



# *Town of Essex Village of Essex Junction*



## **TRUSTEE & SELECTBOARD SPECIAL MEETING AGENDA**

**Wednesday, December 5, 2018 at 7:00 PM  
81 Main Street, Essex Junction, VT 05452**

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

**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. BUSINESS ITEMS**

- a. Update on alignment and co-location of recreation departments—Brad Luck & Ally Vile
- b. Review of Governance Change Options and next steps—Governance Subcommittee
- c. Determination of process to evaluate Unified Manager—Greg Duggan
- d. Scheduling of joint budget meeting—Greg Duggan

**6. READING FILE**

- a. Memo from Greg Duggan and Tammy Getchell re: Approval of joint meeting minutes

**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: 11/30/2018

Date Posted

Initials

*Amitchell*

ESSEX SELECTBOARD/ESSEX JUNCTION TRUSTEES  
SPECIAL JOINT MEETING – 12/05/2018

TOWN OF ESSEX SELECTBOARD  
VILLAGE OF ESSEX JUNCTION BOARD OF TRUSTEES  
SPECIAL JOINT MEETING  
MINUTES OF MEETING  
81 MAIN STREET, ESSEX JUNCTION, VERMONT  
7:00 P.M., DECEMBER 5, 2018

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

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

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

OTHERS PRESENT: Attorney Dan Richardson, Diane Clemens, Jerry Fox, Barbara Higgins, Margaret Smith, Bruce Post, Iris Banks and Colin Flanders (Essex Reporter).

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

Max Levy called the Town of Essex Selectboard and George Tyler the Village of Essex Junction Trustees to order at 7:00 p.m. Mr. Levy led all present in reciting the "Pledge of Allegiance," and a moment of silence immediately following, to mark the passing of our 41st President, George H.W. Bush.

2. AGENDA ADDITIONS /CHANGES

Changes to the Agenda include the following: Greg Duggan requested the addition of a memo entitled "Update to approval of joint minutes based on Town Charter" to item 6a, and suggested moving Item 6a., a Memo from Greg Duggan and Tammy Getchell regarding Approval of Joint Meeting Minutes, from Reading File to Business Items. Also noted was the addition of an email prepared by Elaine Sopchak to 5e.

3. AGENDA APPROVAL

Selectboard Chair Max Levy made a motion, seconded by Michael Plageman, to approve changes to the agenda. Motion passed 5-0.

Village President George Tyler made a motion, seconded by Andrew Brown, to approve changes to the agenda. Motion passed 4-0.

4. PUBLIC TO BE HEARD:

Margaret Smith spoke regarding the inability to hear the meeting with a request noted by Mr. Levy that everyone "lean in to the microphones." Specifically, Ms. Smith was unable to hear Elaine Sopchak when requesting an addition to the Agenda, under Business Items, 5e., and the paper copy of a memo regarding communication of the governance process, which was handed out.

Jerry Fox remarked if a new Library Director for Essex Free Library is under consideration, perhaps Wendy Hysko, Director of the Brownell Library, be considered for this position.

5. JOINT MEETING WITH ESSEX JUNCTION BOARD OF TRUSTEES

**a.) Update on alignment and co-location of recreation departments – Brad Luck and Ally Vile**

Ally Vile addressed the timeline and the speeding up of the process in meeting of departments and a meeting held in mid-October of thirteen staff members. Ms. Vile spoke about affirming the balance of strengths and similarities of staff in place and excitement about the process. Brad Luck reviewed the executive summary and noted that this is a better collaboration of the departments and everyone is onboard in co-locating in September 2019. Ms. Vile spoke about the reminders to staff that the departments are still separate entities, just sharing a location. George Tyler, President of the Board of Trustees, questioned how many people register online and the changes or increase that may take place over time. Ms. Vile stated that online registration accounts for approximately 67% of all registration, and work is in progress with segments of the population, including seniors, in programming. Questions ensued with Elaine Sopchak addressing whether residents of Town outside the Village will pay higher fees. From the perspective of Mr. Luck and Ms. Vile, all residents of Essex would be considered residents for all recreation programs. Andy Watts had a question regarding nonresident's fees subsidizing residents who could not afford some programs. Mr. Luck stated that there is an expense line in the general budget for \$4,000 for scholarship application in anticipation of Village residents who cannot afford programs. Mr. Luck further stated that in anticipation that there will be a budget decrease of approximately \$7,000 for non-resident fees, the budget will be set at \$13,000 instead of \$20,000. Evan Teich noted that non-residents also include other outside communities. Mr. Luck added that while Town outside the Village comprises 35% of non-resident fees, the balance of 65% includes outside communities including Williston. With further discussion ensuing, there were questions about increased pool usage, new construction impact fees, bringing buildings up to code, conference room usage for administrative purposes, joint communications and keeping separate monies for Town and Village. Ms. Vile added that after discussion with the software company currently in use, it will be possible to continue to code and provide separate billing in fees for the Town and Village. Mr. Watts added that to many users, it may look like a lot like a merger, and is worried about the "hornet's nest" of past rec experience. Ms. Vile stated that the purpose of co-locating is to better serve the public, and for people or customers, it is a convenience. Ms. Wrenner added that there is a need to guard against "group think" and transparency is required, the need to avoid questionable behavior at the highest levels and not breach HR policy as happened several years ago. Greg Duggan explained that the boards will explain the changes to residents, and Ms. Wrenner asked who would checks and balances. Mr. Levy stated that operational adjacency and aligned programs are the potential positives, and thanked Ms. Vile and Mr. Luck.

Mr. Levy asked for questions from the audience. Jerry Fox stated that he sees nothing wrong with the process. Margaret Smith asked a question regarding daycare, and stated that

the parks and rec co-location looks like cohabitation from the outside, and like a merger. She said that voters said two years ago, “do not merge.” Ms. Smith further added the wading pool at the Essex Junction pool is a draw for her daughter and grandchild. Mr. Luck responded with the information that the day care program for infants and toddlers is equal access for all. Diane Clemens commented that the co-location is a brilliant idea, which has been a long time in coming, and that two departments collaborating face to face will benefit all residents.

**b) Review of Governance Change Options and next steps – Governance Subcommittee**

George Tyler welcomed and recognized Special Attorney Dan Richardson, and provided a brief synopsis of the subcommittees charge and activity. With Mr. Richardson’s assistance, options have been reviewed and presented for review and discussion. Mr. Tyler referred to the Report of the Subcommittee as a tool and reference. Mr. Tyler referenced two particular concerns, financial data and community involvement. Mr. Tyler noted that Dan Richardson is available to answer any legal questions.

Speaking for the committee to say that opinions on options were not included in the report so as to not influence public opinion, Mr. Tyler opened the discussion to questions.

Lori Houghton asked Mr. Richardson about creating a new board, and tackling financial issues incrementally. Mr. Richardson stated that policy issues can be addressed and developed in a master plan and charter changes. With regard to keeping ongoing obligations separate as the boards move forward in a merger, Mr. Richard stated that this is a possibility and would have to be laid out in a charter plan, or plain language plan.

Further questions included, such as whether it is possible to merge governance and not merge finances. Separate taxes could be assigned to a special district, with Waterbury as an example, according to Mr. Richardson. Several options were discussed with feasibility and possibilities reviewed with Mr. Richardson. Governance structures may be changed to suit the needs and good reasoning should be in place, however Mr. Richardson cautioned that need should be clearly demonstrated. Lengthy discussion ensued with Mr. Richardson reviewing how Montpelier looks at options. Mr. Richardson stated that the legislature has the final say and tends to have very conservative views. As a result, the legislative body would want to make sure that the government understands what benefit is rendered upon the community at large.

Mr. Tyler asked Mr. Richardson to explain situations with regard to a “strong” mayor, running the city or a “weak” mayor, and having a city manager. Mr. Richardson stated the downside of having a mayor is that it is a tough job, and oftentimes day to day duties are handed off to staff members who have experience with running municipal government.

Mr. Watts referenced White River Junction and what can be learned from their model. Mr. Richardson explained that Hartford’s Town Charter does call out the unincorporated villages, but he is not completely familiar with their structure as he has not represented them. Mr. Tyler asked that discussion be opened to next steps. Ms. Sopchak referenced the document or

memo she had written to the Board. She stated that the process is more important than past issues such as Thoughtful Growth in Action or the Firearms Ordinance project, which had paid facilitators. She also said a timeline is not necessary at this point. Ms. Sopchak requested that an RFP for a facilitator with expertise in community participation be considered for something of the magnitude of governance change. Mr. Watts mentioned that he is not crazy about going forward with the subcommittee, as he feels left out. While he said that Mr. Richardson is very helpful, Mr. Watts expressed concern about Open Meeting Law violations, with a simple cure be to announce the subcommittee meetings as Selectboard meetings, which would allow Mr. Watts to participate. Mr. Plageman stated that he believes there is no rush to judgment, and that coming back with a more polished version of the work of the subcommittee is the joint board's obligation. Andrew Brown addressed that options are flexible and some could be combined. Lori Houghton expressed concerns about taking time while time may be running out. Mr. Brown stated that his only urgency is the 2020 election and aligning the timeline would encourage more active participation. Mr. Levy offered that polishing the report may identify what towns or city/hamlets exist and pros and cons. Mr. Richardson said that reaching out to certain towns for advice may not result in any insights due to charter changes that may be decades old. Ms. Sopchak asked that no ranking or consolidation be considered by the subcommittee, to avoid influencing residents. Ms. Wrenner suggested that this discussion regarding governance be put off until after budget discussions, and Mr. Tyler agreed. Mr. Levy asked if the consensus was that the subcommittee continue with discussion and then the full board will decide on a future course of action.

Audience member Bruce Post discussed "Paradox of Choice," how too many choices confuse the public. Mr. Post added that the current situation is not as complicated as "Brexit" and having gone through this same situation in the past, questions these "contortions." He asked what the joint boards want, and added that he felt reaching out to other much smaller communities is not prudent. Mr. Post asked that the boards come up with 2 to 3 options and bring them to the public. Also, that the boards learn from past failures.

Iris Banks stated that people feel that adequate representation is required. While equal representation appears to be an afterthought, she felt that was the most important part.

Jerry Fox asked that if the Village decided to dissolve, would that be possible only if the state approved and the answer provided was yes, as this decision would require a charter change.

**c.) Determination of process to evaluate Unified Manager – Greg Duggan**

Mr. Duggan addressed the annual evaluation of Mr. Teich. Mr. Teich asked that at the evaluation he get a list of goals for the next year so that it would be possible to accomplish them in a timely fashion.

Mr. Plageman commented that staff gets the evaluation materials and it is now time for the boards to do their job. Mr. Watts stated that he is comfortable with a subcommittee continuing in the evaluation process. Mr. Brown stated that a central tenet of the boards is to evaluate the role of the appointed manager. Mr. Tyler explained that the Village has a

different “deal” in that the Village has a different charter and Trustees are allowed to talk to staff and department Heads. Mr. Teich said that he is comfortable with the boards reaching out to department heads and asking questions. Ms. Houghton offered that the Trustees can share with the Selectboard information and a list of questions to share in evaluating Mr. Teich. Mr. Duggan added that there is a \$3,000 bonus in Mr. Teich’s contract tied to his performance on specified goals. Mr. Teich asked for consistency, that the same set of people ask the 17 department heads questions and plan for a lot of time to get answers. Mr. Duggan asked that when the evaluation material is provided, an evaluation be planned for February. Mr. Teich asked for goals for 2019 as well, and Mr. Brown asked that Mr. Teich prepare a couple of goals for the boards to consider.

From the audience, Diane Clemens suggested looking at how the school district had handled evaluations.

**d.) Approval of Joint Budget Meeting Schedule**

Mr. Duggan asked that a Joint Board Meeting be scheduled for Joint Budget Review. Mr. Duggan noted that there are scheduling conflicts with the late request for such a meeting, but said the highway tax and Village Highway budget are big concepts that should be considered by both boards. When Mr. Levy questioned what would be the worst case if the joint budget meeting schedule cannot be arranged, Mr. Teich and Ms. Morrisseau mentioned several areas that will have repercussions in both budgets, including the Buildings Fund, Buildings Superintendent, Highway Tax, and percentages of which municipality pays for what. The boards discussed several dates for the budget meeting and determined the best option to be December 18<sup>th</sup> at 6:30 p.m. Location will be determined, and pizza and salad will be offered. Mr. Teich stated that although Mr. Watts will not be present, any questions or comments provided by Mr. Watts in advance will be considered.

**Memo from Greg Duggan and Tammy Getchell re: Approval of joint meeting minutes**

Moved from the Reading File: Mr. Duggan referred to the memo added at the beginning of the meeting, “Update to approval of joint minutes based on Town Charter.” Mr. Duggan said staff was trying to find a more accurate and efficient way to approve minutes of joint meetings, but noted that the Town Charter states that minutes must be approved at the next meeting of the Selectboard. Mr. Duggan reviewed several options detailed in the memo. Mr. Tyler offered that Mr. Richardson had indicated that the joint board meetings could have their own minutes rules, and recommended that this option be explored. Discussion topics included what harm might occur in breaking the charter, and several other options including the option approved by the boards.

**Selectboard member Irene Wrenner made a motion, seconded by Michael Plageman, to choose number 3: Approve joint minutes at the next Selectboard meeting. Bring the approved version to the next joint meeting for the Trustees to review and approve with any corrections; the Selectboard may choose to re-approve minutes based on any corrections from Trustees. Motion passed 5-0.**

**Trustee Andrew Brown made a motion, seconded by Lori Houghton, to choose number 3: Approve joint minutes at the next Selectboard meeting. Selectboard to bring the**

approved version to the next joint meeting for the Trustees to review and approve with any corrections; the Selectboard may choose to re-approve minutes based on any corrections from Trustees. Motion passed 4-0.

**e.) A Communications proposal for your consideration –Elaine Sopchak**

Regarding the memo provided to the joint boards and attached press release provided, Ms. Sopchak stated she thinks information should be shared with the public as soon as possible.

Mr. Watts had an objection and the joint boards agreed to strike the third-to-last paragraph which states, *“Unified Manager Evan Teich has participated in all the subcommittee’s meetings. The subcommittee did all the initial research, and our attorney advised them which options they came up with are feasible. Now it is up to the boards together to narrow down the list of governance scenarios to a much smaller number that the community can then come together to discuss.”* Mr. Watts stated that he spent all weekend reading charters and presented to the subcommittee for review. Mr. Watts added that he feels it should not be a sales pitch and very early in the press release should state that this is a public process, not a sales pitch.

After much discussion, the boards decided to have the press release edited by Ms. Sopchak and presented for review to members of both boards, and the joint board members, individually and prior to the next Selectboard meeting. Ms. Sopchak said that the community must be updated along the way, with more information provided following the next joint meeting.

**6. READING FILE**

Moved to Business Items.

**7. EXECUTIVE SESSION**

None.

**8. ADJOURN**

Selectboard member Irene Wrenner made a motion, seconded by Elaine Sopchak, to adjourn. Motion passed 5-0.

Village President George Tyler made a motion, seconded by Andrew Brown, to adjourn. Motion passed 4-0.

The meeting adjourned at 9:55 p.m.

Respectfully submitted:  
Rita Pozirekides

ESSEX SELECTBOARD/ESSEX JUNCTION TRUSTEES  
SPECIAL JOINT MEETING – 12/05/2018

277 Approved this 17 day of Dec, 2018  
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279 (See minutes of this date for corrections, if any).  
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281 Elaine Haney  
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283 Elaine Haney, Clerk, Selectboard  
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