

ESSEX JUNCTION BOARD OF TRUSTEES
SPECIAL MEETING AGENDA
Thursday, October 11, 2018
2 Lincoln St., Essex Junction, VT 05452
7:00 PM

1. **CALL TO ORDER/ PLEDGE OF ALLEGIANCE TO FLAG** [7:00 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
5. **JOINT MEETING WITH ESSEX SELECTBOARD** [7:05 PM]
 - a. Update from Governance Subcommittee (no action) – George Tyler
 - b. Appointment of Dan Richardson as special counsel for the Town and the Village for matters related to consolidation (action) – George Tyler
 - c. Co-location of Recreation Departments (action) – Brad Luck & Ally Vile
 - d. Adoption of Purchasing Policy (action) – Lauren Morrisseau & Sarah Macy
 - e. Adoption of Records Retention Policy and Finance Department Retention Plan (action) – Lauren Morrisseau & Sarah Macy
 - f. Scheduling of future joint meetings and attendance policy (action) – Evan Teich
 - g. Discussion of joint budget process and joint priorities (no action) – Evan Teich
6. **READING FILE**
 - a. Email from Bill Ellis re: Governance Subcommittee
7. **EXECUTIVE SESSION**
 - a. An executive session is not anticipated
8. **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, 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.

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Certification: _____
Date Posted Initials

**VILLAGE OF ESSEX JUNCTION BOARD OF TRUSTEES
SPECIAL MEETING WITH THE ESSEX SELECTBOARD
MINUTES OF MEETING
October 11, 2018**

ESSEX SELECTBOARD: Max Levy, Chair; Michael Plageman, Vice Chair; Elaine Sopchak, Clerk; Andy Watts and Irene Wrenner.

BOARD OF TRUSTEES: George Tyler, Village President; Andrew Brown, Vice President; Lori Houghton and Elaine Sopchak,. (Dan Kerin was absent.)

ADMINISTRATION: Evan Teich, Unified Manager; Greg Duggan, Deputy Town Manager; Lauren Morrisseau, Finance Director/Assistant Village Manager; Sarah Macy, Assistant Finance Director; Ally Vile, Town of Essex, Parks and Recreation Director; and Brad Luck, Village of Essex Junction Recreation and Parks Director.

OTHERS PRESENT: Diane Clemens, Jerry Fox, Barbara Higgins, Colin Flanders (Essex Reporter).

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Mr. Levy called the Special Joint Meeting of The Town of Essex Selectboard and The Village of Essex Junction Trustees to order at 7:00 p.m. Mr. Levy led all present in reciting the "Pledge of Allegiance."

2. AGENDA ADDITIONS /CHANGES/

There were no changes to the Agenda, however minor changes were noted with revision to sheets made by Ms. Morrisseau for the packet but not recorded to the agenda.

3. AGENDA APPROVAL

As noted, no changes and approval is not required.

4. PUBLIC TO BE HEARD:

There were no public comments.

5. JOINT MEETING WITH ESSEX JUNCTION BOARD OF TRUSTEES

a.) Update from Governance Subcommittee (no action) - George Tyler

Mr. Tyler, President of the Board of Trustees and Chair of the Governance Subcommittee, reported that for the Subcommittee meetings of July 7, 2018 and September 19, 2018, both held at 81 Main Street, members of the public were present at only one of the meetings, and the meetings had been warned. At this first meeting, Mr. Tyler was elected Chair and Ms. Sopchak was appointed as Recording Secretary for the Governance Subcommittee. A list of potential governance options and questions developed at this meeting are included in the packet. Staff has requested additional time to review these options and questions. With a reminder that this is uncharted territory, there are interaction and alignment opportunities and

staff needs consent to adopt the policies and bring questions, and the Subcommittee process needs to continue in order to work with legal counsel.

The Subcommittee has recommended to both Boards that Attorney Dan Richardson be hired to provide legal guidance on potential financial impact, governance options, changes to the charters and interface with government legislators, if necessary. Further discussion of why Mr. Richardson was recommended over other attorneys will be discussed when that topic is reached on the agenda.

Mr. Watts stated that he was not in agreement that the subcommittee should continue, his submitted questions were not included and that Joint Meetings of the Selectboard and Trustees were cancelled in favor of Subcommittee meetings. Minutes of these meeting do not reflect Mr. Watts' questions, although Ms. Sopchak recalled that when the Subcommittee was scheduled to meet the first time, and the Board was invited to submit questions, Mr. Watts' questions were submitted and discussed at the last joint meeting. In discussion of the summary and recommendations report which was to be submitted at this Joint Meeting, Ms. Wrenner discussed the slow progress of the process at the moment, and the time it takes to talk to folks and unexpected delays. Ms. Sopchak said that she thought all questions had been answered. Ms. Wrenner asked that all questions be included to get them to the attorney. Mr. Duggan will review emails for potential missed questions from Mr. Watts to be included for review. Mr. Watts asked that if questions he submits are not understood, that the other board members please ask questions or for definitions. Mr. Plageman asked if questions might submitted be available no later than early Tuesday, cut and pasted if necessary. Mr. Tyler said that the Subcommittee had meet two times and discussed goals with a long list legal scenarios, which would be helpful to review with an attorney and asked that the Subcommittee be allowed to meet again. Mr. Plageman asked that the Subcommittee develop a plan of action with one more meeting and develop 4, 5 or 6 options to move forward.

b.) Appointment of Dan Richardson as special counsel for the Town and the Village for matters related to consolidation (action) – George Tyler

Attorney Dan Richardson, present, was introduced and discussed his resume. He discussed the differences between a Selectboard versus a mayor (or a Chicago Style Mayor), what a total merger or partial merger could present, and used Waterbury as an example with a wide array of options. Mr. Teich asked, "Who are your clients?" Mr. Richardson referred to a list of Municipal Clients and References included in the Proposal Letter in the packet. There were question regarding a retainer letter where Attorney Richardson be answerable to both Boards, serving both, not promoting interests of either Board, where Mr. Teich would act as the day to day point of contact. Mr. Richardson said that the Legislature views the consolidation process skeptically and must approve any charter changes with a fair amount of scrutiny. Ms. Sopchak asked that Mr. Teich be emailed questions and that the Joint Boards make sure the process be public with voter engagement.

MOTION by Trustee George Tyler, SECOND by Trustee Lori Houghton to approve Appointment of Dan Richardson as special counsel for the Town and the Village for

matters related to consolidation by the Village of Essex Junction Board of Trustees;
motion passed 4-0.

MOTION by Selectboard member Michael Plageman, SECOND by Selectboard member Irene Wrenner to approve Appointment of Dan Richardson as special counsel for the Town and the Village for matters related to consolidation by the Town of Essex Selectboard; motion passed 5-0.

c.) Co-location of Recreation Departments (action) - Brad Luck and Ally Vile

Ms. Vile and Mr. Luck opened discussion about the co-location plans by telling the boards about an upcoming Parks tour for both Recreation departments. On September 19th, the departments had an initial meeting that lasted three hours where staff from both departments were comfortable with exploring the concept of co-locating Essex Parks and Recreation and Essex Junction Recreation and Parks to 75 Main Street. Two memos, which are included in the packet, provided a schedule of planned discussions, opportunities for staff bonding, a review of shared programming and administrative details including budget line items. In discussion, Ms. Houghton added that people who have read the packet think co-location is a really good idea, and applauds the bonding effort. Mr. Plageman added that it is a great idea, and asked if there's space for everyone to move to Maple Street. Ms. Vile explained that the change in space was not that big and everyone is flexible. Mr. Brown asked if everyone was on the same page. From a customer service aspect, Mr. Brown said he is in favor of exploring the concept. Mr. Plageman asked what the time frame would be if the co-location was fast tracked, perhaps Spring? Ms. Vile reviewed details of the memo, noting that September 2019 is more in line with a fall timeframe. Mr. Watts presented questions regarding districts serving their governance model would that impact in how things are paid for. Ms. Vile said that the two recreation departments are not merging, just co-locating and not comingling funds. Ms. Vile added that Sarah Macy and Lauren Morrisseau will make sure nothing is missed and items will be properly coded to the correct general ledger accounts. Mr. Levy asked if there would be better program coordination, with Ms. Vile responding that there would be potential cost savings in postage, telephone, and printing brochures. Mr. Levy had questions regarding the potential downside and challenges of having two entities in the same building. Ms. Vile said that while change would be a bump in the road, the convenience of one-stop shopping is so much greater. Ms. Wrenner said it had been two years since the last effort to consolidate recreation, and that because some voters are afraid that one department might be absorbed, it's important to bring the public along in the process. Ms. Vile said that she and Mr. Luck would meet with both departments as a team, with much discussion along the way. Mr. Luck asked that questions be emailed so they can be addressed and welcomed in order to get the questions to the public. Ms. Wrenner asked that the Board be apprised of updates. Mr. Teich added that the expectation would be quarterly reporting and that everyone has a lot on their plate. Mr. Watts had questions regarding the governance outcome, and the separation of Town and Village if staff at 81 Main moves to 75 Maple and 81 Main Street recreation department space then becomes occupied. Mr. Watts asked if a neutral facility had been considered where there might be adequate parking space.

MOTION by Trustee Lori Houghton, SECOND by Trustee Andrew Brown to recommend that recreation and other municipal staff invest time and energy in exploring the concept of co-locating Essex Parks & Recreation and Essex Junction Recreation & Parks at 75 Maple Street, starting in September 2019 by the Village of Essex Junction Board of Trustees; motion passed 4-0.

MOTION by Selectboard member Michael Plageman, SECOND by Selectboard member Andy Watts to recommend that recreation and other municipal staff invest time and energy in exploring the concept of co-locating Essex Parks & Recreation and Essex Junction Recreation & Parks at 75 Maple Street, starting in September 2019 by the Town of Essex Selectboard; motion passed 5-0.

d.) Adoption of Revised Purchasing Policy (action) – Lauren Morrisseau and Sarah Macy Ms. Morrisseau said she had made changes as requested and these changes are reflected in red-lined version in the packet.

Mr. Brown proposed further changes. On page 9, he made a recommendation to change “should” to “shall” throughout to avoid grey areas. On Page 12, **Sealed Bid Process**, Mr. Brown asked that the Department of Vermont Economic Development Bid System be added to the process, as The Essex Reporter does not deliver to all of Essex and the Burlington Free Press is by subscription only. Mr. Brown said this addition to the process would get bid requests out to many different suppliers and vendors and should be utilized. Following discussion, the boards decided that using this bid system would not be in lieu of other options. Mr. Brown proposed additional changes on Page 14: he suggested moving numbers 14, 15, 16 to the section above ***“In a case of a contract supported by federal funds, the additional criteria shall apply.”*** Further, ***“qualified, small”*** should be added to number 14, as this language is used on page 4, from the paragraph **Affirmative Action and Local Preference**. Mr. Watts had a question regarding #16 on page 14, asking if the Unified Manager or designee will recommend a bid award for approval by the Town Selectboard/Village Trustees as practice and if this language should be left in order to satisfy federal auditors. Ms. Morrisseau explained that this would be part of the normal routine. Mr. Teich said this would be built into the schedule, and it may add several days to the process. Ms. Morrisseau asked that 5d. be adopted as amended.

MOTION by Selectboard member Andy Watts and SECOND by Selectboard member Irene Wrenner, adopted as amended, The Revised Purchasing Policy by the Town of Essex Selectboard ; motion passed 5-0.

MOTION by Trustee Andrew Brown, and SECOND by Trustee Lori Houghton, adopted as amended, The Revised Purchasing Policy by the Village of Essex Junction Board of Trustees ; motion passed 4-0.

e.) Adoption of Records Retention Policy and Finance Department Retention Plan (action) - Lauren Morrisseau & Sarah Macy

Assistant Finance Director Sarah Macy reviewed a minor change since the Selectboard and Trustees reviewed the Draft Town of Essex and Village of Essex Junction Record Management Policy and Retention Plan: the “d” on page 2, under references, should not have had its own bullet point.

MOTION by Trustee Lori Houghton and SECOND by Trustee Andrew Brown to adopt the Town of Essex and Village of Essex Junction Records Management Policy and Finance Department Retention Plan by the Village of Essex Junction Board of Trustees ; motion passed 4-0.

MOTION by Selectboard member Michael Plageman and SECOND by Selectboard member Irene Wrenner to adopt the Town of Essex and Village of Essex Junction Records Management Policy and Finance Department Retention Plan by the Town of Essex Selectboard; motion passed 5-0.

f.) Scheduling of future joint meetings and attendance policy (action) – Evan Teich

Mr. Teich reviewed the schedule of future joint meetings noting that it is difficult to get ten board members together, and perhaps it would be helpful map out a meeting schedule for the next six months or year. Mr. Teich stated it’s important that nine members are present and there was discussion that in some cases, depending on the topic, a quorum of four members from each board would be fine. The boards agreed that if policy is being approved, then a simple quorum would be fine; if decisions or discussions about consolidation or governance are happening, then the boards wanted to have at least four members of each board. Mr. Levy noted that Skype is an option if a member could not attend in person. Further discussion ensued regarding location. Finding a location or space presents a challenge for Thursdays, when Planning Commissions also meet, and Wednesdays seem to be a more viable day. The dates selected for 2019 are as follows:

February 6, 2019

April 10, 2019

June 5, 2019

August 7, 2019

October 2, 2019

December 4, 2019

MOTION by Trustee Lori Houghton and SECOND by Trustee Andrew Brown that the Essex Junction Board of Trustees choose the following dates: February 6, April 10, June 5, August 7, October 2 and December 4, all in 2019, for joint meetings and that the meetings occur as long as both boards have at least four members in attendance, unless the agenda is policy oriented and then the Boards may choose to move it to a quorum on a case by case basis, by the Village of Essex Junction Board of Trustees (4-0); motion carried.

MOTION by Selectboard member Irene Wrenner and SECOND by Selectboard member Mike Plageman that the Town of Essex Selectboard choose the following dates: February 6, April 10, June 5, August 7, October 2 and December 4, all in 2019, for joint

meetings and that the meetings occur as long as both boards have at least four members in attendance, unless the agenda is policy oriented and then the Boards may choose to move it to a quorum on a case by case basis, by the Town of Essex Selectboard (5-0); motion carried.

g.) Discussion of joint budget process and joint priorities (no action) – Evan Teich

Mr. Teich opened discussion of the joint budget process and stated that staff is looking for a general direction and priorities or a suggested budget number. For example, co-hiring an attorney, will there need to be a budget for expenditures, as the attorney fees are \$150.00 per hour. Another goal is a budget for adding police officers. Mr. Teich remarked that Mr. Watts has requested removing that the remaining one cent in the Highway Tax, so that has been put in the list of budget goals.

Ms. Wrenner remarked that co-location will require funding. Ms. Houghton added notes from a recent Trustees meeting, regarding the snow plow schedule, based on school transportation schedules. Mr. Teich asked for direction on paying for anything “joint” between the two boards, including payment to Attorney Dan Richardson, where payment would not be required to be split 50/50 or 70/30, but would be required to come from Town and Village. There was discussion regarding how to address Town or Village. To recap, Mr. Teich said items to be added to budget would be public outreach, legal fees for consolidation, rec co-location, removal of the Highway Tax, snow plow planned impacts, Senior Center needs, Police staffing, and building/staff maintenance superintendent. Mr. Watts said he has reconciled himself to the Highway Tax as it is an agreement that was made many years ago and akin to tax breaks given to large land owners to keep their land open or tax breaks given to veterans. Mr. Watts said he realized that not everyone paid the same tax rate.. Mr. Teich said the board members could send him more requests.

6. READING FILE

Mr. Levy asked for comments on a letter from the Town attorney about the governance subcommittee, and whether the committee meetings were warned as a subcommittee of the Selectboard and Trustees, or as a Selectboard meeting.

7. EXECUTIVE SESSION

None.

8. ADJOURN

MOTION by Selectboard member Irene Wrenner and SECOND by Selectboard member Andy Watts to adjourn the Town of Essex Selectboard and Village of Essex Junction Trustees Special Joint Meeting, by the Town of Essex Selectboard , motion passed 5-0.

MOTION by Trustee Andrew Brown and Second by Trustee Lori Houghton to adjourn the Town of Essex Selectboard and Village of Essex Junction Trustees Special Joint Meeting, by the Village of Essex Trustees (4-0), motion passed 5-0.

Respectfully submitted,

**Rita Pozirekides
Recording Secretary,
10/15/2018**