



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

Online
Essex Junction, VT 05452
Monday, May 24, 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: 133 685 291#
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.


- CALL TO ORDER [6:30 PM]
AGENDA ADDITIONS/CHANGES
APPROVE AGENDA
MOMENT OF COLLECTIVE SILENCE TO REFLECT ON ANNIVERSARY OF GEORGE FLOYD'S MURDER
PUBLIC TO BE HEARD
a. Comments from Public on Items Not on Agenda
BUSINESS ITEMS
a. Update on work of Committee on Equity in Essex and Task Force on Racial Equity, Policing and Public Safety
b. Consider approval of Joint Resolution between the Town of Essex Selectboard and Village of Essex Junction Trustees to investigate amicable Separation
c. Schedule the next Joint Board meeting
d. *Discussion and potential action on the evaluation of a public official
CONSENT ITEMS
a. **Consider reappointment of Debbie McAdoo to the Housing Commission
READING FILE
a. Board member comments
b. Memo from Greg Duggan re: Strategic planning session on June 5
c. Public Building Reopening process: Town of Essex and Village of Essex Junction COVID-19 Work Place Protocols; Mask Guidance; and Remote Work Policy
d. Update on House Government Operations Committee action regarding 3+3 charter change
e. Upcoming meeting schedule
EXECUTIVE SESSION
a. *An executive session is anticipated to discuss the evaluation of a public official
b. **An executive session may be requested to discuss the appointment of public officials
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: 5/21/2021

[Signature]

Memorandum

To: Board of Trustees; Selectboard; Gregory Dugan, Deputy Manager; Evan Teich, Unified Manager
From: Marguerite Ladd, Assistant Manager 
Re: Update on Equity work
Date: May 21st, 2021

Issue

Members from Task Force on Racial Equity, Policing and Public Safety and the Committee on Equity for Essex will give an update.

Discussion

The members felt it was a good time to give an update on the work that has been happening over the past few months. For more information or to sign-up for updates please visit the Committee on Equity for Essex website: <https://www.essexvt.org/781/EQUITY-FOR-ESSEX>.

Cost

N/A

Recommendation

This is for informational purposes only.

Memorandum

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

Cc: Marguerite Ladd, Assistant Manager

From: Greg Duggan, Deputy Manager

Re: Joint Resolution between the Town of Essex Selectboard and Village of Essex Junction Trustees to investigate an amicable separation

Date: May 20, 2021

Issue

The issue is whether the Trustees and Selectboard will approve a Joint Resolution between the Town of Essex Selectboard and Village of Essex Junction Trustees to pursue an amicable separation.

Discussion

Village President Andrew Brown, Vice President Raj Chawla, Selectboard Chair Andy Watts, and Vice Chair Patrick Murray have drafted a resolution for review. The resolution is attached.

Cost

n/a

Recommendation

It is recommended the Trustees and Selectboard approve the Joint Resolution between the Town of Essex Selectboard and Village of Essex Junction Trustees to investigate an amicable separation.

JOINT RESOLUTION BETWEEN TOWN OF ESSEX SELECTBOARD AND VILLAGE OF ESSEX JUNCTION BOARD
OF TRUSTEES TO INVESTIGATE AN AMICABLE SEPARATION

WHEREAS, the Town of Essex was incorporated on June 7, 1763; and

WHEREAS, the Village of Essex Junction was incorporated on November 15, 1892 within the Town of Essex to provide services desired by this subset of Town of Essex residents; and

WHEREAS, as the populations of both the Village of Essex Junction and the Town of Essex have increased, the need for services provided by the Town of Essex have increased, causing some duplication of services; and

WHEREAS, since 1958 there have been several votes on the issue of merger and separation between the Town of Essex and Village of Essex Junction; and

WHEREAS, at no point in time was the final result of any merger vote a majority of Village of Essex Junction residents and Town of Essex residents in favor of merging the two municipalities; and

WHEREAS, the Town of Essex Selectboard is bound to look out for the interests of the Town as a whole and recognizing that the needs and desires of the residents of different areas of the Town are different; and

WHEREAS, by non-binding resolution the Village of Essex Junction voted to instruct the Village Trustees to draft a charter for an independent City of Essex Junction to be voted upon by Village of Essex Junction residents no later than November 2021;

NOW, THEREFORE, be it resolved that the Town of Essex Selectboard and the Village of Essex Junction Board of Trustees agree to investigate an amicable separation.

Through this amicable separation investigation, the Town of Essex Selectboard will continue to govern in the best interests of the entire Town of Essex while the Village of Essex Junction Board of Trustees pursues the formation of an independent City of Essex Junction that may be incorporated as early as July 1, 2023. The Selectboard and Trustees will meet in good faith to cooperatively:

- Review all existing Memorandums of Understanding and other agreements between the two municipalities to modify and/or terminate those MOUs and agreements as necessary;
- Develop other mutually beneficial agreement(s) as necessary to achieve an amicable separation along with the possible provision of sharing services.

The Selectboard and Trustees agree to allocate the staffing resources necessary to investigate an amicable separation without impacting the progress of other needed municipal projects.

Members of the Selectboard and Trustees agree to negotiate in good faith throughout the amicable separation process.

In the spirit of inclusion, all voices will be respectfully heard and considered.

This resolution shall remain in effect until the Town of Essex and Village of Essex Junction are separated into two independent municipalities or until a majority from each board agree to amend, rescind or suspend this resolution.

Adopted this 24th day of May 2021 by the Essex Selectboard and Essex Junction Board of Trustees.

Town of Essex Selectboard

Village of Essex Junction Board of Trustees

DRAFT

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager
Cc: Marguerite Ladd, Assistant Manager
From: Greg Duggan, Deputy Manager
Re: Scheduling a joint meeting for the Trustees and Selectboard
Date: May 20, 2021

Issue

The issue is whether the Trustees and Selectboard will schedule their next joint meeting.

Discussion

Apart from a June 5 strategic planning session, the Trustees and Selectboard do not have any other joint meetings scheduled. The boards may wish to schedule a date, or authorize staff to schedule a date for a joint meeting. The boards may also wish to identify topics for the next joint meeting.

Cost

n/a

Recommendation

Staff recommends the Trustees and Selectboard schedule a date and time for a joint meeting between the boards.

OR

Staff recommends the Trustees and Selectboard authorize staff to schedule a date and time for a joint meeting between the boards.

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager
Cc: Marguerite Ladd, Assistant Manager; Travis Sabatano, HR Director
From: Greg Duggan, Deputy Manager
Re: Executive Session for evaluation of public official
Date: May 21, 2021

Issue

The issue is whether the Trustees and Selectboard will enter into executive session to discuss the evaluation of a public official, and potentially take action following that discussion.

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.”

Memorandum

To: Town Selectboard, Village Board of Trustees, Evan Teich, Unified Manager
From: Linda Mahns, Administrative Assistant 
Re: Reappointment for the Housing Commission
Date: May 21, 2021

Issue

The issue is whether the Selectboard and Trustees will fill expired seats on Housing Commission

Discussion

The following seats are set to expire on June 30, 2021:

- Housing Commission – Debbie McAdoo is interested in being considered for reappointment of this seat;

In order to have a complete and thorough discussion about this topic, an executive session may be necessary. The appointment of public officials can be a protected discussion, provided the Selectboard and Trustees make a final decision to appoint a public official in an open meeting and shall explain the reasons for its final decisions during the open meeting.

Cost

None.

Recommendation

The Selectboard and Trustees may wish to reappoint Debbie McAdoo to the Housing Commission.

If the board members wish to enter executive session, the following motion is recommended:

“I move that the Selectboard and Trustees enter into executive session to discuss the proposed public official appointment(s) in accordance with 1 V.S.A. Section 313(a)(3) and to include the Unified Manager and the Deputy Manager.”

Memorandum

To: Board of Trustees; Selectboard; Evan Teich, Unified Manager
Cc: Marguerite Ladd, Assistant Manager
From: Greg Duggan, Deputy Manager
Re: Strategic planning session on June 5
Date: May 20, 2021

Issue

The issue is to share with the Trustees and Selectboard the draft agenda for the June 5 strategic planning session.

Discussion

A draft agenda is attached. The strategic planning session is intended to cover a few key topics:

- Prioritizing joint Town of Essex and Village of Essex Junction work and projects
- Developing shared expectations for how staff will support the work of the Trustees and Selectboard
- Developing shared expectations for how the Trustees and Selectboard can work together

The strategic planning session will be held at the Recreation Offices at 75 Maple Street, Essex Junction. Remote options will also be available for board members and the public. Board members who wish to attend electronically should connect with staff as soon as possible to coordinate.

Cost

Staff has budgeted approximately \$3,000 for facilitation of the meeting, including preparation and follow-up.

Recommendation

This memo is informational.

Agenda Concept for Joint Board Strategic Planning Meeting **Saturday June 5, 2021** (Updated 5/20/21 Jennifer Knauer)

8AM Welcome and Call to Order

- Unified Town Manager's Welcome. Opening comments from Board Chairs.
- Introduction of Board Members
- Introduction of Staff in the Room
- Agenda Review and Logistics (Jen)
- Public Comment

8:30 Prioritize Joint Board Projects

- **Review list of potential strategic plan items.** *Pre-reading to be available in meeting packet for June 5th.*
- **Identify items accordingly (A-C):** A) projects involving external deadlines / shared legal obligations; B) projects that may be well-suited to delegate to staff; C) projects that Board(s) have most agency / leeway. *Presentation, facilitated discussion.*
- **Identify / sort collective priorities.** *Mix of Open Discussion, polling and structured prioritization processes.*

9:15 BREAK

9:25 Determine Accountable / Responsible Parties for Prioritized Items

- **Confirm 3-5 most urgent / pressing priorities for Joint Board Projects** if did not already do so before the break. *Test for level of agreement. Open Discussion as needed.*
- **Determine which entity(s)/person will be responsible for carrying work forward.** *May use RACI Model if preferred – outlines level of accountability/responsibility and consultation/information per the involved parties. In this case Village Board, Town Board, Staff. May outline more detailed contacts as needed.*
- **Take a step back and review.** Opportunity for staff and responsible parties to review & reality test. *Q&A, Open Discussion.*
- **(If Time Allows) Gather benchmarks, tasks, Q's to inform the work plan for the top 3-5 priorities.** *Self-paced activity, shared Virtual White Board. Could be used to capture emerging trends/questions/insights; may also be utilized at a later date as an asynchronous activity in order to put shared time where it is most needed.*

10:30 Brief Break if needed

10:40 Develop shared expectations for how staff / mgmt will support two boards' work

- **Staff invited to outline proposed availability** – how staff is planning to manage the demand of two Boards for the short term. *Presentation, Q&A as needed.*
- **How will you handle the priorities that you don't get to?** This is the collective “you” – both Boards, Staff – in anticipation that there will be emerging needs that will challenge capacity. *Open Discussion.*
- **Identify opportunity(s) to evaluate and troubleshoot mechanisms for balancing work / demand.** *Open Discussion. Identify Next Steps if appropriate.*

11:00 Develop shared expectations for working with each other on Joint Board Projects / Operating Agreements as needed

- **Identify a mechanism / shared understanding: if a conflict comes up re a shared project, how would we resolve it?**

Board Chairs will have done some pre-work on this item to inform the discussion (review content from MOU's etc) and will have a proposal to work from.
Presentation. Open Discussion. Track changes / agreements as appropriate.

- **Anticipated Discussion Prompts as needed.** *Open Discussion. Track changes / agreements as appropriate.*
 - How will you make decisions together? (Look at RACI model/table from the 9:30 agenda item if useful. Some decisions may be handled differently)
 - How will you raise objections? (What are the different tools available to signal where you stand? Consensus cards are an example. Mentimeter polls.)
 - How do you want to handle things when you disagree? (VLCT has a model policy, for example)
 - What does the meeting/collaboration schedule look like for joint work?

11:45 (ish) Lunch is available. Assess how much more time is needed / desired.

- **(x min) Bring the “operating agreements” conversation to a natural close**
- **(15-20 min) Wrap-up & Next Steps**
 - Unified Manager / Team – outline next steps
 - Round-robin of take-aways / closing statements (twitter style a.k.a brief)

1:00 Adjourn before 1:00

Town of Essex and Village of Essex Junction COVID-19 Work Place Protocols

Effective 5/21/2021

The below protocols are subject to change and will be edited on a regular basis as new guidance from VOSHA, OSHA, CDC, and the State of Vermont continues to evolve. This guidance is a baseline, certain departments must still abide by their specific regulatory guidance should said guidance go above and beyond the protocols listed below.

1. **Mask Requirements:** Masks must be worn by employees and visitors per the Town of Essex and Village of Essex Junction [mask use chart](#).
2. **Social Distancing:** Employees must observe strict social distancing of 6 feet while on the job whenever possible. We must ensure customers observe strict social distancing of 6 feet while in our buildings, to the extent possible.
3. **Health Questionnaires:** Health questionnaires are no longer required for employee and visitors.
4. **Stay home if sick:** All employees are required to stay home if they have signs and symptoms of COVID-19. No symptomatic or COVID-19 positive workers are allowed on site. Any employee who does come into work while showing signs or symptoms of COVID-19 will be sent home immediately.
5. **COVID-19 Exposure:** Unvaccinated employees who have not had COVID-19 in the past 90 days and who have had close contact for more than 15 minutes with any person who is diagnosed with COVID-19 are required to quarantine for 14 days or for 7 days prior to obtaining a negative COVID-19 test. See the [Department of Health's guidance](#) for more information on work place exposures. Any employee who tests positive for COVID-19, or who believes they have been exposed to COVID-19, must contact their supervisor, Unified Manager Evan Teich, and HR Director Travis Sabatano as soon as possible for guidance and contact tracing.
6. **Practice good hygiene.** Employees must frequently wash and/or utilize hand sanitizer during the duration of work, including before entering, and leaving, job sites. All common spaces and equipment, including bathrooms, frequently touched surfaces and doors, tools and equipment, and vehicles must be cleaned regularly and, when possible, prior to transfer from one person to another, in accordance with CDC guidance.
7. **Think before you travel:** All employees must follow the state's travel guidance. Travel restrictions and guidance remain in place for international travel. You can review that guidance on the [Department of Health website](#).









8. **Building Openings and Remote Work:** Unified Manager Evan Teich is currently working with department heads to develop each department's re-opening plan. Employees should coordinate with their department heads to determine what is needed under their respective plan. Once your respective department has officially reopened, remote work will be allowed in accordance with the new remote work policy. Per the remote work policy all remote work plans will require department head approval.

9. **Capacity Limits:** All of our buildings will be held to a capacity limit of one person per 50 sq. ft. up to a maximum of 300 total people. Social distancing must also be abided by at all times. All conference rooms will continue to be closed to the public.

WHEN IS A MASK REQUIRED?

MASK GUIDANCE



Situation	Vaccinated Individual	Unvaccinated Individual
	Mask Required (Y/N)	Mask Required (Y/N)
Indoor common areas (e.g. break rooms) when you are not in the presence of others	NO	 YES
Indoors in the presence of others	 YES	 YES
In a vehicle with another individual	 YES	 YES
Indoors in a private space such as a personal office	NO	NO
Outdoors not in the presence of others	NO	NO
Outdoors in the presence of others	NO	 YES
Entering a private place of business or private residence that requires mask use	 YES	 YES

Remote work policy

Adopted on May 20, 2021

Objective

Telecommuting allows employees to work at home, on the road or in a satellite location for a maximum of three (3) days of their workweek, as approved by the department head. The Town of Essex/Village of Essex Junction considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with The Town of Essex/Village of Essex Junction.

Procedures

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a department head can suggest telecommuting as a possible work arrangement. All arrangements must be approved by the department head and the Unified Manager.

Any telecommuting arrangement made will be on a trial basis, for a limited basis, up to first three months. Approved telecommunicating arrangements may be discontinued at will and at any time at the request of either the telecommuter or the Town/Village. Every effort will be made to provide 30 days' notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

Eligibility

Individuals requesting formal telecommuting arrangements must be employed with The Town of Essex/Village of Essex Junction for a minimum of 6 months of continuous, regular employment and must have a satisfactory performance record. All requests for remote work are subject to approval by the department head and the Unified Manager. Remote work arrangements will not exceed three (3) work days per week.

Before entering into any telecommuting agreement the employee and department head will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and department head will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.

- Job responsibilities. The employee and department head will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, and workspace design considerations. The employee and department head will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

The above list shows examples of areas that will be evaluated when determining the approval of a remote work plan. This is not an exhaustive list.

If the employee and department head agree on a plan, a draft telecommuting agreement will be prepared and signed by all parties, including the Unified Manager, and a three-month trial period will commence.

Evaluation of telecommuter performance during the trial period will include regular interaction by phone and e-mail between the employee and the department head, and regular face-to-face meetings to discuss work progress and problems. At the end of the trial period, the employee and department head will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Performance evaluations of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office.

An appropriate level of communication between the telecommuter and department head will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the department head and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

Equipment

On a case-by-case basis, The Town of Essex/Village of Essex Junction will determine, with information supplied by the employee and the department head, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. Internet connectivity, and other utilities such as electricity and heating are the sole responsibility of the employee. The human resource and information technology directors will serve as resources in this matter, however employees will be responsible for setting up their own at home equipment. The information technology department will address issues as needed on site at a Municipal Building. Equipment supplied by the Town/Village will be maintained by the Town/Village. Equipment supplied by the

employee, if deemed appropriate by the Town/Village, will be maintained by the employee. The Town of Essex/Village of Essex Junction accepts no responsibility for damage or repairs to employee-owned equipment. The computer use policy and any related policies remain in effect during all remote work arrangements. The Town of Essex/Village of Essex Junction reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the Town/Village is to be used for business purposes only and remains subject to the computer use policy. The telecommuter must sign an inventory of all the Town of Essex/Village of Essex Junction property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all company property will be returned to the company.

The employee will establish an appropriate work environment within his or her home for work purposes. The Town of Essex/Village of Essex Junction will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

Security

Consistent with the Town/Village's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company's workers' compensation policy, but are subject to review and approval by the Town and Villages workers comp provider. Telecommuting employees are responsible for notifying the employer of such injuries within 24 hours. The employee is liable for any injuries sustained by visitors or family members at his or her home worksite.

Telecommuting is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period.

Time Worked

Telecommuting employees will be required to accurately record all hours worked using the Town of Essex/Village of Essex Junction's time-keeping system. All existing policies around hours of work will remain in effect. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

Ad Hoc Arrangements

Temporary telecommuting arrangements may be approved, by the department head, for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave and/or Vermont's Parental and Family Leave Act to the extent practical for the employee and the Town/Village and with the consent of the employee's health care provider, if appropriate. Arrangements of this nature will be approved in accordance with existing policies and laws.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the Town/Village.

Memorandum

To: Selectboard; Board of Trustees; Evan Teich, Unified Manager
Cc: Marguerite Ladd, Assistant Manager
From: Greg Duggan, Deputy Manager
Re: Update on 3+3 charter change
Date: May 21, 2021

Issue

The issue is to inform the Selectboard and Trustees of updates to the 3+3 charter change for the Town of Essex.

Discussion

On May 13, the Vermont House Government Operations Committee heard testimony on the 3+3 charter change that Essex voters passed in March 2020. The Vermont Legislature needs to approve all municipal charter changes. The 3+3 charter change would create two wards in Essex that would each have three representatives on the Selectboard.

Following the testimony, the Government Operations Committee recently had a committee discussion on the proposed charter change. Reps. Alyssa Black, Marybeth Redmond, and Tanya Vyhovsky provided a subsequent update to residents on Front Porch Forum. That update is attached and includes links to recordings of the testimony on May 13 and the more recent committee discussion. Also attached are testimony from Selectboard Chair Andy Watts and a Selectboard letter to the Government Operations Committee, dated August 18, 2020.

Cost

n/a

Recommendation

This memo is informational.



May 19, 2021

Update: House Gov Ops & 3+3 Select Board Representation

Marybeth Redmond • State Representative, Chittenden-8-1

Announcement

Reps. Black, Vyhovsky and I wanted to update Essex residents on the latest concerning the proposed charter change to transition the Town of Essex Select Board to 3+3 representation that is currently before the legislature in the form of H.95.

Yesterday, members of the House Government Operations Committee held a brief committee discussion in the wake of receiving testimony the previous week from TOV and Village witnesses. A link to the recorded discussion (about 15 minutes long) is located here at the 35:00 minute mark: https://www.youtube.com/watch?v=tBR_A_CXxDI

(Witness testimony from May 13th is located here: <https://www.youtube.com/watch?v=Tvx-VXEGQ2U&t=5s>; and written testimony from Essex residents is located here: <https://legislature.vermont.gov/committee/document/2022/14/Date/5-13-2021#documents-section>)

We were disappointed to learn that the committee decided not to proceed with a decision at this time. A number of open issues were highlighted by legislators on the committee, including questions about the timeline for the Village's separation plans, what the pathway for proposed separation would look like and how it would impact the Town of Essex, as well as the need for a transition plan to "3+3" representation, taking into account redistricting numbers for the TOV and Village based on updated census numbers to be released this September.

Gov Ops members agreed to take up this issue again following the results of the next community vote, perhaps as early as next January when the General Assembly reconvenes for the remainder of the 2021-2022 biennium.

We wish we had more favorable news and a sense of forward movement at this time. We are also up against the challenges of a rapidly ending session that is set to conclude this Sat., May 22 for the year. If you have input you'd like us to pass along to committee members, please reach out or send it to us, so that we can make your voices keenly known in the committee. We appreciate your patience; please know we are working hard to make progress on this issue of representation. You can reach us at: mredmond@leg.state.vt.us; ablack@leg.state.vt.us; and tvyhovsky@leg.state.vt.us.

Hello, my name is Andy Watts. I am Chair of the Essex Town Selectboard. First, I would like to thank Representatives Marybeth Redmond, Alyssa Black and Tanya Vyhovsky for sponsoring H.95 on behalf of their constituents. I would also like to thank Chair Sarah Copeland Hanzas and the other members of the House Committee on Government Operations for inviting me here to speak today.

I am here to advocate on behalf of the Essex Town Selectboard and the voters of the Town of Essex in favor of approving the resident initiated and voter approved Essex Town charter change frequently referred to as "3+3." Our residents have made it clear that they would like district based representation rather than our current at-large representation model. This Charter change was discussed in the prior biennium as H.944. This discussion resulted in a letter dated May 29, 2020, from the Gov Ops Chair and Vice Chair expressing concerns about board transition, reapportionment, and the even number of members.

The Selectboard responded on August 18, 2020, with answers to each of the expressed concerns. Regarding board transition, relative to H.944, additional language has been added by the sponsors of H.95 indicating that once the charter change is approved, two members would be elected at Town Meeting each year, one from each District. This would effectively add the 6th seat in 2024 as that is the next year when, under our current charter, only one seat is open.

Regarding reapportionment, the Selectboard provided its preferred language based on the examples the Gov Ops Committee provided from Barre, Montpelier, and Rutland.

Regarding the question of an even numbered board, based on Robert's Rules of Order, a tie vote is a failed vote. Since this is a procedural consideration, it does not necessitate changing the charter to accommodate it.

The letter from the Chair and Vice Chair of Gov Ops also mentioned revisiting this question once a merger plan is approved. As I am sure you are aware, two different merger plans were voted by the Village and Town. The Village vote passed but the Town vote failed twice by very thin margins.

Even so, the vote in favor of 3+3 from March of 2020 still stands and I am here asking that you take up consideration of H.95 and I am asking for your support in moving it through approval of the General Assembly. If you have any questions, I'd be happy to answer them or if you have any suggested changes to the charter proposal, the Selectboard would be happy to work with you on them.

Thank you.



August 18, 2020

Representative Sarah Copeland Hanzas, Chair, House Government Operations Committee
Representative John Gannon, Vice Chair, House Government Operations Committee

RE: H.944 -- Amendments to the Town of Essex Charter

Dear Chair Copeland Hanzas and Vice Chair Gannon,

Thank you very much for your letter of May 29, 2020 addressing proposed amendments to our Town charter for a six-member, district-based selectboard, which were the result of a citizen-backed petition and ballot initiative. The Essex Selectboard has had lengthy discussions regarding the concerns you raised in your letter and wishes to provide some clarification.

1. Board transition. Our charter states, "Unless necessary to fill a vacancy, no more than two selectmen shall be elected at any annual meeting." [VSA 24 § 117-203(c)] As a five-member board currently, the elections for the Selectboard run in a three-year cycle, with two seats up for election in year one, two seats in year two, and one seat in year three. Based on this schedule, a sixth member could be added to the third year of the election cycle without changing the Town charter. The election of 2021 is the third year in the cycle with one seat up for reelection, and will be the soonest opportunity until 2024 to transition to a six-member Selectboard. Notwithstanding the occasional vacancy, the election cycle could be changed to two seats up for election every year without changing the charter.
2. Reapportionment language. We agree that reapportionment language is necessary to ensure that, should the population change significantly in one district, voters in each district would continue to have proportional representation as directed by the U.S. Constitution. To that end, we request that the Committee include the language below, or other language deemed more acceptable, in H.944 if the Committee forwards the bill to the full Legislature for approval:
"The Town of Essex may be divided into wards by ordinance. The Selectboard--or its designee being the Board of Civil Authority or a special commission appointed by the Selectboard--may make changes to the number and boundaries of the wards in order to provide an equal division of population among them in accordance with U.S. Census data. Ward changes shall not be made more frequently than once in ten years. Such changes shall be approved by the Selectboard and shall become effective immediately upon approval unless a later date is established therein."

This language is based on the examples the Committee provided from Barre, Montpelier, and Rutland.

3. Even number of members. The Selectboard acknowledges the unusual nature of an even numbered board. Robert's Rules of Order, which is the procedural guidance the Selectboard traditionally uses, states that "On a tie vote, a motion requiring a majority vote for adoption is lost, since a tie is not a majority." (XIII § 44) This is current practice when one board member is absent (resulting in a temporary even numbered board). Because this is a procedural consideration, it does not necessitate changing the charter to accommodate it.

4. Timing. At the end of your May 29th letter you expressed the hope of “revisiting a charter change once the voters of the Town of Essex and the Village of Essex Junction have approved a plan of merger.” Due to COVID-19 and other pressing business, our boards have not been able to complete the plan of merger in time to put it on the November ballot. As a result the Committee will not see a merged community charter from Essex in the immediate future. As we develop the new charter, a key issue continues to be the governance structure of the merged community. Having clarity on whether or not the Legislature will accept a six-member selectboard will prove invaluable in helping our board and the Village of Essex Junction Board of Trustees present the merger plan to our voters.

As described above, in 2021 the Town’s election cycle will be on year three, with one seat up for election. Therefore, the Selectboard could begin to implement the new cycle of two seats every year as early as March of 2021. If we do not have clear direction from the Committee and approval by the Legislature in time, then we must wait until 2024 to add the sixth seat requested by voters.

The delay in implementing this proposed change to our Selectboard that was approved by voters in March of this year has caused considerable consternation in our community. We understand that in Vermont, municipal charter changes are subject to refinements imposed by the Legislature and must be approved by the Legislature. With respect, we request the clarity of a specific ruling so that our community can move forward.

We thank you very much for the time and consideration you have given our Town’s proposed charter change, particularly in light of the significant burden COVID-19 has placed on our entire state. We would welcome the opportunity to provide you with any further information you may need, and stand ready to meet with you and the Committee to discuss H.944 in open session when you return at the end of August. Thank you again for your consideration.

Respectfully,

The Town of Essex Selectboard
Elaine Haney, Chair
Patrick Murray, Vice Chair
Vincent Franco
Dawn Hill-Fleury
Andrew Watts

cc: Evan Teich, Unified Manager
Greg Duggan, Deputy Manager
Susan McNamara Hill, Clerk
Bill Ellis, Town Attorney
Village of Essex Junction Board of Trustees
Rep. Robert Bancroft
Rep. Dylan Giambatista
Rep. Lori Houghton
Rep. Linda Myers
Rep. Marybeth Redmond

MEETING SCHEDULES

05/21/2021

TOWN SELECTBOARD MEETINGS 	VILLAGE TRUSTEES MEETINGS 
May 24, 2021 – 6:30 PM	JB Special -- Darby
May 25, 2021 – 6:30 PM	VB Regular—Cathy
June 5, 2021 – 8:00 AM	JB Strategic Planning Session
June 7, 2021 – 6:30 PM	SB Regular -- Darby
June 8, 2021 – 6:30 PM	VB Regular -- Amy
June 21, 2021 – 6:30 PM	SB Regular –Cathy
June 22, 2021 – 6:30 PM	VB Regular -- Darby
July 12, 2021 – 6:30 PM	SB Regular -- Cathy
July 13, 2021 – 6:30 PM	VB Regular -- Amy
August 2, 2021—6:30 PM	SB Regular -- Cathy
August 10, 2021—6:30 PM	VB Regular -- Amy
August 17, 2021—6:30 PM	SB Regular – Cathy
August 24, 2021—6:30 PM	VB Regular -- Amy
September 13, 2021—6:30 PM	SB Regular -- Cathy
September 14, 2021—6:30 PM	VB Regular – Darby
October 4, 2021—6:30 PM	SB Regular – Darby
October 12, 2021—6:30 PM	VB Regular --
October 18, 2021—6:30 PM	SB Regular --
October 26, 2021—6:30 PM	VB Regular --
November 1, 2021—6:30 PM	SB Regular
November 2, 2021 – 8:30 AM	VB All day budget workshop – Darby
November 9, 2021 – 8:00 AM	SB All day budget workshop --
November 9, 2021—6:30 PM	VB Regular – Cathy
November 15, 2021—6:30 PM	SB Regular -- Darby
November 23, 2021—6:30 PM	VB Regular – Darby
December 6, 2021—6:30 PM	SB Regular -- Cathy
December 14, 2021—6:30 PM	VB Regular -- Amy
December 20, 2021—6:30 PM	SB Regular – Cathy

December 21, 2021—6:30 PM	VB Regular
January 3, 2022—6:30 PM	SB Regular -- Amy
January 11, 2022—6:30 PM	VB Regular – Darby
January 18, 2022—6:30 PM	SB Regular
January 25, 2022—6:30 PM	VB Regular -- Cathy
February 7, 2022—6:30 PM	SB Regular
February 8, 2022—6:30 PM	VB Regular
February 22, 2022—6:30 PM	VB Regular -- Cathy
February 23, 2022—6:30 PM	SB Regular meeting
February 28, 2022—6:30 PM	Town Informational hearing
March 7, 2022—6:30 PM	SB Regular
March 8, 2022—6:30 PM	VB Regular
March 21, 2022—6:30 PM	SB Regular
March 22, 2022—6:30 PM	VB Regular -- Cathy
April 4, 2022—6:30 PM	SB Regular
April 6, 2022 – 7:00 PM	Village Informational hearing -- Cathy
April 13, 2022—6:30 PM	VB Regular