



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

Online
Essex Junction, VT 05452
Monday, March 22, 2021
6:30 PM

E-mail: manager@essexjunction.org

www.essexjunction.org

Phone: (802) 878-6951

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

- **WATCH:** the meeting will be live-streamed on [Town Meeting TV](#).
- **JOIN ONLINE:** [Join Microsoft Teams Meeting](#). Depending on your browser, you may need to call in for audio (below).
- **JOIN CALLING:** Join via conference call (*audio only*): (802) 377-3784 | Conference ID: 537 025 80#
- **PROVIDE FULL NAME:** For minutes, please provide your full name whenever prompted.
- **CHAT DURING MEETING:** Please use "Chat" to request to speak, only. **Please do not use for comments.**
- **RAISE YOUR HAND:** Click on the hand in Teams to speak or use the "Chat" feature to request to speak.
- **MUTE YOUR MIC:** When not speaking, please mute your microphone on your computer/phone.

1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
5. **BUSINESS ITEMS**
 - a. Presentation of racial equity work in Essex from Creative Discourse
 - b. Presentation from Economic Development Commission about ongoing work
 - c. Presentation of changes at Indian Brook Park – Ally Vile
 - d. Discussion about potential merger and other scenarios for Village of Essex Junction and Town of Essex
 - e. Consider approval of FAQs and postcard mailing about upcoming vote on reconsideration of merger (Selectboard only)
 - f. Discussion on future Strategic Planning Sessions
 - g. *Discussion and potential action on evaluation of public official
6. **CONSENT ITEMS**
 - a. Approve minutes: March 11, 2021 – Selectboard only
7. **READING FILE**
 - a. Board member comments
 - b. Email from Chris Moldovan re: Mitten Money from Senator Sanders fundraiser
 - c. Email from Sharon Zukowski re: Submission to Selectboard re: Petition to Reconsider
 - d. Upcoming meeting schedule
8. **EXECUTIVE SESSION**
 - a. *An executive session is anticipated for the evaluation of public official
9. **ADJOURN**

Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the Chair or President, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the Chair or President. This agenda is available in alternative formats upon request. Meetings, like all programs and activities of the Village of Essex Junction and the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Unified Manager's office at 878-1341 TTY: 7-1-1 or (800) 253-0191.

Certification: 3/19/2021 

December 29, 2020

To: Essex municipal leaders

From: Susan McCormack and Tabitha Moore, Creative Discourse

Re: Safety, Policing & Racial Justice Summary and Recommendations

Process

1. Engaged 600 people in an initial survey, 58 community members in a series of four listening sessions, and 203 respondents in a second survey.
 - a. Of the 261 residents who participated in the listening sessions and second survey, 64 identified themselves as BIPOC. BIPOC participants were overrepresented in this process (with 22% of participants identifying as BIPOC, compared with BIPOC making up about 8% of the Essex population). It is important to have overrepresentation of marginalized voices when addressing issues where the marginalized group is often disproportionately impacted.
2. Led three day long racial justice learning sessions at the Essex Police Department. All full and part time EPD staff and sworn officers attended one of the sessions.
3. Led a three session racial justice learning series for Essex municipal and school board members, department heads and municipal staff.
4. Facilitated two planning meetings with almost thirty youth and adults, including community members, police officers, and school and municipal officials.

Outcomes

1. Listening sessions led to community BIPOC communication/support channel
2. Increased understanding across municipal leadership and EPD about issues related to racism, diversity and equity. Participants also report increased confidence to address issues related to racism and inequities following the sessions.
3. Strengthened relationships and created new relationships and connections across municipal departments and school district (weekly meeting devoted to discussion and planning related to racial equity)
4. Developed baseline understanding of community vision, experiences, and ideas related to safety, policing and racial justice in Essex
5. Essex manager is developing a set of high level draft equity goals for the municipality
6. Beginning to build shared vision for equity among community members and municipal leaders

Recommendations

1. Build on the community's shared vision of public safety to guide municipal goal setting and action to create an equitable and inclusive Essex community.
2. Continue to build municipal infrastructure (e.g. more representative leadership, fully functional and funded social services, community oversight of police) as both a platform for and a means to improve policing and public safety.
3. Essex police should continue to develop training programs (racial equity, de escalation, use of force, mental health), work with community and data collection experts to improve data collection and sharing (identify what people need/want to see and what EPD needs to know to meet diversity, equity and inclusion goals), and continue to implement community policing strategies.
4. Continue weekly meetings with leaders across the community (education, municipal, police) to collaborate on ways to promote racial diversity, equity and inclusion in municipal infrastructure and activities. Consider adding social services to this conversation.
5. Prioritize CJC's and EPD efforts to
 - a. Expand data collection related to CJC referral decisions (disaggregated by race/ethnicity)
 - b. Institute regular community forums with EPD
6. Reconvene Safety, Policing and Racial Justice collaborative planning team in January to revisit priorities they've identified (based on community input) and create a plan of action to address priorities.

Resources

- [Summary](#) of engagement process
- [Slide deck](#) summary of engagement process with recommendations
- [Mentimeter results](#) from 12/16 Planning Team meeting

Memorandum

To: Selectboard; Board of Trustees; Evan Teich, Unified Manager
Cc: Economic Development Commission
From: Greg Duggan, Deputy Manager
Re: Update from Economic Development Commission
Date: March 19, 2021

Issue

The issue is for the Selectboard and Trustees to receive an update on work being done by the Essex Economic Development Commission.

Discussion

Economic Development Commission Chair Annie Cooper will attend the board meeting on March 22 to provide the Selectboard and Trustees with an update on economic development work taking place in Essex.

Cost

n/a

Recommendation

This memo is for discussion.

Memo

To: Evan Teich, Unified Manager
Marguerite Ladd, Assistant Manager
Essex Selectboard and Village Trustees

From: Ally Vile, Director, Essex Parks and Recreation

Date: 3/19/2021

Re: Indian Brook Reservoir – Park Access Update

Issue: The issue is the current system for park access to Indian Brook is outdated and does not allow for actual counts of use at the park. The pass system is also cumbersome for our customers, in-office staff, and on-site staff at the park.

Discussion: For approximately 20 years, Indian Brook Reservoir has required year-round paid access via a purchased household pass, while staff have only been onsite for ~4 months of the year. The seasonal attendance at Indian Brook is demanding on the park itself, as well as the office staff, as thousands of passes go through a renewal process at the height of park and programming usage entering the summer months. In a non-pandemic year of renewals, up to five office staff would need to be available for customers related to Indian Brook.

The current pass system is a plastic printed card with a household member name and license plate #; passes are required to stay within the indicated vehicle and are non-transferable. The passes are renewable year after year; however, many users need updates and changes made to their membership that require additional steps to be taken by staff. This system only gives our department vehicle counts as the park user drives into the park and does not provide an accurate count of how many people (and dogs) are using the park in the warmer months of the year.

In December 2011, the Selectboard approved a departmental request to put a moratorium on the sale of any new non-resident passes. This

meant that only those non-residents who currently had passes and continued to renew their passes were granted access to the park. While those memberships have decreased over the years, resident passes have increased. As of 12/31/2020, our membership counts totaled 4,323; 4,147 are Resident passes and 176 are Non-Resident passes. Remember that these numbers are only the vehicles entering the park during staffed months.

Co-Location has provided the opportunity for this system to be reinvented. Through four months of discussion and assuring a new process would increase customer service, as well as become more manageable for office and on-site park staff, a new system was devised. As a co-located team, the system has now transformed from an annual/calendar year pass to a seasonal pass requirement (April – October), that will be purchased year after year for residents of the Essex community. For our park goes outside of Essex, we will now be able to process day use access with card payments only.

This new system and park access process will streamline season pass purchases online, at the office and at the park itself. Our park staff will also be able to get a full count of park users (“heads & tails”) as they check in with staff. Accessing the park no longer needs to be a thought-out process of how and when to purchase a pass.

Cost:

Our current budget will cover the design and printing needs of the new pass types. This printing process in the past has also been cumbersome with in-house processing.

Our new passes were designed by former resident Stephanie Pinto England. Her knowledge of our community, the pass system and the updated process made it easy to turn this new design from an idea into something tangible.

In 2020, Indian Brook brought in \$43,575 from pass sales. As a taxpayer supported amenity, this is a amount is only a portion of what the true operating costs are of the park. Park pass prices ranged from \$10 for one year and \$25 for two years for residents and up to \$60 for a two-year non-resident pass.

Our projected revenue with the new system in place (season pass sales as well as day use sales) is \$78k. New pass options will include pedestrian (those who bike, run, walk into the park), two vehicle pass options (Fixed and Flex), as well as all passes to include dogs.

The goal is to eventually have Indian Brook Park and Reservoir a self-sustaining amenity supporting trail work, staffing, water quality testing and invasive species treatments.

Recommendation: There is no recommendation of approval needed for this new park access process. Our department is excited to communicate this new process and start seeing people at the park entrance this season!



INDIAN BROOK RESERVOIR

SEASON PASSES

AVAILABLE ONLY TO TOWN OF ESSEX RESIDENTS

PEDESTRIAN- ALLOWS ACCESS TO PASSHOLDER ON FOOT/BIKE	\$10
FIXED PASS-ALLOWS ACCESS TO ALL PASSENGERS IN THE VEHICLE FOR WHICH THE PASS IS ASSIGNED	\$20
FLEX PASS- ALLOWS ACCESS TO ALL PASSENGERS IN ANY VEHICLE WITH PRESENTATION OF PASS	\$30
DOG ENDORSEMENT- ADD-ON FOR THOSE PLANNING ON BRINING THIER CANINE FRIENDS	\$10
ADD-ON PEDESTRIAN PASS- ADD TO ANY OTHER PASS TYPE	\$5

DAILY PASSES

VEHICLE RATE- ALLOWS ACCESS TO ALL PASSENGERS IN THE VEHICLE*	\$5
PEDESTRIAN- ALLOWS ACCESS TO INDIVIDUAL ON FOOT/BIKE	\$2
DOG ENDORSEMENT- ADD-ON FEE FOR DAILY USERS WITH THEIR CANINE	\$2

*LARGE VEHICLES WITH MORE THAN 8 PASSENGERS PAY \$2/PERSON

Memorandum

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

Cc: Marguerite Ladd, Assistant Manager

From: Greg Duggan, Deputy Manager

Re: Discussion about potential merger and other scenarios for Village of Essex Junction and Town of Essex

Date: March 19, 2021

Issue

The issue is for the Trustees and Selectboard to discuss the potential merger and other scenarios for the Village of Essex Junction and the Town of Essex.

Discussion

The Trustees and Selectboard may wish to use their March 22 meeting as an opportunity to discuss the results of the March merger vote, the vote for reconsideration, the separation advisory, public outreach, etc.

A merger vote was held on March 2 asking whether the Town of Essex shall adopt the Plan of Merger of the Town of Essex, Vermont and Village of Essex Junction, Vermont dated January 11, 2021 and the proposed Charter for the merged municipalities. Following a recount of the March merger vote, the election results were 3,737 in favor of the merger, 3,756 opposed.

Voters petitioned for a vote on reconsideration of merger, with the vote happening at a special Town Meeting on April 13, 2021. Ballots will be mailed to all registered voters prior to the vote.

In addition to the merger question, the Village ballot for April 13 contains an advisory question – also the result of a voter petition – about whether the Trustees should pursue Village separation, should the reconsideration vote on merger fail.


Cost

N/a

Recommendation

This memo is for discussion.

Memorandum

To: Town Selectboard, Evan Teich, Unified Manager
From: Linda Mahns, Administrative Assistant 
Re: FAQs and postcard about the April vote for reconsideration on merger of Town and Village
Date: March 19, 2021

Issue

The issue is whether the Selectboard will approve FAQs and the distribution of a postcard informing residents about the April 13 vote for reconsideration on the Plan of Merger of the Village of Essex Junction and Town of Essex and proposed Charter for the merged communities.

Discussion

At the 3/15/21 Selectboard meeting, the board discussed ways to inform residents of the special Town Meeting on April 13. The discussion included a postcard distribution request that was issued to the staff. Attached to this memo is the draft postcard, plus the estimated quotes to print and ship to all Essex residents.

Staff has also drafted FAQs to explain why the special meeting and vote for reconsideration is happening. The FAQs are also attached, and can be posted to GreaterEssex2020.org, the Town website and the Village website.

Cost

\$1539.00 for printing the postcard, plus \$450.00 - which is an estimated cost of postage to send to all residents.
Staff time.

Recommendation

Staff recommends that the Selectboard approve the FAQs and the distribution of the postcard about the April 13, 2021 vote for reconsideration on the Plan of Merger of the Village of Essex Junction and Town of Essex and proposed Charter for the merged communities.



GREATER ESSEX

81 Main Street
Essex Junction, VT 05452-3154

PRST STD
US POSTAGE
PAID
Burlington, VT
05401
Permit #677

**ECRWSS
POSTAL PATRON**

I voted on merger already. Why are we voting on it again? 

Special Town Meeting – April 13, 2021

On April 13, 2021, the Town of Essex will hold a special meeting to again vote on a plan of merger and charter to combine the Town of Essex and Village of Essex Junction.

The special meeting is the result of a petition from voters for a reconsideration of the merger vote that happened on March 2, 2021. In accordance with Vermont law (17 V.S.A. § 2661), at least 5 percent of registered voters petitioned for a “vote for reconsideration,” which must happen within 60 days of when the petition is submitted.

The date of the special meeting coincides with the Essex-Westford School District (EWSD) annual meeting and the Village of Essex Junction annual meeting.

Ballots will be mailed to all registered voters. The merger question will be on the same ballot as the EWSD election items and, for Village voters, Village election items. Follow instructions included with the ballot to make sure you return your ballot correctly. All ballots must be received by 7:00pm on April 13th to be counted.

Learn more about the merger vote by visiting www.GreaterEssex2020.org, www.essexvt.org, www.essexjunction.org, or by calling the Manager’s Office at 802-878-1341. Copies of the merger plan are available at the Town Offices, 81 Main St.



GREATER ESSEX



I voted on merger already. Why are we voting on it again?

NOVEMBER 2006

Voters in both municipalities approve merger.

2005-2006, MERGER TASK FORCE

Task Force proposes one charter with one governing board for Town and the Village. Town Selectboard and Village Trustees approve draft charter and plan of merger.

2013 TO PRESENT

Town and Village consolidate some services and departments, saving approximately \$3 million to date.

JANUARY 2007

Following a petition to reconsider the merger vote, voters overturn November 2006 vote and reject merger.

2018 TO 2020

Selectboard and Trustees create Subcommittee on Governance to consider ways to improve local government, ranging from merger to separation. Selectboard and Trustees decide to pursue merger. Subcommittee on Governance works with market research firm to hear from residents and draft merger plan and charter.

NOVEMBER 3, 2020

Village voters approve merger plan and charter proposed by Trustees, 3,453 to 1,205.

MARCH 2, 2021

Town voters, including those in the Village, reject merger plan and charter proposed by Selectboard, 3,737 to 3,756.

MARCH 9, 2021

Voter-backed petition adds non-binding, advisory question to the April 13, 2021 Village ballot. The question asks, if the town-wide vote on reconsideration of merger fails, whether the Trustees should draft a charter to create the independent City of Essex Junction, for consideration by Village voters no later than November 2021. The question advises that a separated City of Essex Junction share no services with the Town of Essex except for possibly police.

MARCH 11, 2021

Voter-backed petition for reconsideration of merger vote leads to special Town Meeting on April 13, 2021. Ballots will be mailed to all registered voters.

What happens now?

APRIL 13, 2021 - RE-VOTE ON MERGER

- **TOWN OUTSIDE VILLAGE BALLOT:** Town voters from outside the Village can again vote on the Plan of Merger and Charter. The merger question is located on the other side of the Essex-Westford School District ballot.
- **VILLAGE BALLOT:** Village voters, all of whom are also Town residents, can also vote again on the Plan of Merger and Charter. Village voters can also vote on a non-binding, advisory article to pursue separation if the merger vote fails. (The merger question is located at the bottom of the Village ballot.)

(Proposed for HOME page)

Re-vote on the Merger Plan for the Town of Essex and the Village of Essex Junction

Special Town Meeting on April 13, 2021

Ballots will be mailed to voters and should be in mailboxes soon. The merger question is on the same ballot as the Village of Essex Junction annual meeting articles and Essex Westford School District annual meeting articles. Ballots are double-sided and voters should make sure they vote on both sides of the ballot.

Ballots can be dropped off at the Town Offices at 81 Main Street until 7 a.m. on April 13. After 7 a.m. on April 13, drop-off ballots must be taken to your proper polling place. Mailed ballots must be received by 4:30 p.m. on April 13.

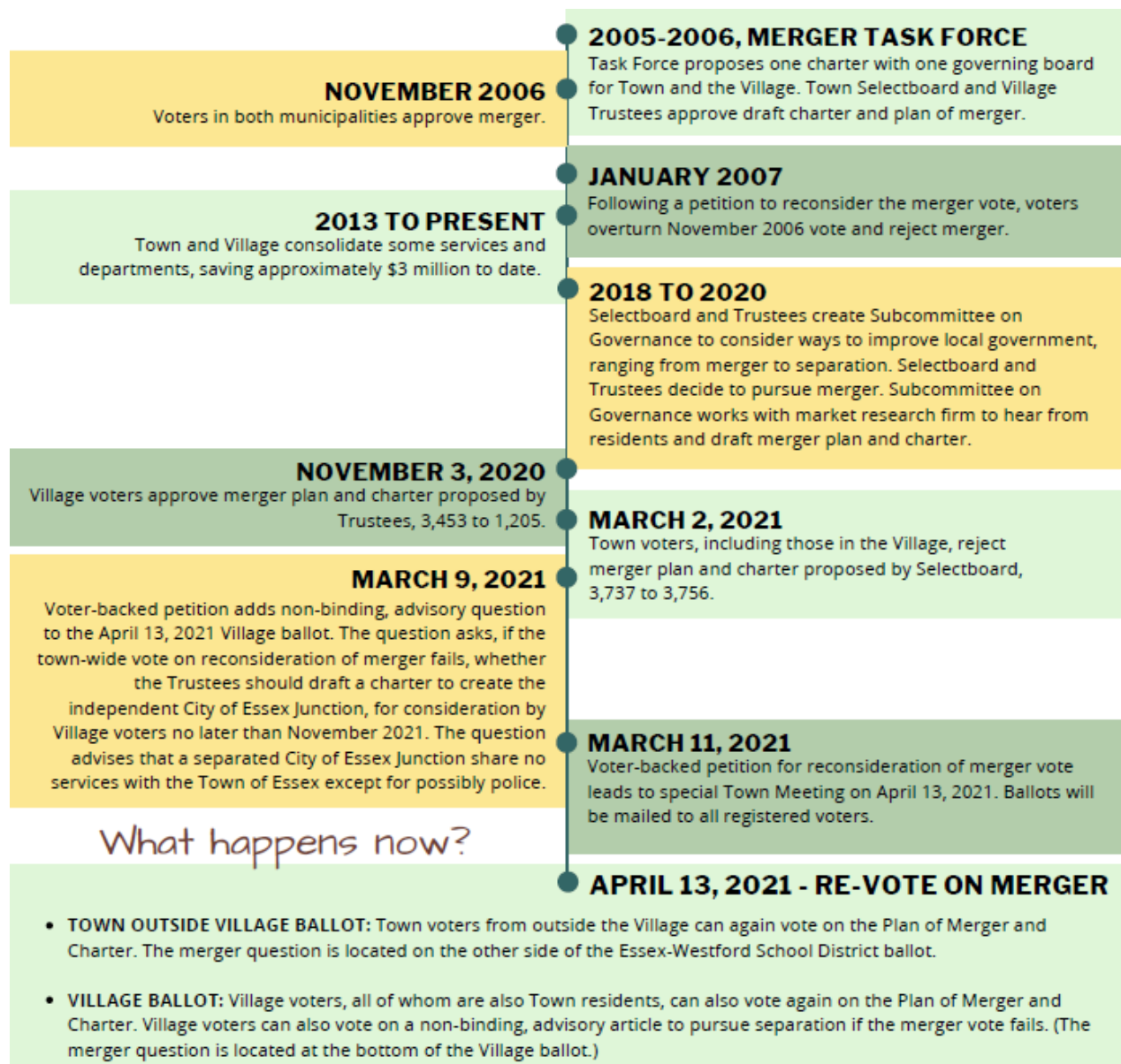
QUESTIONS and ANSWERS about Special Town Meeting and the vote to reconsider merger

I already voted on merger. Why are we voting on it again?

Village residents voted on merger in November 2020. It passed. Town residents, including those in the Village, voted on merger in March 2021. It failed. Now, after a voter-backed petition requested a reconsideration of the March merger vote, voters are receiving another ballot in accordance with Vermont law (17 V.S.A. § 2661), again asking if the merger plan should be approved.

Why are we voting on this again? Will this be the last time? What happens next? To begin to answer these questions, let's start with a timeline.

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Remind me why the Town of Essex and Village of Essex Junction keep voting on merger.

The [Village of Essex Junction](#) is a municipality within the [Town of Essex](#). The Town and the Village each has its own government and elected board with taxing authority. In past decades, the Town and Village have seen multiple efforts to merge or to separate. The latest merger effort can be traced back to 2013, when the Town and Village began sharing a single municipal manager and consolidating some municipal departments, including the Manager's Office, the Clerk's Office, and Finance Department.

After a few years of sharing some consolidated services, the Town Selectboard and Village Board of Trustees decided to take a more serious look at a full merger of the two municipalities. A Subcommittee on Governance formed in 2018 with members from both boards to research governance issues and develop a list of options to improve, reorganize, and update local government in Essex. **Goals of better governance**

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included economic sustainability, equal representation, tax equity, and better integrated planning.

The subcommittee explored various governance options, including separation, and shared their findings with the full Selectboard and Trustees.

The two boards agreed that merger best supported the governance goals, stating, “The Village Board of Trustees and Town Selectboard believe we will be stronger together as one united community. We can work as one to plan for the future, attract and retain a vibrant business community, protect our natural resources, restore and enhance our infrastructure, improve our services, overcome challenges we face, and establish ourselves as Vermont’s premier livable community.”

Were residents asked what they wanted?

Yes. As part of the work to create a merger plan, the Selectboard and Trustees asked an independent market research firm to conduct surveys and listening sessions with residents. [See the foundational work here.](#) Both boards also held work sessions and public hearings about the proposed charters and merger plans, and revised those plans based on community input.

Why did the boards choose to put together a plan to merge instead of separating?

The Subcommittee on Governance agreed that merger would be better than separation in achieving better governance in Essex. Based on the research from the Subcommittee on Governance, feedback from resident listening sessions and surveys, cost savings from consolidation (approximately \$3 million to date), the efficiencies of departments working together, and sharing of assets, the Trustees and Selectboard began work on a plan of merger to support a vision of one strong and united community.

One Essex – merged municipalities	Separate Essex – The Village and Town separated
<ul style="list-style-type: none">• Essex remains the second largest municipality in Vermont with strength and unity to attract and retain a vibrant business community, protect its natural resources, restore and enhance its infrastructure, improve services, overcome challenges quickly and establish Essex as Vermont's premier livable community.• Equal representation, equal taxes and equal access to services for everyone that lives in Essex. Tax advantage of all benefits of Village and Town as a whole: vibrant downtowns (Village and Essex Center), open space, parks, daycare programs, pools.• Avoid duplication of services and benefit from economies of scale with investments in one Assessor, one Clerk, one Administration, one IT Department, one	<ul style="list-style-type: none">• Separation does not mean "status quo". Depending on the extent of separation, services and departments that have already been consolidated may split, likely losing savings and potential for further efficiencies. Costs may be incurred by either municipality to add staff and/or contract with another municipality – not necessarily Essex or Essex Junction – for services currently in place.• Village taxpayers will no longer pay taxes to the Town of Essex, unless tax dollars are used to contract services from the Town of Essex. To share services needed to operate each municipality – such as administration, finance, assessor, clerk, human resources, and information technology, which are currently shared – both municipalities must agree to share

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Public Works Department, one Recreation Department, etc.

- Less time spent on governance, more time spent on strategic planning and important issues such as:
 - racial equity, housing, energy, economic development, cannabis, and readiness for other challenges, issues, and initiatives.
 - comprehensive land use planning for 36 square miles and 22,000 people, with the ability to identify and retain the unique character of places in both the Town and the Village (instead of isolated planning for 32 square miles with only 11,000 people and 4 square miles with 11,000).
 - Connecting trails and sidewalks throughout the entire community.
 - Better opportunities for paving bids, grants, revitalization, economic stimulus, and business development as one community.
- Better recruitment for staffing and hiring by providing clearer roles and responsibilities, ending the "divided community" stigma and questions that go with it.
- Lock in savings achieved over the past 7-plus years. Avoid the need for two managers, two finance departments, two clerks, etc. As retirements, departures, and natural restructuring takes place, the cost savings will continue.
- Avoid uncertainty of separation, or sharing of services through memorandums of agreement, where boards, taxpayers, and staff may not know from year to year or every few years if contracts will remain in place, how costs will be distributed for shared services, or whether one party will pull out and seek partnership with another community.

those services and agree to a payment structure.

- Shared services and their costs would likely be governed by contracts or service agreements.
 - Beyond the length of each contract, there is no guarantee for how long these agreements or contracts would stay in place or how secure the jobs associated with them will be.
 - For shared services and contracts, there will need to be a consistent reassessment of variables such as population, grand list growth, road or sidewalk mileage, service levels, etc. There may often be periods of time when the variables are off, but the agreements remain unchanged and in place until a new agreement is negotiated.
 - Shared services does not mean that departments can effectively continue to consolidate, save tax dollars, or operate efficiently. Two different ways of doing things for two municipalities means that departments must retain staff and resources to support those often differing approaches or tasks. For example, the Finance Department would need to produce and maintain two budgets, two sets of accounts payable, two payrolls, two audits, two sets of records, etc. Savings may be limited to items such as having one photocopier for a department serving two municipalities.
 - Separating would drop both populations down to rank 9th and 10th in size for the state.

Challenges for merging

As the Subcommittee on Governance drafted a merger charter, the biggest challenges were to:

1. Integrate \$3.5 million of the \$5 million Village budget with the \$16 million Town budget AND
2. Maintain the high quality of municipal services residents expect and pay for AND
3. Achieve eventual tax equity between the Village and Town outside the Village AND
4. Preserve the identities of the Village and the Town outside the Village. Currently, the Town of Essex levies taxes on all properties in the Town, including the Village of Essex Junction (with the exception of a Town Highway Tax) to pay for Town expenditures. Essex Junction levies taxes only on properties in the Village to pay for Village expenditures.

(Proposed for FAQs page)

****NEW - 3/date/21* - I keep hearing about separation. What is the cost of separating the Town and the Village?***

An exact cost cannot be known unless a detailed separation plan is proposed. For instance, will the Town and Village continue to share all services and many staff? Some services, and some staff? For shared services, would costs be allocated per capita? By tax base? By the number of calls? Staff provided some estimates about the costs of separation at the [September 28, 2020 Selectboard and Trustee meeting](#), but they include many assumptions, all of which could change.

Here's what's known: The Village grand list makes up 42% of the total grand list of the Town. If the Village were to become a completely separate municipality, it would keep all its property tax revenue, and the rest of the Town (the Town outside the Village) would lose that property tax revenue. Both municipalities would need to make decisions about how to pay for services, and whether to increase taxes to maintain current service levels, or cut services to limit tax increases.

****NEW - 3/date/21* Isn't the Village holding an advisory vote about separation on April 13?***

Yes, the Village has a non-binding, advisory vote on April 13, 2021 asking if the Trustees should pursue separation in the event the merger vote does not pass. Per that advisory vote, the two municipalities would separate completely, with the possible exception of a shared police department.

****NEW - 3/date/21* - If I vote against merger, will the Town and Village separate?***

If merger fails, the Board of Trustees will consider the results of the Village's advisory vote on separation to help determine next steps, and whether or not the Village will pursue separation.

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager
Cc: Marguerite Ladd, Assistant Manager
From: Greg Duggan, Deputy Manager
Re: Strategic planning sessions
Date: March 19, 2021

Issue

The issue is whether the Trustees and Selectboard will authorize staff to schedule and begin preparing for a strategic planning session(s) for the boards in late April or early May.

Discussion

By late April, the Selectboard and Trustees will have had their organizational meetings, and the community will have had its reconsideration vote on merger. The Village will also have voted on an advisory question about separating from the Town of Essex.

Regardless of the outcome of the merger and separation votes, the Town and Village will continue to have some shared services for the foreseeable future. Staff would like to discuss how to prioritize work and goals for the boards while remaining effective and productive. The volume of meetings, packets, duplication of postings, and other inefficiencies are becoming difficult to manage, and staff wants to explore with the boards ways to streamline some of the work.

Staff would also like direction from the boards on top priorities for the coming year, in order to best plan for and adhere to a work plan. Subsequent strategic planning efforts in late September or October could serve as an effective way to check in on progress, and also identify additional priorities prior to preparing the fiscal year 2023 budgets.

On Monday, staff asks the boards to consider the following questions:

- Do the boards want to do strategic planning separately, and then together? Or do the boards want to do all strategic planning together? As long as the Town and Village have consolidated services and administration, some level of joint strategic planning is imperative.
- Do the boards want to hire a professional facilitator to help with the strategic planning?
- Do the boards want to devote a weekend day or a weeknight to the strategic planning session(s)?
- Are there any key topics the boards want to discuss at a strategic planning session?

Cost

To be determined. Factors may include whether to hire a professional facilitator.

Recommendation

Staff recommends the Trustees and Selectboard authorize staff to schedule and begin preparing for strategic planning session(s) for late April or early May.

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager
Cc: Travis Sabatasso, HR Director
From: Greg Duggan, Deputy Manager
Re: Executive Session for evaluation of public official
Date: March 19, 2021

Issue

The issue is whether the Trustees and Selectboard will enter into executive session to discuss the evaluation of a public official.

Discussion

In order to have a complete and thorough discussion, it would appear that an executive session may be necessary. The evaluation of a public official can be a protected discussion.

Cost

N/A

Recommendation

If the Trustees and Selectboard wish to enter executive session, the following motion is recommended:

“I move that the Trustees/Selectboard enter into executive session to discuss the evaluation of a public official in accordance with 1 V.S.A. Section 313(a)(3), to include the Selectboard/Trustees and HR Director.”

**SELECTBOARD
(DRAFT)**

March 11, 2021

**TOWN OF ESSEX
SELECTBOARD MEETING MINUTES
Thursday, March 11, 2021**

SELECTBOARD: Elaine Haney, Chair; Patrick Murray, Vice Chair; Vince Franco; Dawn Hill-Fleury; Andy Watts.

ADMINISTRATION and STAFF: Evan Teich, Unified Manager; Gregory Duggan, Deputy Manager; Bill Ellis, Town Attorney; Marguerite Ladd, Assistant Manager; Susan McNamara-Hill, Town/Village Clerk.

OTHERS PRESENT: Gil Allen, Lisa Allen, Mark Aubel, Jason Baldasaro, Bob Bates, Dennis Bergeron, Jim Bernegger, Andrew Brown, Bob Burrows, Alise Certa, Marcus Certa, Andy Champagne, Rajan Chawla, Diane Clemens, Kevin Collins, Annie Cooper, Tracey Delphia, Erin Dickinson, Karen Dolan, Brian Donahue, Betsy Dunn, Dylan Giambatista, Maureen Gillard, Kimberly Gleason, Ara Hagan, Micah Hagan, Richard Hamlin, Martha Heath, Lori Houghton, Patrick Ivory, Daniel Kerin, Christopher Kenny, Michael Kupferer, Brad Lamphere, Lisa Leonard, Brad Luck, Jen Luck, Elizabeth McCormick, Scott Moore, Athena Newhard, Jillian Niggel, Jeanne Piro, Bruce Post, Mary Post, Betty Poulin, Roseanne Prestipino, Macie Rebel, Ken Signorello, Bill Silverstrim, Gabrielle Smith, Margaret Smith, Sarah Strauss, Saramichelle Stultz, Liz Subin, Mike Sullivan, Dennis Thibeault, George Tyler, Doug Wilson, Irene Wrenner, Amanda D., Carolyn _____, Danielle & Andrew _____, Karenlee _____, Kathleen _____, Morgan _____, Nan _____, Rachael _____, Sara _____, Suzanne _____, EAB, RM, SN.

1. CALL TO ORDER

Elaine Haney called the meeting of the Town of Essex Selectboard to order at 6:30 PM.

2. AGENDA ADDITIONS/ CHANGES

Deputy Manager Greg Duggan requested the following agenda additions:

- 5a2: Letter from Annie Cooper re. Petition to reconsider Article II from the Australian ballot vote on March 2nd
- 5a3: Email from Susan McNamara-Hill re: Petition

3. APPROVE AGENDA

VINCE FRANCO made a motion, seconded by DAWN HILL-FLEURY, to approve the agenda as amended. Motion passed 5-0.

4. PUBLIC TO BE HEARD

Irene Wrenner relayed comments from a member of the public who wished to stay anonymous. This person said that they are concerned about the impact of increased taxes due to merger as they are on a fixed income. They feel that the board needs to be fair and equitable in their decisions about merger.

Andy Champagne said that he is concerned that discussions on merger are overshadowing bigger issues, such as racial justice. Unified Manager Evan Teich said that racial justice is being taken seriously by the Town and that a group has been meeting for months on the issue.

Annie Cooper suggested that the Board read the Invocation of Civility. Vince Franco read the following Invocation of Civility: *"We are gathered together in civil assembly. We gather as a community, in the oldest sense of the word. We gather to come together and try to make decisions; about what is right, about what is wrong. Let us advocate for our positions, but not at the expense of others. Let us remember that there is an immense gap between saying, 'I am right' and saying, 'I believe I am right.' And that our neighbors with whom we might disagree are good people 'with hopes and dreams as true and high as ours.' And let us*

always remember that, in the end, caring for each other, in this community, is far greater than any difference of opinion we might have. Thank you for being here this evening."

Dennis Bergeron said that members of the Selectboard need to follow this invocation as well and said that it is important for them not to interrupt members of the public when they are speaking.

5. BUSINESS ITEMS

a. Consider approval of warning for Special Town Meeting on April 13 in response to voter-backed petition.

Mr. Teich said that a petition for a reconsideration of the merger vote has been submitted. This petition has been verified to have been signed by 5% of registered voters in Essex. As a result, the Selectboard is legally obligated to take up this request and hold an election within the next 60 days. Staff has suggested holding the election on April 13th in conjunction with school elections and the Village of Essex Junction's annual meeting.

Ms. Haney opened the issue to the Selectboard for discussion. Mr. Murray noted that elections can be disruptive for schools and said that he is concerned that the schools will not be available to use as polling places, should the Town select a different date other than April 13th. Ms. Hill-Fleury asked if the school district has been contacted about the potential to hold a municipal election on this date, noting that typically they are responsible for the cost of this particular election. She asked this question to Martha Heath, Co-Chair of the Essex-Westford School District, who was in the audience. Ms. Heath said that she had not discussed the issue with the entire board but did not see any reason that this would be a problem. Mr. Watts asked if ballots will be mailed, which was answered in the affirmative. Mr. Watts also cited state statute which said that a petition needs to be filed 47 days before "the meeting." He asked for clarification on the definition of "the meeting." Atty. Ellis said that this would only apply to annual Town Meeting and that the relevant statute in this circumstance is for a petition to be filed within 30 days of the original vote.

The Selectboard discussed whether or not to hold informational sessions prior to this vote. Atty. Ellis said that this was up to the Board to decide and they chose to discuss it at a later meeting. Ms. Hill-Fleury asked for more information on the petition for separation that was presented to the Village of Essex Junction Board of Trustees. Mr. Teich said that this would be an advisory question to be placed on the ballot for April Village meeting, asking voters if the Trustees should pursue separation from the Town of Essex if merger does not pass, with no sharing of services except for police. Mr. Murray said that while he is an advocate for merger, he is not a fan of a revote. He wanted it to be noted that the Selectboard is acting on this issue because it is legally required to do so.

Ms. Haney opened the discussion to the public, taking questions that would then answered by the Selectboard after hearing from all members of the public who wished to speak.

- Ms. Dunn asked if the Town will have enough time to send ballots to residents living overseas.
- Mr. Silverstrim expressed concern about holding a divisive election on the same day as school budget voting and said that it could cause the school budget to fail.
- Mr. Bergeron asked if ballots would be mailed and if the school ballot would be separate from the Town ballot.
- Ms. Post encouraged the Selectboard to answer questions immediately, rather than waiting to hear from all speakers.
- Mr. Post asked for clarification on how a "duly-warned meeting" is defined.
- Mr. Kupferer said that merger should be put on hold to pursue the establishment of the 3+3 charter change, which was approved by voters last March.
- Mr. Signorello expressed concern about the legality of the warning of the election for April 13.

- Ms. Hagan said that it would save money to vote on this issue with the school budget and said that there is strong momentum for separation should merger be voted down. Either way, costs will increase for the Village and the Town outside the Village.
- Ms. Wrenner said it is important to note that this vote is merger vs. no merger. She reiterated Mr. Signorello's point that warning an election on April 13th would not be in line with state statute. She said the election should be warned between April 27th and May 4th.
- Mr. Bates agreed with earlier concerns regarding the timing and legality of the election. He also said that the community has merger fatigue and is very divided, and needs time to heal. He said there is no need to rush this process.
- Mr. Baldasaro said that this election should happen as soon as legally possible, due to residents being energized about the issue.
- Ms. Allen warned against creating legal loopholes and barriers to prevent a vote. She noted that this is not the first re-vote on merger that the community has had.
- Mr. Sullivan said that he was concerned that some residents are under the impression that the Essex ReTorter is the same publication as the Essex Reporter and stated that the publication masquerades as a public service when it intends to mislead.
- Mr. Brown said that he is speaking as himself, not as a Village Trustee. He said that he would be happy if merger is voted on at the same time as the school budget and asked for clarification as to whether or not the merger plan to be voted on is the same plan that was voted on in early March.
- Mr. Certa said that holding both votes on the same day could increase voter participation in the school budget elections. He said that this petition cannot be ignored and that change will happen regardless of the result of this election.
- Mr. Chawla said that he is speaking as himself, not as a Village Trustee. He said that should this election happen on a different date than April 13, poll volunteers and the Board of Civil Authority will be putting themselves at increased risk of COVID by having to work the polls a second time.
- Ms. Gabrielle Smith said that the current merger plan is as close to perfect as we will get. She would like to see merger have one last chance and if it does not pass, separation must be seriously considered.
- Ms. Stultz said that delaying this vote will be a disservice, as the Village needs time to discuss separation should merger not pass.
- Ms. Margaret Smith expressed concern that the Village passed a separate charter in November, and that power on the proposed interim board is skewed toward the Village. She said that the Village has spent more over the years and that the TOV should not have to finance these extra expenses.
- Ms. Dunn said that informational meetings would be helpful.
- Ms. Post said that she was upset that Mr. Sullivan accused the Essex ReTorter of lying and being manipulative. She said that the figures used in this publication are correct, they have been treated unfairly by the Selectboard, and are owed an apology.
- Mr. Bergeron said if the Village really wanted to merge, they would not have created their own charter plan or threatened separation. He noted that taxes are making Essex unaffordable.
- Mr. Silverstrim said that insanity is doing the same thing over and over and expecting different results. He said merger is dividing the community.
- Mr. Signorello asked for statute specifications for warning a vote.
- Ms. Newhard said that TOV taxpayers are paying less than the true cost for services and that this is a bad situation for Village taxpayers.
- Mr. Baldasaro said that he does not think that the petition for separation means that merger is not viable but that there is momentum to change the status quo.
- Ms. Wrenner said that separation is an idle threat and that it would be too expensive for the Village. She encouraged the author of the petition, Annie Cooper, to reconsider.
- Mr. Allen said that separation is not a threat, but a dire warning.

**SELECTBOARD
(DRAFT)**

March 11, 2021

The Selectboard prepared the following answers to questions that were asked:

- Susan McNamara-Hill, Town Clerk, said that ballots will be delivered via e-mail to overseas residents as soon as the ballot is ready and they will have enough time to return them.
- Atty. Ellis repeated his point that, according to state statute, warning the vote for April 13th is legal.
- Ballots will be mailed and staff will attempt to put all questions on the same sheet of paper.
- The cost for an election is normally between \$25,000-\$26,000, however, if this vote is combined with the school vote it is possible that the costs can be split between the two entities.

Motion by VINCE FRANCO, seconded by DAWN HILL-FLEURY approve a warning for a Special Town Meeting on April 13, 2021. Motion passed 5-0.

Mr. Teich thanked the Board and members of the public for their participation.

6. ADJOURN

DAWN HILL-FLEURY made a motion, seconded by VINCE FRANCO, to adjourn. Motion passed 5-0 at 8:13 p.m.

Respectfully Submitted,
Darby Mayville
Recording Secretary

Approved this _____ day of _____, 2021

(See minutes of this day for corrections, if any)

Vince Franco, Clerk, Selectboard

From: Chris Moldovan <cmoldovan@agewellvt.org>

Sent: Thursday, March 11, 2021 12:40 PM

To: Chris Moldovan <cmoldovan@agewellvt.org>

Cc: Beth Hammond <hammond@heinebergcsc.org>; Sarah Carter <SHCarter@burlingtonvt.gov>; Barbara Pitfido <BPitfido@winooskivt.gov>; Kathryn Rosenberg ;GWFARM>; Gail Wixson ; Nicole Mone-St.Marthe <NSTMarthe@ESSEX.ORG>; Holly Rees ; Charlotte Senior Center; I Clarke ; fcsc admin; martha3

Subject: Mitten Money from Senator Sanders fundraiser

Hello from Age Well,

I hope this note finds you well. Age Well is proud of the work we do in conjunction with the Department of Aging and Independent Living to carry out our mission of supporting older Vermonters to age with confidence. Despite the pandemic and increased need for our services, Age Well continued seamlessly to provide services including Information and Assistance, Care and Service Coordination, assistance with State Health Insurance Program or SHIP, and the 3 Squares Vermont food assistance program. Along with delivery of Meals on Wheels, Age Well has expanded offerings to support Grab and Go meals in locations in the communities we serve throughout Addison, Chittenden, Franklin and Grand Isle Counties. We will continue to support these meals as congregate meals are on hold. We are awaiting direction from the Governor in regard to safety and the COVID-19 virus and when meals might be able to resume.

You may have heard about the support provided by Senator Bernie Sanders to insure the re-authorization of the Older Americans Act last Spring and his incredible and generous fundraiser that sprung from his attire (Famous Vermont Mittens) in January, 2021 at the Presidential Inauguration ceremony. Senator Sanders designated Meals on Wheels programs as the beneficiary from the sales of the famous Bernie Meme sweatshirts which sold out almost immediately. The Friends of Bernie Campaign donation was intended to support Meals on Wheels and also to support Senior Centers in our service area. I am happy to inform you that your center will be receiving a check for \$3,636.00. Checks will be mailed to your center and can be used as you see fit to support older Vermonters in your community.

Thank you for your continued partnership. We look forward to brighter days ahead!

Chris

From: Sharon Zukowski

Sent: Monday, March 15, 2021 2:59 PM

To: Linda Mahns <lmahns@essexjunction.org>

Cc: Elaine Haney <ehaney@essex.org>; Patrick Murray <PMurray@essex.org>; Andy Watts <AWatts@ESSEX.ORG>; hillfleury@gmail.com; Dawn Hill-Fleury <dhillfleury@essex.org>; Vince Franco <vfranco@essex.org>

Subject: Re: Submission to Selectboard re Petition to Reconsider

I'm sorry for the misunderstanding. I asked that my e-mail be submitted Board for public record and to be included in the next board agenda packet. I am hearing impaired and I often find it difficult to hear at Board meetings. The clerk already said she would not scan the petition either to me or to the public record. The Selectboard section on the Town website says to submit all submissions to the board to your email. Which I did.

On Monday, March 15, 2021, 02:39:21 PM EDT, Linda Mahns <lmahns@essexjunction.org> wrote:

Hello Sharon,

I forwarded this email to the Clerks office as I think they have these signatures certified there and can best serve you.

Thank you,

Linda Mahns

Administrative Assistant

Manager's Office

2 Lincoln Street

Essex Jct., VT 05452

phone: 802-857-5711

fax: 802-878-6946

web: www.essex.org

From: Sharon Zukowski

Sent: Sunday, March 14, 2021 4:25 PM

To: Linda Mahns <lmahns@essexjunction.org>

Subject: Submission to Selectboard re Petition to Reconsider

I would like to request that the Petition for Reconsideration and signatures scanned to the Town website for public scrutiny, as the document is a public document and there is nothing in state statute that I can find that protects the privacy of a political petition or its signatures. There also was a 2010 U.S. Supreme Court stating the same, that signatures and addresses on a political petition are a confirmation of a political

statement, that transparency is vital and that the First Amendment/Free Speech do not offer protection of the signature list on a petition with a political statement.

[09-559 Doe v. Reed \(06/24/10\) \(supremecourt.gov\)](#)

I am quite surprised that the Board voted to hold a revote without seeing the full petition. I understand from the Town Clerk that it is tax time and it is too busy to scan the petition. However, the petition signatures were verified in record speed. During tax time. I would think that it would be relatively quick to scan one very important document to the public record. And I am aware and respect the amount of work the staff is doing in these difficult times. But this is a huge issue to the Town and the Village.

I am glad that I will be permitted to obtain a copy of the full document. I'm surprised they want the public to handle the document and signatures. I would worry that pages could be lost or damaged by the copier. With Covid I could not get an appointment to make a copy until Wednesday. I ask again that with this contentious and important vote that the full petition be scanned to the Town webpage for the sake of transparency and so we don't have to risk getting or giving Covid to make our own copies. I don't have my vaccinations yet and have a heart condition and I haven't been in a public building for a year.

Sincerely,





Sharon Zukowski

Essex

MEETING SCHEDULES

3/19/2021

DUE TO THE COVID-19 PANDEMIC, ALL MEETINGS ARE HELD ONLINE UNTIL FURTHER NOTICE

TOWN SELECTBOARD MEETINGS		VILLAGE TRUSTEES MEETINGS		JOINT MEETINGS	
				 	
March 22, 2021—6:30 PM		JT Special			Cathy
March 23, 2021—6:30 PM		VB Regular			Cathy
March 25, 2021 – 6:30 PM		SB Regular			Amy
April 5, 2021—6:30 PM		SB Regular			Cathy
April 7, 2021—7:00 PM		Village Informational Hearing			Cathy