring of Manager

The Selectboard shall appoint a Town manager under and in accordance with Vermont Statutes Annotated, as amended from time to time hereafter. The Manager shall be appointed solely on the basis of his or her executive and administrative qualifications in accordance with the Vermont statutes.

§ 702 Powers of Manager

The Manager shall be the chief administrative officer of the Town of Essex. He or she shall be responsible to the Selectboard for the administration of all Town of Essex affairs placed in his or her charge by or under this charter. He or she shall have the following powers and duties in addition to those powers and duties delegated to municipal managers under the Vermont statutes.

- (1) The Manager shall appoint and, when he or she deems it necessary for the good of the service, suspend or remove all Town of Essex employees, and other employees provided for by or under this charter for cause, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. He or she may authorize any employee who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that employee's department, office, or agency.
- (2) The Manager shall direct and supervise the administration of all departments, offices, and agencies of the Town of Essex, except as otherwise provided by this charter or by law.
- (3) The Manager shall ~~have the authority to appoint with the advice of the Selectboard the~~ Town attorney.
- (4) The Manager shall attend all Selectboard meetings and shall have the right to take part in discussion and make recommendations but may not vote.

- (5) The Manager shall see that all laws, provisions of this charter, and acts of the Selectboard, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.
- (6) The Manager shall prepare and submit the annual budget and capital program to the Selectboard.
- (7) The Manager shall submit to the Selectboard and make available to the public a complete report on the finances and administrative activities of the Town of Essex as of the end of each fiscal year.
- (8) The Manager shall make such other reports as the Selectboard may require concerning the operations of Town of Essex departments, offices, and agencies subject to his or her direction and supervision.
- (9) The Manager shall keep the Selectboard fully advised as to the financial condition and future needs of the Town of Essex and make such recommendations to the Selectboard concerning the affairs of the Town of Essex as he or she deems desirable.
- (10) The Manager shall be responsible for the enforcement of all Town of Essex ordinances and laws.
- (11) The Manager may when advisable or proper delegate to subordinate officers and employees of the Town of Essex any duties conferred upon him or her by this charter, the Vermont statutes, or the Selectboard members.
- (12) The Manager shall perform such other duties as are specified in this charter or in State law, or as may be required by the Selectboard.

§ 703 Hearing/Removal Process

- (a) The Selectboard may remove the Manager from office for cause in accordance with the following procedures:
 - 1. The Selectboard shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered within three days to the Manager.
 - 2. Within five days after a copy of the resolution is delivered to the Manager, he or she may file with the Selectboard a written request for a hearing. Said hearing to be in a public or executive session by choice of the Manager. This hearing shall

be held at a special Selectboard meeting not earlier than 15 days nor later than 30 days after the request is filed. The Manager may file with the Selectboard a written reply not later than five days before the hearing.

3. The Selectboard may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if he or she has not requested a public hearing, or at any time after the public hearing if he or she has requested one.

(b) The Manager shall continue to receive his or her salary until the effective date of a final resolution of removal.

§ 704 Vacancy in office of manger

The Manager, by letter filed with the Town Clerk, may appoint an officer or employee of the Town to perform his or her duties during his or her ~~temporary absence~~vacation, incapacitation, or disability. In the event of failure of the Manager to make such designation, the Selectboard may by resolution appoint an officer or employee of the Town to perform the duties of the Manager until he or she shall return or his or her disability shall cease. However, if the Manager has within his or her administration, formed and appointed the position of Assistant Town Manager, said Assistant shall automatically assume the Manager's responsibilities during his or her temporary absence or disability.

Subchapter 8: Boards and Commissions

§ 801 Board of Civil Authority

The Board of Civil Authority is comprised of the Town of Essex Selectboard members and Justices of the Peace.

§ 802 Board of Abatement of Taxes

The board of civil authority shall constitute a board of abatement as provided by law. The board of abatement shall meet and discharge its duties as required by the applicable statutory provisions.

§ 803 Planning Commission

There shall be a Planning Commission and its powers, obligations and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter, and members will be appointed by the Town Selectboard for terms

of three years from among the qualified voters of the Town. Members of the Commission shall hold no other Town office.

§ 804 Development Review Board

A Development Review Board shall be established and its powers, obligations and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter, and members will be appointed by the Town Selectboard for terms of three years from among the qualified voters of the Town.

§ 805 Brownell Library trustees

There shall be a five-member Board of Library Trustees who shall be elected to five-year terms using the Australian ballot system pursuant to § 501. Only qualified voters of the Town of Essex shall be eligible to hold the office of library trustee. The trustees who are now in office shall serve until their terms are completed. The library trustees shall establish policy for the operation of the Library and shall otherwise act in conformance with the Vermont statutes. The five permanent, self-perpetuating library trustees shall function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925. The Library shall be required to follow all financial and personnel policies adopted by the Town Selectboard.

Subchapter 9: Administrative Departments

Part I

§ 901 Personnel administration and benefits

- (a) The Town manager or the Town manager's appointee shall be the personnel director. The Town manager shall maintain personnel rules and regulations protecting the interests of the Town and of the employees. These rules and regulations must be approved by the Selectboard, and shall include the procedure for amending them and for placing them into practice. Each employee shall receive a copy of the rules and regulations when he or she is hired.
- (b) The rules and regulations may deal with the following subjects or with other similar matters of personnel administration: job classification, jobs to be filled, tenure, retirement, pensions, leaves of absence, vacations, holidays, hours and days of work, group insurance, salary plans, rules governing hiring, temporary appointments, lay-off, reinstatement, promotion, transfer, demotion, settlement of disputes, dismissal, probationary periods, permanent or continuing status, in-service training, injury, employee records, and further regulations concerning the hearing of appeals.

- (c) No person in the service of the Town shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed appointment, promotion or proposed promotion.

Part II

§ 902 Department of Real Estate Appraisal

There shall be established a department of real estate appraisal headed by a professionally qualified real estate assessor, who shall be appointed by the manager ~~with the advice of the Selectboard.~~

§ 903 Appraisal of property

The department of real estate appraisal shall appraise all real and business personal property for the purpose of establishing the grand list. Appraisals shall be reviewed periodically and kept up to date. Technically qualified individuals or firms may be employed as needed.

§ 904 Appraisal of business personal property for tax purposes

Appraisal of business personal property shall be in accordance with the provisions of Vermont Statutes Annotated, Title 32 § 3618, as the same may from time to time be amended, provided that all business personal property acquired by a taxpayer after September 30, 1995 shall be exempt from tax.

§ 905 Duties of Department

The duties and powers of the department of real estate appraisal shall be the same as those established for listers under the general statutes.

§ 906 Purpose

The purpose of the department of real estate appraisal is to provide for appointment of a qualified real estate assessor rather than the election of listers. The Town shall be governed by, and each taxpayer shall have rights granted by, the applicable statutes concerning real and personal property taxation, appeal therefrom, and other statutes concerning taxation.

Subchapter 10 Budget Process

§ 1001 Fiscal year

The fiscal year of the Town shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter.

§ 1002 Annual municipal budget

With support from the finance department, the Town Manager shall submit to the Selectboard a budget at least 50 days before annual town meeting or at such previous time as may be directed by the Selectboard. The budget shall contain:

- (1) An estimate of the financial condition of the Town as of the end of the fiscal year.
- (2) An itemized statement of appropriations recommended for current expenses, and for capital improvements, during the next fiscal year; with comparative statements of appropriations and estimated expenditures for the current fiscal year and actual appropriations and expenditures for the immediate preceding fiscal year.
- (3) An itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year; and comparative figures of tax and other sources of revenue for the current and immediate preceding fiscal years.
- (4) A capital budget for the next five fiscal years, showing anticipated capital expenditures, financing, and tax requirements.
- (5) Such other information as may be required by the Selectboard.

§ 1003 Governing Body's action on the budget

The Selectboard shall review, and approve the recommended budget with or without change. The budget shall be published not later than two weeks after its preliminary adoption by the Selectboard. The Selectboard shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such hearing.

§ 1004 Meeting warning and budget

- (a) The Selectboard shall hold at least one public hearing at least 30 days prior to the annual meeting to present and explain its proposed budget and shall give a public notice of such hearing.
- (b) The Town Manager shall not less than 15 days prior to the annual meeting print and distribute the Selectboard recommended budget and the final warning of the pending annual meeting.

§ 1005 Appropriation & Transfers

- (a) From the effective date of the budget, the amounts stated therein, as approved by the voters, become appropriated to the several agencies and purposes therein named.
- (b) The manager may at any time transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the manager, the Selectboard may, by resolution, transfer any unencumbered appropriation balance or portion thereof within the Selectboard budget from one department, office or agency to another. Notwithstanding the above, no unexpended balance in any appropriation not included in the Selectboard budget shall be transferred or used for any other purpose.

§ 1006 Amount to be raised by taxation

Upon passage of the budget by the voters, the amounts stated therein as the amount to be raised by taxes shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year, and the Selectboard shall levy such taxes on the grand list as prepared by the assessor for the corresponding tax year.

Subchapter 11: Taxation

§ 1101 Taxes on real and personal property

Taxes on real and personal property shall be paid in two equal payments, with one-half of the annual tax bill for each taxpayer due and payable ~~on~~ no later than September 15 and March 15, or in the case of a weekend, the next business day, of each fiscal year or pursuant to such other schedule as the Selectboard may adopt by resolution, bylaw or ordinance.

§ 1102 Penalty

- (a) An additional charge of eight percent shall be added to any tax not paid on or before the dates specified in section § 1101 of this charter, and interest as authorized by Vermont statutes.
- (b) The Selectboard shall have the authority to waive penalty on late payments in the case of natural disaster, pandemic, or economic downturns at their discretion.

§ 1103 Assessment and taxation agreement

Notwithstanding section § 904 of this charter and the requirements of the general laws of the State of Vermont, the Selectboard are hereby authorized and empowered to negotiate

and execute assessment and taxation agreements between the Town and a taxpayer or taxpayers within the Town of Essex consistent with applicable requirements of the Vermont Constitution.

Subchapter 12: Capital improvements

§ 1201 Capital programs

- (a) The Manager shall prepare and submit to the Selectboard a five-year capital program at least three months prior to the final date for submission of the budget.
- (b) Contents. The capital program shall include:
 - 1. A clear general summary of its contents;
 - 2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - 3. Cost estimates, method of financing, and recommended time schedules for each such improvement; and
 - 4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Subchapter 13: Amendment of Charter and Initiatives

§ 1301 Laws governing

This charter may be amended in accordance with the procedure provided for by state statutes for amendment of municipal charters.

Subchapter 14: General

§ 1401 Savings clause

Repeal or modification of this charter shall not affect of validity of previously enacted ordinance, resolution, or bylaw.

§ 1402 Separability of provisions

The provisions of this charter are declared to be severable. If any provisions of this charter are for any reason invalid, such invalidity shall not affect the remaining provisions, which can be given effect without the invalid provision.

Memorandum

To: Board of Trustees; Selectboard
Cc: Susan McNamara-Hill, Clerk
From: Evan Teich, Unified Manager
Re: Decision on whether to continue toward November 2020 vote on merger
Date: June 5, 2020

Issue

The issue is whether the board members want to continue working toward a town-wide vote in November 2020 on whether or not to merge the Town of Essex and Village of Essex Junction.

Discussion

Following discussion about the topic of merger, the Trustees and Selectboard may wish to decide whether or not to continue toward a town-wide vote in November 2020.

If the boards want to plan for a November 2020 vote, ballots likely need to be finalized by August 24, 2020.

Other upcoming election days are in March 2021 and April 2021.

Cost

n/a

Recommendation

The Trustees and Selectboard may wish to decide if they want to continue working toward a town-wide vote in November 2020 on whether or not to merge the Town of Essex and Village of Essex Junction.

**SELECTBOARD & TRUSTEES
(DRAFT)**

**VILLAGE OF ESSEX JUNCTION TRUSTEES
TOWN OF ESSEX SELECTBOARD
DRAFT JOINT MEETING ITEMS MINUTES
Tuesday May 26, 2020**

SELECTBOARD: Elaine Haney; Vince Franco; Patrick Murray; Andy Watts

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

ADMINISTRATION and STAFF: **ADMINISTRATION and STAFF:** Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Sarah Macy, Assistant Manager/Finance Director; Rick Garey, Chief of Police; Dennis Lutz, Public Works Director; Travis Sabatano, Human Resources Director

OTHERS PRESENT: Chris Adams; Alyssa Black; Annie Cooper; Wendy Colanges; Patty Davis; Gregg Denton; Karen Dolan; Jane Donohue-Davis; Ron Hoague; Caitlin Katz; Darrell Langworthy; Timothy Miller; Brian Shelden; Ken Signorello; Margaret Smith; Irene Wrenner; Sharon Zukowski

1. CALL TO ORDER

Elaine Haney called the meeting of the Town of Essex Selectboard back to order from recess to enter into joint business with the Village of Essex Junction Board of Trustees at 8:23 PM.

Andrew Brown called the meeting of the Village of Essex Junction Board of Trustees to order to enter into joint business with the Essex Selectboard at 8:23 PM.

2. AGENDA ADDITIONS/CHANGES

Board of Trustee members said they took exception that this meeting began over an hour late, noting that it poses challenges for the Trustees as well as the public who had been waiting to participate in items on the agenda. As a result, Ms. Haney moved Item 5b, discussion of whether to require masks in Essex, to the beginning of the business items.

Mr. Duggan provided additional materials to go with agenda Item 5b, a Memo from Andrew Brown re: Facemasks in public supplemental information; and an email from Jake Tran dated May 2, 2020.

3. APPROVE AGENDA

VINCE FRANCO made a motion, seconded by PATRICK MURRAY, that the Selectboard move Item 5b to the beginning of the agenda and approve the agenda as amended. The motion passed 4-0.

GEORGE TYLER made a motion, seconded by RAJ CHAWLA, that the Trustees approve the agenda as amended. The motion passed 5-0.

4. PUBLIC TO BE HEARD

Ms. Donohue-Davis shared a concern that the Essex Tree Farm landscapers and staff asked her, and at least six other people she was aware of, to leave the tree farm over the weekend. She requested the Selectboard and municipal staff review the guidelines with the Tree Farm, specifically that the land must be "accessible and unencumbered" for public use.

5. BUSINESS ITEMS

b. Discussion of whether to require masks in Essex—Greg Duggan

Mr. Duggan introduced the issue of whether the Trustees and Selectboard would implement a town-wide requirement to wear facemasks in public. Mr. Brown requested the board members

keep the conversation focused on the issue vs. the science. He proposed they decide whether to create an ordinance for mask-wearing, which would need to include enforcement and penalties, or a resolution to encourage mask-wearing, like has been passed in neighboring municipalities. He said he preferred to go in the direction of a resolution, and all other Trustees and Selectboard members agreed. Mr. Tyler mentioned the science behind wearing masks to justify encouraging people to wear them. The board members, staff and Chief Garey discussed concerns with how they would enforce a resolution on mask-wearing. They said, alternately, a resolution could strongly support mask-wearing without having to enforce violations. They talked about respecting the right of businesses to create store policies on masks and the merits of encouraging stores to provide signs explaining mask-wearing. They discussed concerns people have with mask-wearing compliance, on both sides of the issue, noting the large volume of emails prior to the meeting from the community regarding this agenda item.

Ms. Cooper said she supports mask-wearing but not forcing masks on people who do not wear them. She encouraged businesses to enforce mask-wearing if they adopt this as a requirement for their business. She asked for clarity about whether the Village could have an ordinance or resolution that is different than the Town. Staff clarified they could, but it is not recommended.

Mr. Langworthy questioned why the boards would pass a resolution that is not enforceable. From his point of view, this would be confusing to community members. He said whether or not a person wears a mask should be their choice and businesses owners should be able to choose whether or not they will mandate mask-wearing in their stores. He said businesses enforce state-mandates but a local resolution may encourage frustration. He suggested leaving things as-is. He said he is not against anyone wearing a mask but is concerned that a resolution from on this matter will increase mask-shaming behaviors in the community.

Ms. Zukowski encouraged the boards to consider confirmation bias and frame the resolution positively. She also suggested that an education program be offered with the police. She is not supportive of an ordinance that requires business employees enforce mask-wearing because people who work at stores may face anger in response to enforcement

Mr. Signorello listed diverse places people could be found in the community, suggesting that it may not make sense for people to wear masks in all of these places so people may rebel against mask requirements in these places.

Mr. Denton stated his disappointment that Mr. Tyler mentioned science behind mask-wearing when the board chair had said not to. Mr. Tyler said he meant no disrespect. He described his graduate degree and career in biochemistry and that he read 35 medical journals on the topic.

Ms. Dolan said she agrees with the idea of a resolution especially considering spaces where there is less room for people to spread out. She said she appreciated this opportunity to make ideas from the public known.

Ms. Wrenner discussed the importance of semantics in pointing out that she has been an advocate of appropriately referring to town government, town-wide, and Town-outside-the-Village issues in various ways over the years.

Mr. Sheldon agreed with the idea of a resolution and wording it from a positive standpoint to clarify that this resolution will encourage the health of the state, economy, and each other.

Ms. Colanges said she agreed with Mr. Langworthy that it should be the role of the businesses, not the boards, to choose whether or not to require masks and there should not be a resolution

or ordinance. She also suggested that strict rules about masks may result in the community losing businesses. She wondered how long mask-wearing would be required.

Mr. Brown summarized that the board members agreed with the idea of creating a resolution, similar to the ones drafted in Burlington and South Burlington. He said it would be written in support of local mask-wearing, suggest businesses use signs with positive tones, and include exemptions for medical conditions, in alignment with CDC suggestions. Mr. Watts noted he is not in support of requiring businesses to post signs and Mr. Murray suggested that the resolution include language noting that it does not apply to offices and other places where the number of people is low. Mr. Watts, Mr. Franco, and Mr. Kerin discussed whether or not the resolution should be revisited if the number of new cases is low or when we are no longer in a state of emergency. Mr. Kerin said that this would not be necessary because a resolution is non-binding. Mr. Brown agreed to draft a resolution for the next Joint meeting.

a. Update on COVID-19

Mr. Teich provided an overview of recent municipal responses to the COVID-19 pandemic and said staff are keeping up with the governor's proclamations. He talked about recreation department plans to resume childcare June 1 in the Village and June 18 in the Town outside the Village. He said people will be required to wear masks in public buildings, noting that, so far, no municipal staff have had COVID-19. He said ballots for the school and Village votes were mailed but on-location voting will also be available at the high school on June 2, with precautionary measures in place. Chief Garey discussed the police department's enforcement of stay-at-home orders from the stance of education.

~~**b. Discussion of whether to require masks in Essex—Greg Duggan**~~

This item was moved to the beginning of the Business Items.

c. Accept Drug and Alcohol Testing Policy for Commercial Motor Vehicle Operators and Parks and Recreation Senior Van Drivers – Travis Sabatase

Mr. Sabatase provided an overview of the draft Drug and Alcohol Testing Policy for Commercial Motor Vehicle Operators and Parks and Recreation Senior Van Drivers. Ms. Thibeault stated that she hoped people would not have to pay for Substance Abuse Program, when it is required, and wondered if there could be a way to get it covered by health insurance. Board members verified with Mr. Sabatase that vehicle descriptions in the policy are in accordance to labor laws related to CDL violations.

GEORGE TYLER made a motion, seconded by RAJ CHAWLA, that the Trustees accept the Drug and Alcohol Policy. The motion passed 5-0.

ANDY WATTS made a motion, seconded by PATRICK MURRAY, that the Selectboard accept the Drug and Alcohol Policy. The motion passed 4-0.

d. Schedule meeting to discuss merger – Greg Duggan

Mr. Duggan acknowledged that merger discussions have not been prioritized during the pandemic but he proposed scheduling a discussion about whether the November 2020 vote will take place, so ballots can be ready in August. The Trustees and Selectboard agreed to meet Monday June 8 at 6:30 about this issue. Ms. Haney requested an agenda be ready by June 3, and that ideas for this agenda should be submitted to Mr. Teich in advance.

Mr. Signorello expressed disappointment that this meeting would not include the new Selectboard member planned to be interviewed the following day.

6. CONSENT ITEMS

- a. Approve minutes: May 12, 2020 – (Trustees and Selectboard)

ANDY WATTS made a motion, seconded by VINCE FRANCO, that the Selectboard approve the Consent Agenda. The motion passed 4-0.

AMBER THIBEAULT made a motion, seconded by DAN KERIN, that the Trustees approve the Consent Agenda. The motion passed 5-0.

7. READING FILE

a. Board Member Comments

- o Mr. Tyler stated that it seems unrealistic to hold 45 minute meetings before the Joint meetings, as scheduled, and the meeting schedule should be revisited to plan accordingly.
- b. Memo from Travis Sabatano re: Fiscal Year end 2021 Delta Dental and VSP Vision Rates
- c. Press release: Complete Count Committee asks residents to complete 2020 Census
- d. Upcoming meeting schedule

8. EXECUTIVE SESSION

- a. *An executive session is not anticipated.

9. ADJOURN

PATRICK MURRAY made a motion, seconded by VINCE FRANCO, to adjourn the Selectboard meeting. The motion passed 4-0 at 10:08 PM.

Mr. Brown called the Village Trustees to order to enter into its regular meeting agenda at 10:08 PM.

Respectfully Submitted,
Cathy Ainsworth
Recording Secretary

May 29, 2020

Evan Teich
Unified Manager
Town of Essex & Village of Essex Junction
81 Main Street
Essex Junction, VT 05452

Re: H. 944 – Amendments to the Town of Essex Charter

Dear Mr. Teich:

We wanted to update you on our review of H. 944 – Amendments to the Town of Essex Charter.

As you may know, because of the COVID-19 state of emergency the workload of our committee has dramatically increased with much of that work focused on helping cities and towns deal with the crisis. At the same time, the allotted committee time we have each week has decreased significantly because of the need to meet virtually via Zoom conferencing services. Nevertheless, we made a commitment to review and discuss many of the charter amendment bills that have been assigned to our committee. Our goal in that review was to identify charter amendments that were straightforward and urgent that we could quickly vote out of committee.

Unfortunately, the proposed amendments to the Town of Essex Charter are not straightforward. Nor do they appear urgent. While H. 944 has only one operative provision – the expansion of the selectboard in the town to a six-member board, there are a number of issues with the amendments:

1. The proposed amendments do not contain any transitional provisions for electing the selectboard. Typically, when you are changing the composition of a legislative body, there are transitional provisions to ensure member terms are staggered and that you are preserving existing members terms. As Legislative Counsel discussed in our committee, the lack of transitional provisions may also raise constitutional issues as duly elected members of the current selectboard would have to make way for new members.

2. The proposed districts – inside the Village of Essex Junction and outside the Village – may violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution now or in the future. Local governments are subject to the one person, one vote rule that requires equal population among districts. See Avery vs. Midland Cty., 390 U.S. 474, 484-85 (1968). Even if the proposed districts have equal populations today, the proposed amendments to the Town of Essex Charter do not contain any reapportionment language if the populations of the two districts change. See, e.g., 24 VSA Appendix ch. 1, § 103 (City of Barre Charter); 24 VSA Appendix ch. 5, § 201 (City of Montpelier Charter); and 24 VSA Appendix ch. 9, § 1.03 (City of Rutland Charter).
3. The proposed amendment calls for an even number of selectboard members. Typically, selectboards in Vermont have three or five members. An odd number of members helps avoid a deadlock because of a tie vote. Research also indicates that boards with an odd number of members make better decisions. It is the standard practice of our committee to recommend that any board with decision-making authority have an odd number of members.

We note that some of the issues we raise were also raised by the Greater Essex 2020 Governance Subcommittee. See Governance Subcommittee, Governance Recommendations - <https://www.greateressex2020.org/uploads/1/2/6/3/126381556/governancesubcommitteerecommendations-020320-.pdf>.

Given our current workload and the issues we have raised, it makes the most sense to table H. 944 for now. We look forward to re-visiting a charter change once the voters of the Town of Essex and the Village of Essex Junction have approved a plan of merger. As you may know, Title 24, Chapter 49 requires the development of a charter for a consolidated municipality as part of a plan or merger. It is our hope that our concerns can be addressed as part of this more thorough process and that we can work with you to ensure passage of the plan of merger in the General Assembly.

Sincerely,

Sarah Copeland Hanzas
Chair, House Government Operations

John Gannon
Vice-Chair, House Government Operations

cc: Town of Essex Selectboard
Village of Essex Trustees
Susan McNamara-Hill