

1 Selectboard and Trustee Subcommittee on Governance
2 November 14, 2018 Special Meeting Minutes
3 2 Lincoln Street, Essex Junction, VT

4
5 Subcommittee Members Present: Max Levy
6 Elaine Sopchak
7 George Tyler
8 Irene Wrenner

9
10 Staff Present: Greg Duggan
11 Lauren Morrisseau
12 Evan Teich

13
14 Guest: Attorney Dan Richardson (by phone)

15
16 Members of the Public Present: Barbara Higgins

17
18 1. CALL TO ORDER

19 George Tyler called the meeting to order at 6:30 p.m.

20
21 2. AGENDA ADDITIONS/CHANGES

22 3. APPROVE AGENDA

23 Max Levy moved that the Subcommittee start with item 5b so that Dan Richardson could
24 participate in the meeting before needing to depart. Irene Wrenner seconded and the motion
25 passed 4-0.

26
27 5. BUSINESS ITEMS

28
29 b. Review Dan Richardson's responses to legal questions

30 Regarding scenario A, Mr. Levy asked Mr. Richardson whether charter changes needed to be
31 handled at a special meeting, or if there could be a vote by the entire community. Mr.
32 Richardson answered that charter changes must be approved at either an annual meeting or a
33 special meeting. Mr. Levy asked whether the special meeting could be a day-long meeting
34 involving Australian ballot, and Mr. Richardson confirmed that this is allowable.

35
36 Regarding Mr. Richardson's answer to question C7, Mr. Levy asked why he felt that changes to
37 taxation should be handled as soon as possible. Mr. Richardson emphasized that there is power
38 in keeping the changes simple. It is important to keep each municipality's obligations clearly
39 separate. He also stated that the boards can retire debt and phase out other expenses over

40 time.

41

42 Mr. Levy pointed out that balancing out the tax burden between the two communities could
43 result in taxes for Town outside the Village residents increasing. He sought to clarify that
44 phasing in any tax increases would be legal. Mr. Richardson confirmed that a phased budget is
45 allowable.

46

47 Mr. Levy asked what kind of legal mechanism could be used to outline gradual changes in
48 taxation; for example, specific charter provisions or a memorandum of understanding. Mr.
49 Richardson said the boards could consider transition provisions in the charter for this purpose.

50

51 Mr. Tyler inquired about scenario D, specifically asking if it is legitimate to use an overlay district
52 for the purpose of holding certain Village services outside of the Town budget. Mr. Richardson
53 answered that this is allowable and common, and gave the example of water districts.

54

55 Mr. Tyler asked if an overlay district needs to have a specific reason to exist, for example, an
56 historic or water district. Mr. Richardson explained that to create a district, the services and
57 geographic areas to be covered must first be identified. Then the new district must be
58 designated as a successor to the existing governance structure. In the Village's case, the Board
59 of Trustees would begin by amending the Village charter to merge with the Town; create a
60 successor district; and list in the charter the powers necessary to run the new district. Once
61 these charter changes were approved by voters, the Village would transform from an
62 incorporated village to a special district. Its governing body would then focus only on the
63 specific services the amended charter allows it to effectuate.

64

65 Ms. Wrenner asked to return to scenario A. She told Mr. Richardson that Village residents often
66 get to vote twice—as Village residents and as Town residents—and she asked his advice on how
67 to handle the perception of double voting. She has been told that Town outside the Village
68 residents don't feel heard because of the way such votes are structured. Mr. Richardson
69 suggested that an informal mechanism could be established. He stated that while the Town
70 cannot ask Village voters not to vote in Town-wide ballots, the boards could say, for example,
71 that a particular vote should pass by a 2/3 majority in order to measure the perspective of the
72 Town outside the Village.

73

74 At this time Mr. Richardson departed the meeting.

75

76 2. AGENDA ADDITIONS/CHANGES

77 3. APPROVE AGENDA

78 At this time the Subcommittee returned to the regular order of the agenda. Mr. Tyler reviewed
79 additional documents provided to the group at the start of the meeting, including revised
80 financial information from Lauren Morrisseau; a new version of the general principles document

81 containing edits from Ms. Wrenner; and a draft flow chart from Mr. Tyler outlining potential
82 next steps. Copies of these handouts are attached and made an official part of these minutes.
83 Ms. Wrenner moved and Mr. Levy seconded these additions to the agenda.

84

85 4. PUBLIC TO BE HEARD

86 Barbara Higgins requested that the Subcommittee keep it simple regarding governance
87 changes.

88

89 5. BUSINESS ITEMS

90

91 a. Review and approve minutes of October 29 Governance Subcommittee meeting

92 Mr. Levy moved and Elaine Sopchak seconded the approval of the minutes. The minutes were
93 approved 3-0-1 (Ms. Wrenner abstained) with the following amendments:

- 94 • Line 63: add the word “sole” between “the” and “basis.”
- 95 • Line 140: Strike the sentence that begins with “Mr. Levy” and ends with “only.”
- 96 • Line 148: Strike the sentence that begins with “Mr. Tyler” and ends with “concerns.”

97

98 b. Review Dan Richardson’s responses to legal questions

99 The Subcommittee returned to this discussion. Mr. Levy suggested, based on Mr. Richardson’s
100 guidance that a single board cannot execute two different charters, that scenario C be dropped
101 from the list of possible governance scenarios. The members agreed.

102

103 Mr. Tyler reviewed his draft flow chart for suggested next steps in the governance process. The
104 Subcommittee discussed the extent of its charge and the expectations for what final product is
105 to be provided to both boards.

106

107 Elaine Sopchak stated that her understanding of the Subcommittee’s charge was to review as
108 many feasible governance scenarios as possible and to make recommendations to the full
109 boards for a smaller number of scenarios to consider. Mr. Tyler and Mr. Levy agreed to that
110 interpretation of the charge of the Subcommittee. Ms. Wrenner felt the Subcommittee should
111 not make any decisions on recommendations because there are no Town Outside the Village
112 representatives on the Subcommittee. Mr. Levy, Ms. Sopchak, and Mr. Tyler disagreed with this
113 statement. The Subcommittee decided instead to provide both boards with the full list of
114 feasible governance scenarios researched, prioritized by the Subcommittee members.

115

116 A lengthy discussion ensued regarding representation and public participation. Ms. Wrenner
117 provided examples of several large governance proposals in the past, for which the public
118 offered significant amounts and degrees of input that was not incorporated by the board(s). Mr.

119 Tyler reminded the group that the Subcommittee’s purpose was to do the research and bring
120 findings back to the full boards for further deliberation, and that involving the public in the
121 process at that point would be the next logical step. Ms. Sopchak emphasized that while past
122 efforts at governance change have been contentious and unsatisfactory in terms of public
123 participation, this Subcommittee and the current full boards are in the position to work
124 together to change past practice and ensure a robust and representative public participation
125 process.

126

127 The Subcommittee then discussed how to prioritize the governance scenarios in terms of which
128 ones would most benefit the community. They first discussed services. Using a list of services
129 the Town and Village both use generated by staff, they sought to determine whether either
130 municipality needed a service that the other did not. A copy of that list is attached and made an
131 official part of these minutes. After discussing the list, the Subcommittee determined that the
132 Town and the Village both use and need the same services. Ms. Sopchak pointed out that the
133 difference in population between the TIV and TOV (based on 2017 US Census information) is
134 only 137 people. In terms of size and services required, she posited that the TIV and TOV are
135 virtually identical.

136

137 The Subcommittee then reviewed the list of goals for all governance scenarios it established at
138 the first meeting and added four more (these are marked with an *). The complete list of goals
139 any chosen governance scenario in a consolidated environment must achieve or help achieve is
140 (in alphabetical order):

- 141 • Better integrated planning
- 142 • Better relations
- 143 • Better transparency
- 144 • Diversify tax base*
- 145 • Economic and overall sustainability*
- 146 • Eliminate duplication
- 147 • Equal representation
- 148 • Eventual single tax rate
- 149 • Improves communication
- 150 • Maintain a high level of service
- 151 • Maintain Heart & Soul values
- 152 • Maintain public safety
- 153 • Makes public participation easier*
- 154 • Makes voting easier*
- 155 • Preserve identity

- 156 • Speaking with one voice, and having a seat at the table in relevant issues and bodies
- 157 • Tax equity

158

159 Ms. Sopchak volunteered to create a ranking tool that would allow each Subcommittee member
160 to rank each scenario based on these criteria. She will create the ranking tool and forward it to
161 members for their completion by Wednesday, November 21st midday. She will compile the
162 results and provide them to the Subcommittee for their analysis at the next meeting.

163

164 Ms. Wrenner asked to revisit scenario A. She modified the description to streamline this
165 scenario, no longer anticipating three separate entities with three individual charters. Ms.
166 Sopchak asked her to type up her revisions to scenario A in order to revise it accurately.

167

168 The Subcommittee chose its next meeting date: Wednesday, November 28th at 6:30 pm. Mr.
169 Duggan will secure a location. Mr. Tyler will create the agenda, tentatively to include a review of
170 the ranking results, prioritization of scenarios, and discussion of the final report. Ms. Sopchak
171 will create the meeting packet. Mr. Teich agreed to have Mr. Richardson on call should there be
172 questions at the meeting. He confirmed that Mr. Richardson is scheduled to attend the
173 December 5th joint meeting.

174

175 Ms. Morrisseau briefly reviewed the revised financial information she provided. Updates
176 consisted primarily of edits to column headings.

177

178 Ms. Wrenner moved to adjourn and Mr. Levy seconded. The meeting adjourned at 8:27 pm.

179

180 Submitted by Elaine Haney Sopchak, Subcommittee Secretary