



VILLAGE OF ESSEX JUNCTION
TRUSTEES
REGULAR MEETING AGENDA

Online
Essex Junction, VT 05452
Wednesday, June 17, 2020
6:00 PM

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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](#).
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- Join via conference call (*audio only*): (802) 377-3784 | Conference ID: 319 950 697#
- 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.

1. **CALL TO ORDER** [6:00 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
5. **PUBLIC HEARING**
 - a. Presentation of Fiscal Year 2021 Proposed Utility Rates—Sarah Macy
 - b. Public Hearing on Fiscal Year 2021 Proposed Utility Rates
6. **BUSINESS ITEMS**
 - a. Consider budget adjustments to Fiscal Year 2021 Water, Wastewater, Sanitation budget; Warn second Public Hearing— Sarah Macy
 - b. Continued discussion and possible action on support for local businesses due to COVID-19—Robin Pierce
 - c. Review draft merger charter to make changes and fix areas of concern—Evan Teich
7. **CONSENT ITEMS**
 - a. Approve minutes: June 1, 2020
8. **READING FILE**
 - a. Board Member Comments
9. **EXECUTIVE SESSION**
 - a. *An executive session is not anticipated
10. **ADJOURN**

This agenda is available in alternative formats upon request. Meetings of the Trustees, like all programs and activities of the Village of Essex Junction, are accessible to people with disabilities. For information on accessibility or this agenda, call the Unified Manager's office at 878-6951.

Certification: 06/12/2020

Date Posted


Initials

FY21 Water, Wastewater, and Sanitation Rate Setting

Public Hearing – June 17, 2020

Village Combined Utility Rates

FY20 Combined Rates

- Usage .0343/c.f.
- Fixed Charge \$308.64/year
- Increase over FY19 8.2%
- Cost to average user \$508.95 per year or \$42.41 per month when using 120 gallons per day

FY21 Proposed Combined Rates

- Usage .0365/c.f.
- Fixed Charge \$330.97/year
- Increase over FY20 6.9%
- Cost to average user \$544.13 per year or \$45.34 per month when using 120 gallons per day

History – Annual Average Cost and Rates

Utility Charges Comparison					
<i>Residential Property using 120 gallons/Day</i>					
	FY17	FY18	FY19	FY20	FY21
Water					
Fixed Charge, annual	\$ 90.64	\$ 94.24	\$ 100.12	\$ 107.44	\$ 114.39
Usage (120 Gal/day, 5840 c.f./yr)	\$ 91.69	\$ 96.94	\$ 102.20	\$ 109.79	\$ 115.63
Total	\$ 182.33	\$ 191.18	\$ 202.32	\$ 217.23	\$ 230.02
\$ Change	\$ 2.41	\$ 8.86	\$ 11.14	\$ 14.91	\$ 12.79
% Change	1.34%	4.86%	5.82%	7.37%	5.89%
WWTF					
Fixed Charge, annual	\$ 98.12	\$ 88.32	\$ 94.24	\$ 103.28	\$ 113.95
Usage (120 Gal/day, 5840 c.f./yr)	\$ 53.73	\$ 49.06	\$ 51.39	\$ 57.23	\$ 62.49
Total	\$ 151.85	\$ 137.38	\$ 145.63	\$ 160.51	\$ 176.44
\$ Change	\$ (11.14)	\$ (14.47)	\$ 8.26	\$ 14.88	\$ 15.93
% Change	-6.84%	-9.53%	6.01%	10.22%	9.92%
Sanitation					
Fixed Charge, annual	\$ 91.88	\$ 89.64	\$ 91.44	\$ 97.92	\$ 102.63
Usage (120 Gal/day, 5840 c.f./yr)	\$ 31.54	\$ 30.95	\$ 30.95	\$ 33.29	\$ 35.04
Total	\$ 123.42	\$ 120.59	\$ 122.39	\$ 131.21	\$ 137.67
\$ Change	\$ 5.47	\$ (2.82)	\$ 1.80	\$ 8.82	\$ 6.46
% Change	4.64%	-2.29%	1.49%	7.20%	4.93%
Total All Utility Rates, annual					
\$ Change	\$ (3.26)	\$ (8.44)	\$ 21.19	\$ 38.61	\$ 35.18
% Change	-0.71%	-1.84%	4.72%	8.21%	6.91%

Utility Charges Comparison					
<i>Rates</i>					
	FY17	FY18	FY19	FY20	FY21
Water					
Fixed Charge, annual	90.64	94.24	100.12	107.44	114.39
\$ Change	\$ 1.24	\$ 3.60	\$ 5.88	\$ 7.32	\$ 6.95
% Change	1.39%	3.97%	6.24%	7.31%	6.47%
Usage, per Cubic Foot					
	0.0157	0.0166	0.0175	0.0188	0.0198
\$ Change	\$ 0.0002	\$ 0.0009	\$ 0.0009	\$ 0.0013	\$ 0.0010
% Change	1.29%	5.73%	5.42%	7.43%	5.32%
WWTF					
Fixed Charge, annual	98.12	88.32	94.24	103.28	113.95
\$ Change	\$ (7.64)	\$ (9.80)	\$ 5.92	\$ 9.04	\$ 10.67
% Change	-7.22%	-9.99%	6.70%	9.59%	10.33%
Usage, per Cubic Foot					
	0.0092	0.0084	0.0088	0.0098	0.0107
\$ Change	\$ (0.0006)	\$ (0.0008)	\$ 0.0004	\$ 0.0010	\$ 0.0009
% Change	-6.12%	-8.70%	4.76%	11.36%	9.18%
Sanitation					
Fixed Charge, annual	91.88	89.64	91.44	97.92	102.63
\$ Change	\$ 3.72	\$ (2.24)	\$ 1.80	\$ 6.48	\$ 4.71
% Change	4.22%	-2.44%	2.01%	7.09%	4.81%
Usage, per Cubic Foot					
	0.0054	0.0053	0.0053	0.0057	0.006
\$ Change	\$ 0.0003	\$ (0.0001)	\$ -	\$ 0.0004	\$ 0.0003
% Change	5.88%	-1.85%	0.00%	7.55%	5.26%

Village Water User Rates

FY21 Proposed Rates

Usage	\$0.0198/cubic foot
Fixed Charge	\$114.39/year [50% of budget]
Increase over FY20	5.9%
Cost to average user	\$230.02/year [120 gallons per day]

Reasons for Increase

1. 10.8% increase in operating budget primarily due to \$50,000 increase in transfer to Capital Reserve, increases to employee benefit costs, and increase in contractual services
2. 3.0% increase in CWD Wholesale Rate

Village Wastewater Treatment User Rates

FY21 Proposed Rates

Usage	\$0.0107/cubic foot
Fixed Charge	\$113.95/year [65% of budget]
Increase over FY20	9.9%
Cost to average user	\$176.44/year [120 gallons per day]

Reasons for Increase

1. 5.45% increase in WWTF budget; planned \$20,000 increase to the capital transfer, increases in the cost of sludge management and chemicals to come in line with actuals
2. Anticipated increased costs for laboratory services as a result of required testing
3. Increase in percent of total flow attributed to Village Users – up to 41% in FY21 from 39% in FY20 coupled with an increase in estimated flows from 645 million gallons to 670 million gallons.

Village Sanitation User Rates

FY21 Proposed Rates

Usage	\$0.0060/cubic foot
Fixed Charge	\$102.63/year [75% of budget]
Increase over FY20	4.9%
Cost to average user	\$137.67/year [120 gallons per day]

Reasons for Increase

1. \$7,750 increase in amount raised toward WWTF Upgrade Debt as planned
2. Budget increase of 4.68% driven by personnel costs

New Rate: Interim Utility Bill Fee

Effective July 1, 2020 a new rate would be established of \$35 per bill.

An Interim Utility Bill is a bill that is produced outside of the normal billing cycle at the request of the property owner. The most common requests are for property transfers and for when tenants change in rental units. Processing an interim bill involves Public Works and Finance staff to acquire a reading, calculate charges, and manually produce a bill. The bills are produced and tracked outside of the billing program. Currently, the costs of this process are borne by all users through the standard user rate. A separate rate for this request is standard practice and is in line with the exchange nature of the Enterprise Funds.

Large Water User Rate

FY21 Proposed Rate

Usage	\$0.085/1,000 gallons
Change from prior year	\$0.010/1,000 gallons or 13.3% [see reason #2]

Reasons for Increase

1. Budget
2. In FY18/FY19 a faulty CWD meter caused Village usage to be billed to the Town. This was caught and corrected during the FY19 Village audit. But it caused the large user rate to be artificially low in FY20 since the rate is based in part on unaccounted water and that figure was grossly understated.

The Large User rate for GlobalFoundries is calculated as 13% of the Village's water operating budget plus a proportionate share of unaccounted water divided by estimated water usage. At the end of the fiscal year there is a reconciliation. GlobalFoundries either pays more or receives a credit depending on how much water they use and the amount of unaccounted water. In addition, the Large User also pays the CWD wholesale rate and the State of Vermont Water Supply Fee on all water used. These charges are a pass-through on the Village books.

Wastewater Treatment Wholesale Rate

FY21 Proposed Rate

Usage	\$3.205/1,000 gallons
Increase over FY20	1.62%

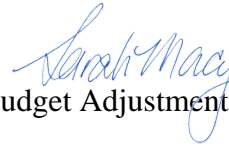
Reasons for Increase

1. 5.45% increase in WWTF budget
2. Planned \$20,000 increase to the capital transfer
3. Increases in the cost of sludge management and chemicals to come in line with actuals
4. Anticipated increased costs for laboratory services as a result of required testing

The Wastewater Treatment Wholesale Rate is the rate paid by the Town of Essex and the Town of Williston for the treatment of sewage from those communities. The rate is based on estimated flows and budgeted costs. At the end of each fiscal year the actual flows and costs are analyzed and adjustments are made. The Wastewater Treatment Wholesale Rate is also used for charging septic haulers that discharge at the Treatment Facility.

MEMORANDUM

TO: Village Trustees and Evan Teich, Unified Manager
FROM: Sarah Macy, Finance Director/Assistant Manager
DATE: June 17, 2020
SUBJECT: FY21 Proposed Utility Rates and Consideration of Budget Adjustments; Warn a Second Public Hearing



Issue

The issue is to present the FY21 Proposed Utility Rates based on the approved budgets, provide an opportunity to consider potential budget adjustments, and warn a second public hearing.

Discussion

Earlier this year, the Trustees approved FY21 Water, Wastewater and Sanitation Fund budgets which can be found in **Attachment A – FY21 Approved Water, Wastewater and Sanitation Fund Budgets.**

As approved, these budgets would produce an overall rate increase of 6.91% or \$35.18 per year for the average residential user. The details of these rate calculations can be found in **Attachment B – FY21 Utility Rate Calculations Using Approved Budgets** and summarized here.

Utility Charges Comparison			Utility Charges Comparison		
Residential Property using 120 gallons/Day			Rates		
	FY20	FY21		FY20	FY21
Water			Water		
Fixed Charge, annual	\$ 107.44	\$ 114.39	Fixed Charge, annual	107.44	114.39
Usage (120 Gal/day, 5840 c.f./yr)	\$ 109.79	\$ 115.63	\$ Change		\$ 6.95
Total	\$ 217.23	\$ 230.02	% Change		6.47%
\$ Change		\$ 12.79			
% Change		5.89%	Usage, per Cubic Foot	0.0188	0.0198
			\$ Change		\$ 0.0010
			% Change		5.32%
WWTF			WWTF		
Fixed Charge, annual	\$ 103.28	\$ 113.95	Fixed Charge, annual	103.28	113.95
Usage (120 Gal/day, 5840 c.f./yr)	\$ 57.23	\$ 62.49	\$ Change		\$ 10.67
Total	\$ 160.51	\$ 176.44	% Change		10.33%
\$ Change		\$ 15.93			
% Change		9.92%	Usage, per Cubic Foot	0.0098	0.0107
			\$ Change		\$ 0.0009
			% Change		9.18%
Sanitation			Sanitation		
Fixed Charge, annual	\$ 97.92	\$ 102.63	Fixed Charge, annual	97.92	102.63
Usage (120 Gal/day, 5840 c.f./yr)	\$ 33.29	\$ 35.04	\$ Change		\$ 4.71
Total	\$ 131.21	\$ 137.67	% Change		4.81%
\$ Change		\$ 6.46			
% Change		4.93%	Usage, per Cubic Foot	0.0057	0.006
			\$ Change		\$ 0.0003
			% Change		5.26%
Total All Utility Rates, annual					
\$ Change		\$ 35.18			
% Change		6.91%			

While reviewing these budgets in anticipation for this discussion, I considered areas of potential reduction that would impact the rate and found few. The operations in the enterprise funds are largely driven by costs out of our control – the price of water, the cost of chemicals, regulatory requirements, contracts, debt, and planned capital. If the Trustees wish to discuss potential budget changes I've compiled the following information to consider.

Water Fund: After removing the pass through water costs for Global Foundries, the Village portion of the budget is increasing \$79,071. Of this, \$50,000 is a planning capital increase; \$12,858 is for personnel; \$13,000 is related to contractual costs (price of water, administrative fees); which leaves about \$3,213 in computer, telephone, and postage increases. Without reducing service levels, the only place we could adjust is the capital contribution and I would recommend this be a onetime option only with a return to the planned increases next year. If we were to reduce the planned increase in the capital contribution by \$25,000 it would make a difference of \$4.80 or 0.94% in the rate.

Wastewater Fund: This budget is vetted and approved by the TriTown committee before being approved by the Trustees. Any change to this budget should be communicated to that committee and would have an impact on rates in all three communities. I do not recommend we change this budget.

Sanitation Fund: The increase in this budget includes an additional \$7,750 to be raised in the rates for debt service costs and \$25,394 in increased operating expenses. Of this, \$14,107 is personnel; and \$6,000 is contractual. There is \$3,350 budgeted in Computer Expenses that I don't think we will get to in FY21 which could be removed but this will only make a difference of \$0.51 or 0.10% in the rate.

Additionally, **Attachment C**, shows the calculations for the Large User Water Rate and the Wholesale Wastewater Rate. The Large User Water Rate is increasing from \$0.075 to \$0.085 per 1,000 gallons and the Wholesale Wastewater Rate is increasing from \$3.154 to \$3.205 per 1,000 gallons treated.

As part of the rate setting process this year, I'm recommending that the Village implement a \$35 fee for interim or final bill requests. This covers the cost of having a staff person collect an official meter reading and producing an additional bill outside of the normal cycle. Establishing this fee is in line with the way other communities handle interim billing and is consistent with the structure of the enterprise fund as self-supported through user fees.

As enterprise funds, the Water, Wastewater and Sanitation funds are expected to be self-supporting through user fees. The majority of revenue in these funds comes from a regular billing cycle. When a request comes outside of the regular billing cycle to have a meter read and a partial bill produced this is referred to as an interim bill. Over the last year, to accommodate the high number of requests for interim bills, Finance has limited issuance to property transfers only. We continue to help property owners estimate their bill for tenant changes or other reasons, if they wish. There are undeniable costs associated with producing and tracking billings outside of the normal cycle. In summary, an employee must travel to the property, collect a reading from the meter, and finance

must calculate the usage charges, prorated flat fees, and produce a physical bill. This interim bill exists outside of the billing system and as such is tracked manually. A copy is placed in the vault for title searchers and transmitted to the requester.

The following is a summary of how some other communities handle these requests:

- ❖ Champlain Water District – Interim or Final Bill Requests \$10
- ❖ Winooski – \$35 for interim bills (charged is waived if there is no consumption because they have a policy that no bills will be issued for zero consumption)
- ❖ South Burlington – \$15 for Interim Bill Requests
- ❖ Milton – does not provide bill, assists with estimating
- ❖ Burlington - \$30 final meter reading fee when properties are sold
- ❖ St. Albans - \$35 interim billing fee (\$25 for the reading, \$10 for bill production)
- ❖ Town of Essex - \$35 interim bill fee (starting 7/1/20)

Cost

- The large user rate is increasing by \$0.010/1,000 gallons
- The Wastewater Treatment wholesale rate is increasing 1.62% to \$3.205
- *With Currently Approved Budgets:* The cost to the Village resident using 120 gallons per day will increase by 6.91% or \$35.18 per year.
- Establish Interim Utility Bill Fee of \$35 per bill.

Recommendation

It is recommended that the Trustees decide whether or not to adjust the FY21 Water or Sanitation budgets; if so it is recommended the Trustees approve the adjusted budgets.

It is recommended that the Trustees warn the second of two public hearings on the proposed FY21 Utility Rates for Tuesday June 23, 2020.

**Attachment A – FY21 Approved Water,
Wastewater and Sanitation Fund Budgets**

	A	B	F	H	I	J	K	N	O	P	Q
1	Water Fund FY21 Budget Summary										
2											
	Account Number	Account Name	FY17 Actual	FY18 Actual	FY19 Budget	FY19 Actual	FY20 Budget		FY21 Budget Proposal	Dollar Change from Prior Year	Percent Change from Prior Year
3											
4		REVENUES									
5	254-34801.000	Sale of Water - Residential	901,046	934,325	992,409	1,022,387	1,086,788		1,135,751	73,963	6.81%
6	254-34811.000	Water Billing Penalties	4,769	6,141	4,000	5,088	4,500		4,500	-	0.00%
7	254-34812.000	Water Sales - Large Users	76,261	90,573	97,201	98,079	92,729		105,837	13,108	14.14%
8	254-34821.000	Hook on Fees	14,450	8,200	15,000	7,000	15,000		7,000	(8,000)	-53.33%
9	254-34900.000	Sale of Water - GF	2,505,612	2,584,379	2,686,765	2,700,838	2,767,430		2,795,104	27,674	1.00%
10	254-34902.000	Sale of Water - GF VT Tax	61,472	62,024	70,985	62,885	70,117		70,818	701	1.00%
11	254-34402.000	Interest Earnings	20	67	-	50	-		-	-	n/a
12	254-34403.000	Misc - Unclassified	1,356	598	-	630	-		-	-	n/a
13		Revenues Subtotal	3,564,987	3,686,307	3,866,360	3,896,956	4,036,564		4,144,010	107,446	2.66%
14											
15											
16		EXPENSES									
17	254-43200.110	Salaries - Regular	67,668	103,492	109,133	111,685	118,220		123,321	5,101	4.31%
18	254-43200.130	Salaries - Overtime	9,819	16,131	14,000	14,222	14,000		15,000	1,000	7.14%
19	254-43200.140	Salaries - Part-time	2,626	4,136	5,427	3,972	9,193		9,507	314	3.42%
20	254-43200.210	Health Insurance & Other Benefits	25,660	29,620	45,212	55,806	65,713		68,513	2,800	4.26%
21	254-43200.220	Social Security	6,126	9,248	9,965	10,096	10,699		11,309	610	5.70%
22	254-43200.226	Workers Compensation Insurance	5,437	6,917	6,716	7,750	7,992		10,500	2,508	31.38%
23	254-43200.230	Retirement	6,707	9,892	10,913	11,389	11,822		12,332	510	4.31%
24	254-43200.250	Unemployment Insurance	87	53	200	87	60		75	15	25.00%
25	254-43200.330	Other Professional Services	1,590	-	1,000	918	1,000		1,000	-	0.00%
26	254-43200.335	Audit Services	3,433	3,623	3,680	4,370	3,738		4,200	462	12.36%
27	254-43200.340	Computer Supplies and Software	1,105	1,194	1,000	1,227	1,000		2,650	1,650	165.00%
28	254-43200.410	Water and Sewer Charge	92	97	200	127	200		200	-	0.00%
29	254-43200.411	CWD Water Purchase	461,487	455,835	515,807	458,662	504,006		509,046	5,040	1.00%
30	254-43200.412	State Water Tax	12,436	10,852	13,628	10,591	13,153		13,285	132	1.00%
31	254-43200.430	Water Lines Maintenance - Breaks	22,737	107,875	16,000	1,038	16,000		16,000	-	0.00%

	A	B	F	H	I	J	K	N	O	P	Q
1	Water Fund FY21 Budget Summary										
2											
3	Account Number	Account Name	FY17 Actual	FY18 Actual	FY19 Budget	FY19 Actual	FY20 Budget		FY21 Budget Proposal	Dollar Change from Prior Year	Percent Change from Prior Year
32	254-43200.432	Vehicle Maintenance	-	-	-	1,261	-			-	n/a
33	254-43200.441	ROW Leases	8	100	142	100	142		150	8	5.63%
34	254-43200.491	Contractual Services	113,888	103,410	104,158	104,158	118,559		122,860	4,301	3.63%
35	254-43200.500	Training, Conferences, Dues	1,468	3,364	2,500	2,048	2,500		2,000	(500)	-20.00%
36	254-43200.521	Liability & Property Ins.	3,620	2,594	2,271	2,632	2,620		6,540	3,920	149.62%
37	254-43200.535	Telephone Services	1,489	1,822	1,500	2,246	1,500		2,500	1,000	66.67%
38	254-43200.536	Postage	1,636	2,577	2,000	3,158	2,600		3,100	500	19.23%
39	254-43200.550	Printing and Advertising	2,003	1,939	2,608	1,871	2,000		2,000	-	0.00%
40	254-43200.570	Maintenance Other	3,541	10,446	2,500	199	2,500		2,500	-	0.00%
41	254-43200.572	Interview Costs	2,649	175	-	-	-			-	n/a
42	254-43200.610	Supplies	5,172	9,550	6,000	7,664	7,000		7,000	-	0.00%
43	254-43200.612	Uniforms, Boots, Etc.	806	1,083	1,500	1,255	1,500		1,500	-	0.00%
44	254-43200.613	Meters and Parts	303	-	500	643	500		500	-	0.00%
45	254-43200.614	Distribution Materials	23,751	7,447	7,000	1,408	7,500		7,500	-	0.00%
46	254-43200.622	Electrical Service	711	1,030	750	799	1,000		1,000	-	0.00%
47	254-43200.623	Heating	2,402	2,608	3,000	2,444	3,000		3,000	-	0.00%
48	254-43200.626	Gas, Grease and Oil	1,143	1,393	3,000	1,326	3,000		3,000	-	0.00%
49	254-43200.742	Capital Reserve Fund Contribution	140,000	160,000	210,000	210,000	260,000		310,000	50,000	19.23%
50	254-43200.805	Interest Expense	334	212	300	29	300			(300)	-100.00%
51	254-43200.891	Capital Outlay	3,447	3,099	6,000	-	6,000		6,000	-	0.00%
52	254-43200.892	Transfer to Town for Benefits	11,180							-	n/a
53	254-43210.411	CWD Water Purchase - GF	2,549,112	2,605,241	2,686,765	2,723,369	2,767,430		2,795,104	27,674	1.00%
54	254-43210.412	State Water Tax - GF	62,540	62,024	70,985	62,885	70,117		70,818	701	1.00%
55		Expenses Subtotal	3,558,213	3,739,080	3,866,360	3,821,432	4,036,564		4,144,010	107,446	2.66%
56										-	n/a
57		REVENUES TOTAL	3,564,987	3,686,307	3,866,360	3,896,956	4,036,564		4,144,010	107,446	2.66%
58		EXPENSES TOTAL	3,558,213	3,739,080	3,866,360	3,821,432	4,036,564		4,144,010	107,446	2.66%
59		NET OPERATIONS	6,773	(52,773)	-	75,524	-		-	-	n/a

	A	B	F	H	I	J	K	N	O	P	Q
1	Sanitation Fund FY21 Budget Summary										
2											
3	Account Number	Account Name	FY17 Actual	FY18 Actual	FY19 Budget	FY19 Actual	FY20 Budget	FY21 Budget Proposal	Dollar Change from Prior Year	Percent Change from Prior Year	
4		REVENUES									
5	256-33900.000	Essex Pump Station Fees	23,911	28,275	25,940	26,095	28,750	28,750	-	0.00%	
6	256-33900.001	2 Party Agreement Revenue	15,000	15,000	15,000	15,000	15,000	15,000	-	0.00%	
7	256-34402.000	Interest Earnings	5,210	1,015	500	500	1,000	1,000	-	0.00%	
8	256-34403.000	Misc - Unclassified	887	3,938	-	4,227	6,240	3,000	(3,240)	-51.92%	
9	256-34801.000	Annual Customer Charge	565,633	568,857	586,985	598,033	635,664	672,048	36,384	5.72%	
10	256-34811.000	Penalty	2,686	3,100	2,500	2,829	2,500	2,500	-	0.00%	
11	256-34821.000	Hook On Fees	154,000	5,000	30,000	7,000	30,000	30,000	-	0.00%	
12		Revenues Subtotal	767,327	625,185	660,925	653,684	719,154	752,298	33,144	4.61%	
13											
14											
15		EXPENSES									
16	256-43200.110	Salaries - Regular	84,804	80,359	91,459	95,633	101,835	108,563	6,728	6.61%	
17	256-43200.130	Salaries - Overtime	13,772	13,914	14,185	9,680	14,000	15,000	1,000	7.14%	
18	256-43200.140	Salaries - Part-time	2,626	4,136	5,427	3,972	9,232	9,564	332	3.60%	
19	256-43200.210	Health Insurance & Other Benefits	36,824	41,259	40,567	42,043	53,162	55,470	2,308	4.34%	
20	256-43200.220	Social Security	7,703	7,691	8,671	8,382	9,568	10,184	616	6.44%	
21	256-43200.226	Workers Compensation Insurance	5,138	5,425	5,282	6,334	6,967	9,400	2,433	34.92%	
22	256-43200.230	Retirement	8,205	9,412	9,146	9,624	10,183	10,858	675	6.63%	
23	256-43200.250	Unemployment Insurance	127	60	200	90	70	85	15	21.43%	
24	256-43200.330	Other Professional Services	366	-	1,000	852	1,000	1,000	-	0.00%	
25	256-43200.335	Audit Services	1,716	1,811	1,840	2,185	1,869	2,000	131	7.01%	
26	256-43200.340	Computer Expenses	2,210	2,409	1,300	2,453	1,000	5,350	4,350	435.00%	
27	256-43200.410	Water and Sewer Charge	281	272	500	363	500	500	-	0.00%	
28	256-43200.430	Sanitation Lines Maintenance	972	15,038	6,000	1,162	6,000	6,000	-	0.00%	
29	256-43200.432	Vehicle Maintenance				1,037					
30	256-43200.434	Pump Station Maintenance	9,642	12,897	12,000	15,623	14,000	14,000	-	0.00%	
31	256-43200.436	Sanitation Line Back-up Clean	-	2,321	1,000	1,000	1,000	1,000	-	0.00%	

	A	B	F	H	I	J	K	N	O	P	Q
1	Sanitation Fund FY21 Budget Summary										
2											
3	Account Number	Account Name	FY17 Actual	FY18 Actual	FY19 Budget	FY19 Actual	FY20 Budget	FY21 Budget Proposal	Dollar Change from Prior Year	Percent Change from Prior Year	
32	256-43200.441	Right of Way Agreements	1,563	1,573	1,140	1,631	1,640	1,700	60	3.66%	
33	256-43200.491	Contractual Services	144,188	133,710	135,883	135,883	150,159	154,860	4,701	3.13%	
34	256-43200.500	Training, Conferences, Dues	-	-	200	-	200	200	-	0.00%	
35	256-43200.521	Liability & Property Ins.	7,713	4,425	6,225	5,929	4,469	6,014	1,545	34.57%	
36	256-43200.536	Postage	3,268	5,066	3,500	6,318	5,000	5,500	500	10.00%	
37	256-43200.550	Printing and Advertising	1,213	1,389	1,000	-	1,500	1,500	-	0.00%	
38	256-43200.570	Maintenance Other	14,557	452	2,500	3,096	2,500	2,000	(500)	-20.00%	
39	256-43200.572	Interview Costs							-	n/a	
40	256-43200.610	Supplies	355	2,827	1,000	2,143	1,000	1,000	-	0.00%	
41	256-43200.612	Uniforms, Boots, Etc.	1,601	1,074	1,500	942	1,500	1,500	-	0.00%	
42	256-43200.622	Electrical Service	10,001	12,666	12,000	13,237	14,000	14,000	-	0.00%	
43	256-43200.623	Heating	1,851	1,028	1,900	1,038	1,800	1,800	-	0.00%	
44	256-43200.626	Gas, Grease and Oil	1,681	2,894	2,500	4,009	3,500	4,000	500	14.29%	
45	256-43200.742	Transfer to Capital Reserve	215,167	95,000	95,000	95,000	95,000	95,000	-	0.00%	
46	256-43200.891	Capital Outlay	5,133	-	5,000	-	5,000	5,000	-	0.00%	
47	256-43200.892	Transfer to Town for Benefits	11,180	-	-	-		-	-	n/a	
48	256-43220.001	Susie Wilson PS Costs	7,745	11,863	10,000	10,479	12,000	12,000	-	0.00%	
49	256-43220.002	West Street PS Costs	12,166	12,796	12,000	11,190	13,000	13,000	-	0.00%	
50		Expenses Subtotal	613,768	483,768	489,925	491,328	542,654	568,048	25,394	4.68%	
51											
52		REVENUES TOTAL	767,327	625,185	660,925	653,684	719,154	752,298	33,144	4.61%	
53		EXPENSES TOTAL	613,768	483,768	489,925	491,328	542,654	568,048	25,394	4.68%	
54		NET OPERATIONS	153,559	141,417	171,000	162,355	176,500	184,250	7,750	4.39%	

	A	B	F	H	I	J	K	N	O	P	Q
1	WWTF Fund FY21 Budget Summary										
2											
3	Account Number	Account Name	FY17 Actual	FY18 Actual	FY19 Budget	FY19 Actual	FY20 Budget		FY21 Budget Proposal	Dollar Change from Prior Year	Percent Change from Prior Year
4		REVENUES								-	n/a
5	255-34801.000	Village User Charge	689,249	647,712	694,916	716,133	773,856		860,898	87,042	11.25%
6	255-34811.000	Village User Penalties	3,361	3,513	3,000	3,379	3,500		3,500	-	0.00%
7	255-34812.000	Village Septage Discharge	18,533	20,997	18,000	19,415	16,000		16,000	-	0.00%
8	255-34813.000	Village Leachate Revenues	1,044	815	-	814	-		-	-	n/a
9	255-34900.000	Wastewater Charge - Essex	436,976	476,928	477,278	477,278	488,219		536,828	48,609	9.96%
10	255-34901.000	Wastewater Charge - Williston	611,766	675,345	715,917	715,917	752,671		730,086	(22,585)	-3.00%
11	255-34903.001	Shared Septage Revenues	6,178	9,881	9,000	9,563	8,000		8,000	-	0.00%
12	255-34903.003	Shared Leachate Revenues	348	383	-	401	-		-	-	n/a
13	255-34903.005	Pump Station Maint. Fees	30,300	30,300	31,725	31,725	32,000		32,000	-	0.00%
14	255-34402.000	Interest Earnings	3,684	2,066	-	2,066	-		-	-	n/a
15	255-34403.000	Misc - Unclassified Revenue	23	357	-	215	-		-	-	n/a
16		Revenues Subtotal	1,801,462	1,868,296	1,949,836	1,976,906	2,074,246		2,187,312	113,066	5.45%
17											
18											
19		EXPENSES									
20	255-43200.110	Salaries - Regular	330,279	302,046	343,375	309,347	339,164		338,203	(961)	-0.28%
21	255-43200.130	Salaries - Overtime	43,928	42,194	45,000	44,064	48,000		48,000	-	0.00%
22	255-43200.140	Salaries - Part-time	22,191	17,881	16,000	6,284	15,394		33,158	17,764	115.40%
23	255-43200.210	Health Insurance & Other Benefits	79,250	93,252	137,000	115,047	134,490		128,644	(5,846)	-4.35%
24	255-43200.220	Social Security	28,616	30,075	31,095	27,077	33,916		32,081	(1,835)	-5.41%
25	255-43200.226	Workers Compensation Insurance	17,141	26,450	20,534	20,853	29,669		30,000	331	1.12%
26	255-43200.230	Retirement	30,572	33,751	34,338	31,090	33,916		33,620	(296)	-0.87%
27	255-43200.250	Unemployment Insurance	358	137	420	398	150		175	25	16.67%
28	255-43200.320	Legal Services	-	-	2,000	1,650	4,000		4,000	-	0.00%
29	255-43200.330	Other Professional Services	986	325	4,000	3,677	4,000		4,000	-	0.00%
30	255-43200.335	Audit Services	4,030	4,253	4,320	5,130	4,388		4,400	12	0.27%
31	255-43200.410	Water and Sewer Charge	2,128	2,712	3,000	5,335	3,000		3,500	500	16.67%
32	255-43200.432	Vehicle Maintenance	1,914	4,486	3,000	3,869	4,000		4,000	-	0.00%

	A	B	F	H	I	J	K	N	O	P	Q
1	WWTF Fund FY21 Budget Summary										
2											
3	Account Number	Account Name	FY17 Actual	FY18 Actual	FY19 Budget	FY19 Actual	FY20 Budget		FY21 Budget Proposal	Dollar Change from Prior Year	Percent Change from Prior Year
33	255-43200.491	Contractual Services	56,944	51,705	52,079	52,079	59,280		61,430	2,150	3.63%
34	255-43200.500	Training, Conferences, Dues	5,464	7,849	6,500	5,939	7,000		7,500	500	7.14%
35	255-43200.521	Liability & Property Ins.	22,989	27,702	32,275	29,580	27,979		30,221	2,242	8.01%
36	255-43200.535	Telephone Services	4,577	4,042	6,000	4,615	6,000		6,000	-	0.00%
37	255-43200.565	Grit Disposal	10,356	11,038	18,000	16,286	14,000		14,980	980	7.00%
38	255-43200.567	Sludge Processing	137,340	77,933	140,000	85,211	150,000		150,000	-	0.00%
39	255-43200.568	Sludge Management	127,963	174,297	150,000	186,758	150,000		170,000	20,000	13.33%
40	255-43200.569	WWTF Annual Permit Fee	9,900	9,900	9,900	9,900	9,900		9,900	-	0.00%
41	255-43200.570	Maintenance Other	85,060	133,791	100,000	96,728	120,000		130,000	10,000	8.33%
42	255-43200.572	Interview Costs	523	-	-	459				-	n/a
43	255-43200.577	Contract Laboratory Services	10,981	6,947	11,000	9,961	12,000		22,000	10,000	83.33%
44	255-43200.610	Supplies	8,256	5,685	10,000	7,319	8,500		8,500	-	0.00%
45	255-43200.612	Uniforms, Boots, Etc.	5,506	5,028	6,000	3,242	5,500		5,500	-	0.00%
46	255-43200.618	Supplies - Laboratory	16,198	17,238	18,000	14,163	19,000		18,000	(1,000)	-5.26%
47	255-43200.619	Chemicals	284,508	285,222	230,000	329,295	300,000		330,000	30,000	10.00%
48	255-43200.622	Electrical Service	143,277	117,640	150,000	192,346	140,000		150,000	10,000	7.14%
49	255-43200.623	Heating	23,372	23,933	20,000	23,553	25,000		25,000	-	0.00%
50	255-43200.626	Gas, Grease and Oil	5,177	4,492	6,000	2,698	6,000		4,500	(1,500)	-25.00%
51	255-43200.742	Transfer to Capital Reserve	300,000	320,000	340,000	340,000	360,000		380,000	20,000	5.56%
52	225-43200.892	Transfer to Town for Benefits	5,590							-	n/a
53		Expenses Subtotal	1,825,375	1,842,002	1,949,836	1,983,952	2,074,246		2,187,312	113,066	5.45%
54										-	n/a
55		REVENUES TOTAL	1,801,462	1,868,296	1,949,836	1,976,906	2,074,246		2,187,312	113,066	5.45%
56		EXPENSES TOTAL	1,825,375	1,842,002	1,949,836	1,983,952	2,074,246		2,187,312	113,066	5.45%
57		NET OPERATIONS	(23,913)	26,294	-	(7,046)	-		-	-	n/a

Attachment B – FY21 Utility Rate Calculations Using Approved Budgets

Utility Charges Comparison

Residential Property using 120 gallons/Day

	FY19	FY20	FY21
Water			
Fixed Charge, annual	\$ 100.12	\$ 107.44	\$ 114.39
Usage (120 Gal/day, 5840 c.f./yr)	\$ 102.20	\$ 109.79	\$ 115.63
Total	\$ 202.32	\$ 217.23	\$ 230.02
\$ Change	\$ 11.14	\$ 14.91	\$ 12.79
% Change	5.82%	7.37%	5.89%
WWTF			
Fixed Charge, annual	\$ 94.24	\$ 103.28	\$ 113.95
Usage (120 Gal/day, 5840 c.f./yr)	\$ 51.39	\$ 57.23	\$ 62.49
Total	\$ 145.63	\$ 160.51	\$ 176.44
\$ Change	\$ 8.26	\$ 14.88	\$ 15.93
% Change	6.01%	10.22%	9.92%
Sanitation			
Fixed Charge, annual	\$ 91.44	\$ 97.92	\$ 102.63
Usage (120 Gal/day, 5840 c.f./yr)	\$ 30.95	\$ 33.29	\$ 35.04
Total	\$ 122.39	\$ 131.21	\$ 137.67
\$ Change	\$ 1.80	\$ 8.82	\$ 6.46
% Change	1.49%	7.20%	4.93%
Total All Utility Rates, annual	\$ 470.34	\$ 508.95	\$ 544.13
\$ Change	\$ 21.19	\$ 38.61	\$ 35.18
% Change	4.72%	8.21%	6.91%

Utility Charges Comparison

Rates

	FY19	FY20	FY21
Water			
Fixed Charge, annual	100.12	107.44	114.39
\$ Change	\$ 5.88	\$ 7.32	\$ 6.95
% Change	6.24%	7.31%	6.47%
Usage, per Cubic Foot	0.0175	0.0188	0.0198
\$ Change	\$ 0.0009	\$ 0.0013	\$ 0.0010
% Change	5.42%	7.43%	5.32%
WWTF			
Fixed Charge, annual	94.24	103.28	113.95
\$ Change	\$ 5.92	\$ 9.04	\$ 10.67
% Change	6.70%	9.59%	10.33%
Usage, per Cubic Foot	0.0088	0.0098	0.0107
\$ Change	\$ 0.0004	\$ 0.0010	\$ 0.0009
% Change	4.76%	11.36%	9.18%
Sanitation			
Fixed Charge, annual	91.44	97.92	102.63
\$ Change	\$ 1.80	\$ 6.48	\$ 4.71
% Change	2.01%	7.09%	4.81%
Usage, per Cubic Foot	0.0053	0.0057	0.006
\$ Change	\$ -	\$ 0.0004	\$ 0.0003
% Change	0.00%	7.55%	5.26%

VILLAGE OF ESSEX JUNCTION

WATER RATES

6/4/2020 15:50

FY21 RATE SETTING

FIXED CHARGES - EQUIVALENT UNITS @ 120 gpd per EU

	FY20 RATE SETTING 50% Fixed, 50% Variable		FY21 RATE SETTING 50% Fixed, 50% Variable	
Water Budget Target	\$	1,086,788	\$	1,160,751
Budget Ratio				
Fixed	\$	543,394	0.5 \$	580,376
Variable	\$	543,394	0.5 \$	580,376
Total Customers/Equivalent Units		5058		5074
Fixed Charge				
Base Rate, annual	\$	107.44	\$	114.39
Usage Charge				
Usage Fee, per c.f.	\$	0.0188	\$	0.0198
Projected Consumption (c.f)		28,961,801		29,257,300
REVENUE				
Fixed Charge	\$	543,431.52	\$	580,377
Sale of Water				
Residential	\$	544,482	\$	579,295
Large User - GF	\$	92,729	\$	105,837
Other Revenue/Income				
Hydrant Rentals	\$	-	\$	-
Penalties	\$	4,500	\$	4,500
Miscellaneous	\$	15,000	\$	7,000
Total Revenue	\$	1,200,142	\$	1,277,009
EXPENSES	\$	1,198,617	\$	1,278,088
SURPLUS/DEFICIT	\$	1,525	\$	(1,079)

\$ Change	% Change
\$ 6.95	6.47%
\$ 0.0010	5.32%

Notes:

1. Projected consumption is based on prior 3 year average.
2. Expenses and revenue exclude Global Foundries.

**VILLAGE OF ESSEX JUNCTION
WASTEWATER TREATMENT
FY21 RATE SETTING**

6/4/2020 15:50

FIXED CHARGES - EQUIVALENT UNITS @ 120 gpd per EU

	FY20 RATE SETTING 65% Fixed, 35% Variable		FY21 RATE SETTING 65% Fixed, 35% Variable	
WWTF Budget Target	\$	773,778	\$	860,898
Budget Ratio				
Fixed	\$	502,956	0.65 \$	559,584
Variable	\$	270,822	0.35 \$	301,314
Total Customers/Equivalent Units		4869		4911
Fixed Charge				
Base Rate, annual	\$	103.28	\$	113.95
Usage Charge				
Usage Fee, per c.f.	\$	0.0098	\$	0.0107
Projected Consumption (c.f)		27,765,679		28,048,974
REVENUE				
Meter Charge	\$	502,870	\$	559,605
Wastewater Treatment				
Customer Charge	\$	272,104	\$	300,124
Other Revenue/Income				
Penalties	\$	3,500	\$	3,500
Septage	\$	16,000	\$	16,000
Use of Fund Balance	\$	-	\$	-
Total Revenue	\$	794,474	\$	879,229
EXPENSES	\$	793,278	\$	880,398
SURPLUS/DEFICIT	\$	1,196	\$	(1,169)

\$ Change	% Change
\$ 10.67	10.33%
\$ 0.0009	9.18%

Notes:

1. Projected consumption is based on past 12 months.

VILLAGE OF ESSEX JUNCTION

SANITATION RATE

6/4/2020 15:50

FY21 RATE SETTING

FIXED CHARGES - EQUIVALENT UNITS @ 120 gpd per EU

	FY20 RATE SETTING 75% Fixed, 25% Variable		FY21 RATE SETTING 75% Fixed, 25% Variable	
Sanitation Budget Target	\$	459,164	\$	487,798
WWTF Debt Payment	\$	176,500	\$	184,250
Total	\$	635,664	\$	672,048
Budget Ratio				
Fixed	\$	476,748	0.75 \$	504,036
Variable	\$	158,916	0.25 \$	168,012
Total Customers/Equivalent Units		4869		4911
Fixed Charge				
Base Rate, annual	\$	97.92	\$	102.63
Usage Charge				
Usage Fee, per c.f.	\$	0.0057	\$	0.0060
Projected Consumption (c.f)		27,765,679		28,048,974
REVENUE				
Meter Charge	\$	476,772	\$	504,013
Sale of Water				
Customer Charge	\$	158,264	\$	168,294
Other Revenue/Income				
Penalties	\$	2,500	\$	2,500
Miscellaneous	\$	36,240	\$	33,000
Interest	\$	1,000	\$	1,000
2 Party agreement	\$	15,000	\$	15,000
Essex Pump Station Fees	\$	28,750	\$	28,750
Total Revenue	\$	718,527	\$	752,557
EXPENSES	\$	542,654	\$	568,048
SURPLUS/DEFICIT	\$	175,873	\$	184,509

\$ Change	% Change
\$ 4.71	4.81%
\$ 0.0003	5.26%

Notes:

1. Projected consumption is based on prior 3 year average.
2. Target revenue projection includes phased increase in rates to cover future debt retirement for WWTF refurbishment.

Attachment C – FY21 Large User and Wholesale Rate Calculations



VILLAGE OF ESSEX JUNCTION

GF LARGE WATER USER RATE COMPUTATIONS

FOR FY2021

DEFINITIONS:

6/4/2020 11:24

Large Water User:

Any entity that uses 2.5 million or more gallons per day on average.

Metered Water

Amount of water which the Village has metered to its customers.
in the applicable year.

Total Water

The amount of water purchased from CWD in a given year.

Budgeted Unaccounted Water

The cost of unaccounted water projected in the adopted fiscal year budget

Proportionate Share of Unaccounted Water

The % of water metered to the large user compared to the water that flows through the Village Water Delivery system (this does not include the water that flows through GF's "South" meter)

Formula by Meter = $M28/M19+M20+M25-M24-PS4$

FORMULA FOR CALCULATION OF LARGE USER RATE:

plus 13% of Fiscal Year Operating Budget
divided by User's Proportionate Share of Unaccounted Water
equals Projected Use by Large User for Upcoming Fiscal Year
Rate per 1000 gallons of water used

CALCULATION OF THE FYE20 LARGE USER WATER RATE:

plus	13% of Water Fund Operating Budget	\$98,248
plus	Proportionate share of Unaccounted water	
	GF = 65.23% Apr. 19 through Mar. 20	65.23%
	x Budgeted unaccounted water	\$11,634
	Proportionate share of unaccounted water	\$7,589
equals	Total to be collected	\$105,837
divided by	GF projected use = 3.4 MGD	
	1,241,000,000 Gallons	
	Converted to thousands of gallons	1,241,000
equals	Large User Rate FY21	<u>0.085</u> /1000 Gallons

Fiscal Year End Reconciliation

- 1) Following the April Village-wide water meter reading, actual unaccounted water for the year will be determined.
- 2) Following the end of June GF water meter reading, actual GF water flow for the current year will be determined.
- 3) Using GF's proportionate share of the actual cost of unaccounted water combined with 13% of the fiscal year to be reconciled water operations budget, a revised "Total to be collected" will be determined.
- 4) Using the actual GF water flow for the year to be reconciled multiplied by the current Large User rate, the amount actually collected will be determined.
- 5) The revised "Total to be collected" will be compared to the "amount actually collected".
- 6) If the Total to be collected is more than the amount actually collected, there will be an additional charge for the difference on GF's water bill for June water consumption (to be sent in July). If the Total to be collected is less than the amount actually collected, there will be a credit for the difference on GF's water bill for June water consumption (to be sent in July.)

FY21 Wholesale Rate Determination
FY21 Flow Percentage Projections

Williston	34.0%	227.8	730,086.12
Essex	25.0%	167.5	536,828.03
Essex Jct.	41.0%	274.7	880,397.97
Total Flows	100.0%	670	Million Gallons

	FY19 Budget	FY20 Budget	FY21 Budget	
	1,949,836	2,074,246	2,187,312	5.45%
Minus Offsetting Revenues				
Interest Income				
Pump Station Fees	31,725	32,000	32,000	
Shared Septage Revenue	9,000	8,000	8,000	
Shared Leachate Revenue	0	0	0	
	40,725	40,000	40,000	
Total for Wholesale Rate Calculation	1,909,111	2,034,246	2,147,312	
Flow for Calculation	640	645	670	
Rate per 1000 Gallons treated		3.154	3.205	1.62%

WHOLESALE RATE HISTORY	<u>Rate</u>	<u>\$ Change</u>	<u>% Change</u>
2008/09 WHOLESALE SEWER RATE	1.5735		
2009/10 WHOLESALE SEWER RATE	1.8641	0.2906	18%
2010/11 WHOLESALE SEWER RATE	2.1452	0.2811	15%
2011/12 WHOLESALE SEWER RATE	2.2657	0.1205	6%
2012/13 WHOLESALE SEWER RATE	2.4248	0.1591	7%
2013/2014 WHOLESALE SEWER RATE	2.5278	0.1030	4%
2014/2015 WHOLESALE SEWER RATE	2.6294	0.1016	4%
2015/2016 WHOLESALE SEWER RATE	2.6877	0.0583	2%
2016/2017 WHOLESALE SEWER RATE	2.7311	0.0434	2%
2017/2018 WHOLESALE SEWER RATE	2.8430	0.1119	4%
FY19 Wholesale Sewer Rate	2.9830	0.1400	5%
FY20 Wholesale Sewer Rate	3.1540	0.1710	6%
FY21 Proposed Wholesale Sewer Rate	3.205	0.0509	2%



Community Development Department

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Fax: (802) 878-6946

MEMORANDUM

TO: Evan Teich, Unified Manager, Trustees
FROM: Robin Pierce, Community Development Director
DATE: June 17th, 2020
SUBJECT: Village Center Development: Open and Outside Vendor Vouchers.

Issue

The issue is whether the Trustees wish to sponsor a voucher initiative for Village residents during an Open and Outside event which would enable residents to purchase services at vendors located in the Village Center. This would help both residents and business owners.

Nominal date July 10th – 11th

Discussion

It is proposed that the Village sponsor a 'kick off' Open and Outside event where residents can receive a \$10 voucher to use at Village Center locations on July 10th starting at 3:00 pm and ending at 9 pm and repeated July 11th. The vouchers would be useable for anything except alcohol and tobacco. The funding would come from the penny on the dollar account that is ring fenced for Village Center economic development activities. The vouchers would be franked so they cannot be duplicated and vendors would redeem the vouchers with the municipality to receive \$10 for each one.

During this time residents of, and businesses in, Vermont have worked hard to mitigate the spread of Covid 19. As the Governor continues to, 'loosen the spigot' there is an opportunity to publicly acknowledge this fact and give residents and businesses a helping hand in celebrating the return of business activity in the Village Center. There are spaces in the Village Center that can be used for outdoor seating that are currently not used for this purpose. In general, a Temporary Use Permit is not required in the Village Center District, it is required outside of this District. During this time Staff proposes that any outdoor spaces proposed to be used for the consumption of food and drink should require a Temporary Use permit for two reasons. Firstly, so that the temporary use of a space can be recorded and the timeframe of the temporary use confirmed. Secondly, staff would propose that no charge be levied for this temporary accommodation (normally \$50 for a Temporary Use Permit), to help businesses come out of lockdown as effectively and efficiently as possible. Obviously State requirements regarding Social Distancing would have to be adhered to by all businesses and customers. The \$15 recording fee would have to be waived by the Selectboard.

While outdoor liquor consumption is under the purview of the Selectboard and the State, control of the use of outdoor space sits with the Trustees if it is Village owned property, and the Community Development Director if it is private property.

We would publicize this event on FPF, the Village websites and in the local newspaper. Residents would pick up the vouchers from the Village office at which time they would show proof of residency in the Village. Vendors would return the voucher to the Village with proof of service of product purchased and then receive a refund.

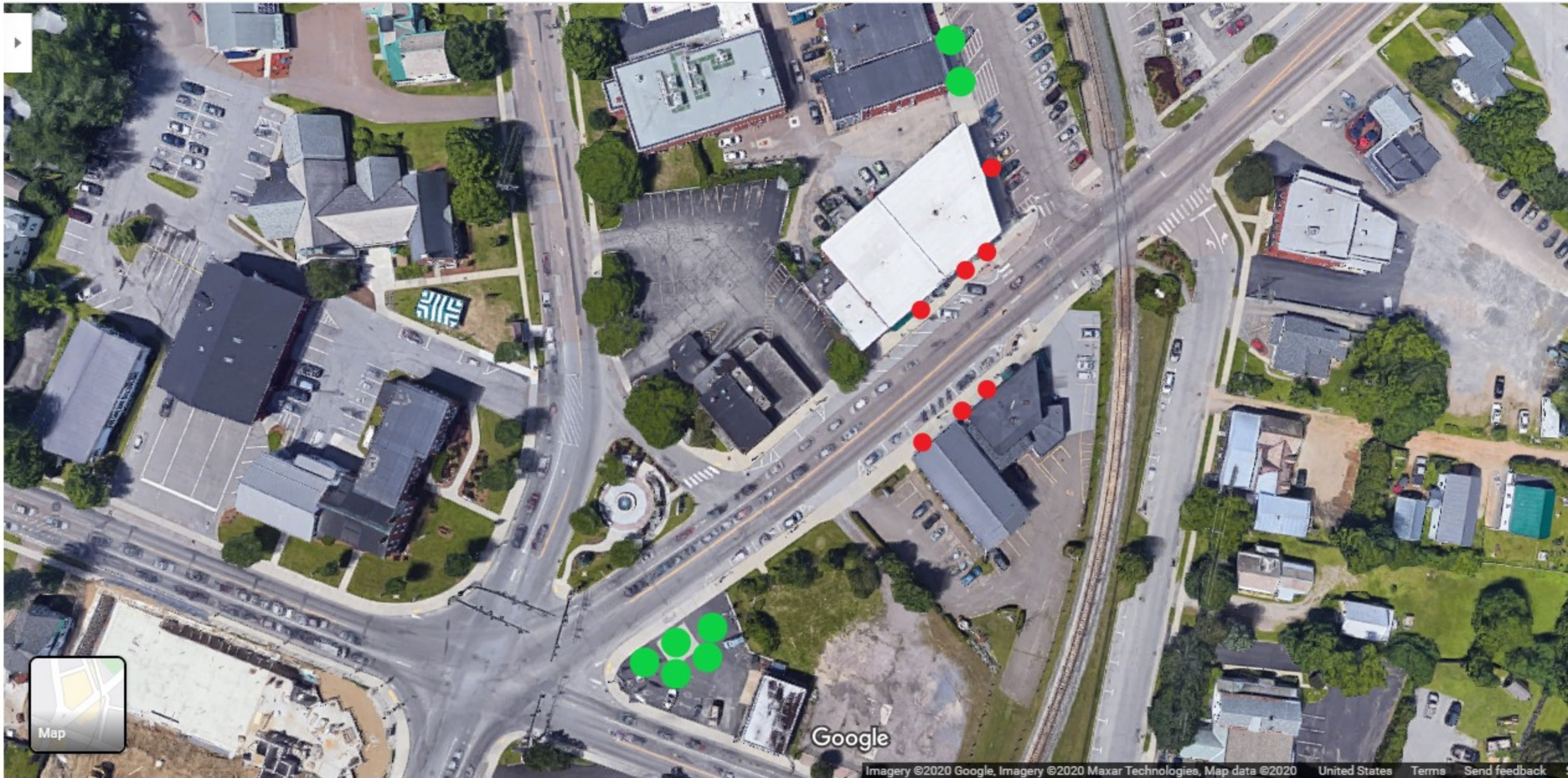
The time frame suggested is July 10th from 3:00 until 9 pm, recommencing on July 11th from 3:00 to 9:00 pm. The vouchers would be designated as only valid July 10-11th with the times highlighted, and state that no alcohol or tobacco can be purchased with the voucher.

Cost

The cost can be controlled by the Trustees. 1000 vouchers equals \$10,000.

Recommendation

Staff recommends that the Trustees give Staff approval to initiate the Open and Outside initiation commencing July 10th and undertaken in line with the State requirements. The Trustees would waive the normal Permit fee of \$50 during this event, and work with the Selectboard to confirm that they are willing to waive the recording fee for this event.



Example of Outdoor Furniture for Village Center



Round or Square metal mesh/PVC coated table = \$690 + T/S/H (estimate \$100) → \$790 7 units = \$4740



Metal mesh table and 2 chairs = \$530 + T/S/H (estimate \$100) → \$630 7 units = \$4410



7 ½ dia. Commercial grade umbrella = \$138 + T/S/H (estimate \$60) → \$198 8 units = \$1524



50 lb umbrella base = \$63 + T/S/H (estimate \$50) → \$103 8 units = \$824

Total Estimate = \$11,498

Example of Locations for Furniture:

- Two 4-seat picnic tables on RR Ave. with umbrellas
- One 2-seat table and chair on RR. Ave with umbrella
- Five 4-seat picnic tables in front of Firebird with umbrellas
- Three 2-seat table and chair on Martone's side of Main St.
- Three 2-seat table and chair on Nest side of Main St.

Memorandum

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

From: Greg Duggan, Deputy Manager

Re: Reviewing draft merger charter to make changes and fix areas of concern

Date: June 12, 2020

Issue

The issue is for the Trustees and Selectboard to review the draft merger charter to make any changes and fix areas of concern before finalizing the document for a potential merger vote.

Discussion

The boards will review the draft charter (attached) individually before meeting jointly to finalize the document.

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.

VILLAGE TRUSTEES
(DRAFT)

VILLAGE OF ESSEX JUNCTION TRUSTEES
INFORMATIONAL MEETING FOR ANNUAL MEETING MINUTES
Tuesday June 1, 2020

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

STAFF PRESENT: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Sarah Macy, Assistant Manager/Finance Director; Wendy Hysko, Brownell Library Director; Rick Jones, Public Works Director; Jim Jutras, Wastewater Superintendent; Susan McNamara-Hill, Clerk/ Treasurer; Robin Pierce, Community Development Director.

OTHERS PRESENT: Annie Cooper; Helen Diplock; Brian Shelden; Erna _____; Ken Signorello; Margaret Smith; Irene Wrenner.

MODERATOR: Steve Eustis.

1. CALL TO ORDER

Mr. Eustis called the Informational Meeting for the Village of Essex Junction Annual Meeting to order at 7:00 PM and welcomed all in attendance. A rendition of the National Anthem was played virtually. Mr. Brown introduced Village of Essex Junction Trustees and staff who were present. He also acknowledged local representatives and took a moment to honor and thank essential workers who have been working through the pandemic. He extended congratulations to the Essex High School 2020 graduates and invited the public to view the graduate signs posted near Five Corners.

2. ANNOUNCEMENT regarding different format for 2020 Village Annual Meeting

Mr. Eustis explained how to participate in the meeting remotely through Microsoft Teams using conference call-in information.

3. DISCUSS ARTICLE 1: Shall the voters act upon the report of the auditor?

Mr. Eustis introduced Article 1 and invited public comment. There were no comments from the public at this time.

4. PRESENTATION AND DISCUSSION ABOUT ARTICLE 2: Shall the voters approve an annual General Fund Budget in the amount of \$5,367,655 for fiscal year July 1, 2020 to June 30, 2021, \$3,670,039 of which is to be levied in taxes against the Village Grand List?

Mr. Eustis introduced Article 2 and invited Mr. Brown to present information on the General Fund Budget for FY2021. Mr. Brown talked about the FY2021 General Fund highlights: level staffing; rising health insurance cost mitigation; the continuation of combined highway budgets and the specific building budget; Village and Town Recreation department co-location; the retirement of pool debt and costs associated with filling Fire Department oxygen tanks. He illustrated changes to the budget, according to each fund, clarifying that the General Fund is the only one paid for by tax dollars: General fund 3.93%; EJRP Program Fund 1.84%; Water Fund 2.66%; WWTF fund 5.45% and Sanitation Fund 4.68%. He summarized proposed spending from Capital Funds and infrastructure projects planned for the upcoming year. He discussed contributing factors for the \$202,742 increase in the budget from FY20 to FY21

including salaries and benefits; paving; professional and purchased services; maintenance; capital transfers; debt reduction; legal; and equipment. Mr. Brown summarized the estimated tax impact on a \$280,000 assessed Village home would be \$20.28, after considering grants, enterprise funding and fund balance, and the growth in the grand list. He explained that the total taxes paid by Village taxpayers would be used in the following amounts: 22% for the Town of Essex; 14% for the Village of Essex Junction and 64% to the Essex Westford School District.

Mr. Eustis invited discussion on Article 2 and the public made no comments at this time.

5. DISCUSS ARTICLE 3: Shall the voters approve holding the 2021 Annual Meeting on Wednesday, April 7, 2021 to act upon any articles not involving voting by Australian Ballot and to reconvene on Tuesday, April 13, 2021 to vote for the Village officers and transact any business involving voting by Australian ballot.

Mr. Eustis read Article 3, invited discussion and the public made no comments at this time.

6. DISCUSS ARTICLE 4: To transact any other business that may lawfully come before the meeting?

Mr. Eustis introduced Article 4 and explained this year's mail-in voting process, as well as the ballot drop off and regular voting available at the high school on Tuesday, June 2, 2020. He talked about the ballot election of Village officers required by law including: Moderator (one year term); three Village Trustees (2 three-year terms, 1 one-year term); and one Library Trustee (five-year term). Mr. Eustis then invited Mr. Chawla to present about the Village of Essex Junction and Town of Essex merger plans.

Mr. Chawla discussed major efforts during the past 7 years related to consolidation of the Village of Essex Junction and the Town of Essex. He described early and ongoing work to share and merge programs between the two municipalities: hire a Unified Manager; align policies and procedures; and hold regular meetings of the Selectboard and Trustees together.

Mr. Chawla talked about the formation of the Governance Subcommittee in 2018, its configuration and work to research, rank and recommend governance models and tax unification strategies for a unified charter. He talked about key challenges, a public survey process and the Governance Subcommittee's original recommendations. The board's selected governance structure would have consisted of two people elected from the Village, two elected from the Town outside the Village and 3 elected at-large (2-2-3). He pointed out that, shortly after this structure was discussed by the boards, a petition to put a charter change on the Town of Essex ballot resulted in a vote, which passed. This change would have established a six-member board, with three to be elected from the Village and three elected from the Town outside the Village. The voter-approved charter was sent to Montpelier for final approval or rejection. The Legislature's Gov Ops Committee did not approve the charter change, raising concerns about a lack of a transition plan and its even-numbered governance structure. He explained that the Governance Subcommittee will, considering this, work to determine a governance structure to be voted on in November.

Mr. Chawla explained two transitional periods being proposed by the Trustees and Selectboard if a unified charter is passed. The First 5 Years transitional phase would focus on reorganizing Town and Village departments, building codes, municipal plans, ordinances, policies, etc. In

addition, he said, the First 12 Years transitional phase would focus on a gradual merger of the Village and Town tax rates and provide time for the Village to solely pay down its debt. He said further strategies to ease the tax rate increase on the Town outside the Village could include reorganization efficiencies; growth in the grand list and options to designate the Village as a Sidewalk District, a Capital Improvement district and/or a Downtown Revitalization District.

Mr. Chawla talked about other elements of the merger proposal, including plans to vote by Australian ballot in April and to name the merged municipality "Essex". No water and sewer rates would change but the Wastewater treatment plant would be owned by Essex. Mr. Chawla said the Trustees and Selectboard will meet again on June 8 to discuss a path forward, for the first time since the COVID pandemic began. Mr. Brown explained how people can access this meeting online to participate.

Mr. Eustis invited discussion of the merger or any other item that could lawfully come before the meeting. The public made no comments at this time.

Mr. Brown thanked the community for their support during the COVID pandemic, as everyone has transitioned to a new normal, and Mr. Eustis thanked those in the public who voted by mail as an additional safety precaution. Mr. Tyler thanked Mr. Brown for his leadership this year.

To close, Mr. Duggan shared a rendition of the Star Spangled Banner sung by Emma Blatt, a Senior of Essex High School. The Trustees commended the singer for her rendition and talent.

7. DISCUSS ARTICLE 5: To elect Village officers required by law including: Moderator (one year term); three Village Trustees (2 three year terms, 1 one year term); one Library Trustee (five year term)?

This item was addressed at the beginning of Item 6.

8. ADJOURN to the following day, June 2, 2020, for the consideration of all articles to be voted on by Australian ballot

RAJ CHAWLA made a motion, seconded by ANDREW BROWN, to adjourn the meeting at 7:48 PM. The motion passed 5-0.