

1 Selectboard and Trustee Subcommittee on Governance
2 November 28, 2018 Special Meeting Minutes
3 81 Main 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 Evan Teich
12

13 Guest: Attorney Dan Richardson
14

15 Members of the Public Present: Iris Banks
16 Margaret Smith
17

18 1. CALL TO ORDER

19 George Tyler called the meeting to order at 6:37 p.m.
20

21 2. AGENDA ADDITIONS/CHANGES

22 3. APPROVE AGENDA

23 Irene Wrenner handed out corrections to the minutes. She moved to approve this addition to
24 the agenda. Max Levy seconded and the motion passed 4-0.
25

26 4. PUBLIC TO BE HEARD

27 There were no comments from the public.
28

29 5. BUSINESS ITEMS
30

31 a. Review and approve minutes of November 19, 2018 Subcommittee meeting

32 Ms. Wrenner moved and Mr. Levy seconded to approve the minutes with the following
33 amendments. The minutes were approved 4-0.

- 34 • Line 67: Remove “expressed concern” and replace with “has been told.”
- 35 • Line 68: Remove “voices were not being” and replace with “don’t feel.” Add “because
36 of the way such votes are structured” after “heard.”
- 37 • Line 109: Remove “objected to this interpretation.”
- 38 • Line 110: Remove “because she.” Change “could” to “should.”

- 39 • Line 111: Remove “in her opinion.” Capitalize “Outside.” Add “-only” after “Village.”
40 Change “residents” to “representatives. Add “Mr. Levy, Ms. Sopchak, and Mr. Tyler
41 disagreed with this statement.” after this sentence.
- 42 • Line 114: Remove “maintained that past history has shown that the two boards have
43 difficulty properly including the public in its discussions and determinations regarding
44 governance.” and replace with “provided several examples of large governance
45 proposals in the past, for which the public offered significant amounts and degrees of
46 input that was not incorporated by the board(s).”
- 47 • Line 127: Add “generated by staff” after the word “used.” Remove “offered or used”
48 and replace with “needed.”
- 49 • Line 131: Remove “two” and replace with “TIV and TOV.”
- 50 • Line 132: Add “she posited that” after “required,” and replace “Town and Village” with
51 “TOV and TIV.”
- 52 • Line 136: Add “in a consolidated environment” after the word “scenario.”
- 53 • Line 143: Remove “(in a consolidated environment).”
- 54 • Line 151: Remove “(in a consolidated environment).”
- 55 • Line 160: Remove “she no longer felt that” and replace with “modified the description
56 to streamline.” Replace “required” with “, no longer anticipating.”
- 57 • Line 172: Replace “of” with “to.”

58

59 b. Discuss new or unresolved legal issues with Dan Richardson

60 Mr. Tyler asked Dan Richardson how having a mayor differed from the current council-manager
61 form of government. Mr. Richardson answered that the major difference is whether the mayor
62 is weak or strong. A weak mayor model is very similar to the council-manager model. A strong
63 mayor model creates an executive branch. The strong mayor is the chair of the board, can
64 break ties, and has veto power, which can be overridden by a supermajority (although veto
65 powers can be more narrowly defined). Mr. Richardson also stated that a city can be divided
66 into districts for proportional representation, with city councilors being representatives of the
67 districts and the mayor being the only official elected at-large.

68

69 Mr. Tyler inquired why a municipality would want to consider becoming a city. Mr. Richardson
70 replied it is often due to size. A larger municipality sometimes has more sophisticated needs
71 and therefore needs a corresponding form of government. He pointed out that a city does not
72 have to have a mayor, and cited South Burlington as an example. He stated that when there is a
73 mayor and city council, the mayor serves as chair of the council, and the council elects a vice
74 chair from amongst the council membership.

75

76 Elaine Sopchak asked whether the mayor of a city must be elected by the citizens, or could be
77 elected by the council. Mr. Richardson answered that a mayor must be elected by citizens. She
78 then asked if a city could have special districts, and Mr. Richardson responded yes. Evan Teich
79 asked if such a special district would have its own board. Mr. Richardson responded that yes,
80 the district could have an appointed board, or the members of that board could be elected by
81 the district residents via special ballot (which would not require a separate annual meeting).

82

83 Mr. Levy asked whether a transitional provision in a charter could take the place of a special
84 district. Mr. Richardson confirmed this could happen, and that the provision could sunset.

85

86 Mr. Tyler asked whether the Brownell Library and EJRP could form a special cultural district. Mr.
87 Richardson said this is possible, and the district would have its own governing board. Mr. Levy
88 asked whether there could be a transitional provision to slowly incorporate the cost of the
89 Brownell and EJRP into the Town budget. Mr. Richardson replied he would have to research
90 that. Mr. Richardson stated that there could be a provision that requires merger within a
91 specified timeframe, at which point those departments either must merge into the Town or
92 remain separate.

93

94 Greg Duggan asked whether a special district, with its separate board, would have to administer
95 its own, separate staff (including HR, benefits, etc). Mr. Richardson replied that those needs of
96 a special district can piggyback onto the larger municipal entity, often through a management
97 agreement. He said there is no reason why a special district could not share administrative
98 services. The special district would also prepare and administer its own budget, but that budget
99 would go to the board of the larger municipality for approval and would be included in the
100 budget that goes to the voters.

101

102 Mr. Teich asked whether a member of the special district board could also be a member of the
103 board of the larger municipality. Mr. Richardson stated he would have to research whether a
104 non-elected member of the larger board would be allowed to cast votes. Mr. Teich asked
105 whether the professional staff of the larger community could be specified in the charter, and
106 Mr. Richardson answered yes. Mr. Richardson cautioned that there must also be room and
107 flexibility for growth and to account for the unknown.

108

109 Mr. Levy asked whether there is a need for special districts if the service requirements
110 community-wide are identical. Mr. Richardson answered no, there would not be a need for
111 special districts if that is the case. Ms. Sopchak asked to clarify language by referring to
112 "districts" as service-related divisions, and "wards" as voting-related divisions.

113

114 Mr. Teich observed that different areas of the Town and Village require different levels of
115 service—for example, sewer, plowing, fire, and police—and these areas are very different in
116 density, and wondered whether these differences impacted the discussion. Mr. Richardson
117 agreed that such differences exist but reminded the group that they are already currently
118 addressed, and there is no need to change those levels of service unless one of the areas
119 develops a need through growth or needed upgrades. He stated that a density balance can also
120 be met because Village density allows for absorption of growth that in turn allows the more
121 rural areas of the Town to remain less dense. He stated that in rare cases a portion of a
122 municipality could petition the legislature to have its boundaries be redrawn to become part of
123 a neighboring municipality that is more similar.

124
125 Ms. Wrenner stated that even though the need for services among districts could be the same,
126 there are stark differences in philosophy regarding the levels of service being used. She cited
127 the libraries as an example. Mr. Richardson suggested a way to address this would be to
128 consider having one library board for all Town library services. He suggested unifying both
129 libraries, unifying both rec departments, and having a single board, as having multiple boards
130 can sometimes hobble future growth.

131
132 Mr. Duggan inquired whether unified municipal districts are the same as special districts. Mr.
133 Richardson answered that union municipal districts are agreements between two or more
134 municipalities, while special districts exist within one municipality.

135
136 Ms. Wrenner asked whether residents could vote on different parts of the same budget. Mr.
137 Richardson said he would have to research that. She then inquired if a selectboard can have
138 wards. Mr. Richardson answered that selectboard members are elected at-large, while city
139 councils can have wards.

140
141 Mr. Levy asked to review the ideas of strong versus weak mayor models. Mr. Richardson said a
142 strong mayor model creates an executive branch with a mayor and a manager. A weak mayor
143 model is a slightly stronger version of a selectboard, with a city council in which the mayor has
144 veto power. He said the modern trend is for a council-manager form of government while a
145 mayoral form is from an older time. He stated that Burlington and Rutland have strong mayors,
146 while other Vermont cities use a weak mayor model. Mr. Tyler observed that a mayor can also
147 serve as the voice of economic development and other initiatives.

148
149 At this time the Subcommittee recessed for a brief break at 8:10 and reconvened at 8:15 PM.

150
151 c. Review and revise draft Subcommittee report

152 Mr. Richardson offered to assist the Subcommittee in revising its draft report for the joint
153 boards. The group discussed each aspect of the report and made revisions. They agreed that
154 the appendices of the report would be the financial data provided by staff at previous
155 meetings; the flow chart of the process drafted by Mr. Tyler; and the results of the ranking
156 survey completed by Subcommittee members. When the revisions were completed Mr. Duggan
157 stated he will prepare the report for inclusion in the packets for the joint board meeting on
158 December 5th.

159

160 Mr. Tyler suggested that the report not contain a timeline, and he will suggest to the joint
161 boards that the Subcommittee continue working with the end goal being to create a final
162 document of choices to go to every household in the community for future discussion and
163 feedback.

164

165 6. ADJOURN

166

167 Ms. Wrenner moved to adjourn and Mr. Levy seconded. The meeting adjourned at 9:40 PM.

168

169 Submitted by Elaine Haney Sopchak, Subcommittee Secretary