

**ESSEX JUNCTION TRUSTEES & ESSEX SELECTBOARD SUBCOMMITTEE ON
GOVERNANCE**

SPECIAL MEETING AGENDA

Monday, October 29, 2018

2 Lincoln St. (Lincoln Hall)

Essex Junction, VT 04542

8:30 AM

1. CALL TO ORDER

2. AGENDA ADDITIONS/CHANGES

3. APPROVE AGENDA

4. PUBLIC TO BE HEARD

5. BUSINESS

- a. Review, amend, approve minutes of September 19, 2018
- b. Review Financial and Taxation Numbers for the Town and Village (*Added at the meeting*)
- c. Consideration of Additional Questions for Dan Richardson
- d. Review and Prepare Governance Scenario Questions for Dan Richardson
- e. Schedule Next Meeting and Discuss Progress Report for Next Joint Board Meeting

6. ADJOURN

1 Select Board and Trustee Subcommittee on Governance
2 September 19, 2018 Special Meeting Minutes
3 81 Main Street, Essex Junction, VT
4

5 Committee Members Present: Elaine Sopchak
6 George Tyler
7 Irene Wrenner
8

9 Absent: Max Levy
10

11 Staff Present: Greg Duggan
12 Lauren Morrisseau
13 Evan Teich (joined the meeting at 4:40 p.m.)
14

15 1. CALL TO ORDER

16 George Tyler called the meeting to order at 4:00 p.m.
17

18 2. AGENDA ADDITIONS/CHANGES

19 3. APPROVE AGENDA

20 There were no agenda additions.
21

22 4. PUBLIC TO BE HEARD

23 There were no members of the public present.
24

25 5. BUSINESS ITEMS
26

27 a. Review, amend, approve minutes of July 12, 2018

28 George Tyler moved and Elaine Sopchak seconded the approval of the minutes. The minutes
29 were approved 3-0 with the following amendment:
30

31 Line 72: Scenario A is amended to add the following bullet:

- 32 • Goal: to conduct all Town, Village, and Town Outside the Village business at regular
33 Select Board meetings, à la RPC.
34

35 b. Request by Trustee Lori Houghton to add "Separation of Town and Village" to the list of
36 possible governance scenarios to explore

37 Trustee Houghton requested this addition via email. Ms. Wrenner would like to hear Ms.
38 Houghton's reasoning for this request. Mr. Tyler informed the committee that Mr. Levy

39 expressed to him via email that he did not support this addition. Mr. Tyler referred to line 40 of
40 the July 12th minutes, which states that “All options are on the table” for this discussion. Mr.
41 Duggan recommended it be included so that it can be said this committee explored all options.
42 After some discussion the committee agreed the addition could be further explored at the next
43 joint board meeting.

44
45 Ms. Wrenner asked to receive a copy of the results of a survey taken by the Village at the 2017
46 Village Annual Meeting.

47
48 Mr. Tyler moved and Ms. Sopchak seconded to add “Separation of Town and Village” to the list
49 of possible governance scenarios. Ms. Wrenner stated she would also like Ms. Houghton to
50 explain what she means by the word “Town.” The motion was approved 3-0.

51
52 The committee discussed other possible additions to the list of scenarios. Ms. Sopchak
53 requested that consideration of representative town meeting be included. Ms. Wrenner
54 suggested adding that any advisory boards recommended and formed must be fully
55 representative of the entire population. Mr. Tyler asked to add the following question to
56 scenario D: “How does an overlay district differ from an incorporated village?” The committee
57 agreed that Ms. Sopchak would edit the document “Potential Governance Options” to include
58 these additions, as well as additional questions from committee members.

59
60 Mr. Tyler moved and Ms. Wrenner seconded the above amendments. The motion was
61 approved 3-0.

62
63 c. Request by George Tyler to have staff perform financial analysis of Town/Village
64 revenues and analysis of Chittenden County Regional Planning Commission funding and
65 support resources

66
67 The committee discussed the detail of analysis needed with Mr. Teich, Ms. Morrisseau, and Mr.
68 Duggan, as well as a timeline. The committee and staff agreed to the following:

- 69 • Ms. Morrisseau will provide dollar information at the department level.
- 70 • Ms. Sopchak will inquire with the state’s Community Planning & Revitalization
71 department about potential impact to Village designations.
- 72 • The committee authorized staff to work with various people to obtain the necessary
73 information, including public works director Dennis Lutz, Village community
74 development director Robin Pierce, and Town CCRPC representative Jeff Carr.
- 75 • The committee will report to both boards at the next joint meeting what data is being
76 collected.

- 77 • Mr. Teich recommended providing a 10-year range of data. Ms. Wrenner requested
78 snapshots for 2006 and 2018.
- 79 • Ms. Wrenner asked for data on the percentage of the Town capital fund that comes
80 from the general fund.
- 81 • Ms. Morrisseau will have answers to the first several questions by the next committee
82 meeting.
- 83 • Mr. Teich will ask the assessor's office to provide grand list data separated by residential
84 and commercial.
- 85 • Ms. Wrenner requested specific dollar amounts spent by both the Village and the Town
86 for the ladder truck.
- 87 • Mr. Teich will authorize overtime for staff as needed to compile the information.
88

89 d. Consider hiring attorney Dan Richardson of the lawfirm of Tarrant, Gilles, & Richardson
90 to provide ongoing legal counsel and support on questions about governance

91 Mr. Tyler explained that when the Village recently reviewed bids for a new Village Attorney, Mr.
92 Richardson was a finalist but was not chosen. But both he and the staff that interviewed Mr.
93 Richardson thought he would be highly qualified to assist both boards in the governance
94 discussion.

95

96 The committee agreed it should recommend that both boards jointly retain Mr. Richardson as
97 special counsel for this project. He would have access to the members of this committee, as
98 well as Mr. Teich, Mr. Duggan, and Ms. Morrisseau. The committee asked Mr. Duggan to inform
99 Mr. Richardson that his representation would be discussed by both boards and to invite him to
100 the October 11th joint meeting. Mr. Duggan will share with Mr. Richardson the materials the
101 committee has generated thus far, and will inform him that the retainer period will likely be 1-2
102 years. Mr. Duggan will also inform both the Town and Village attorneys of the boards' decision.
103

104 Ms. Sopchak moved that the committee recommend to both boards that they jointly retain Mr.
105 Richardson as special counsel for this project. Ms. Wrenner seconded. The motion was
106 approved 3-0.

107

108 e. Next steps

109 The committee will schedule its next meeting for late October.

110

111 Mr. Tyler, at the request of Mr. Levy, informed the committee about Select Board member
112 Andy Watts' concerns regarding warnings of the committee's meetings. He shared the Town
113 attorney's opinion that there is no issue, as well as his recommendation that future reporting of

114 the committee's activities to the Town Select Board be provided by either Mr. Levy or Ms.
115 Wrenner.

116

117 6. ADJOURN

118 Ms. Wrenner moved to adjourn and Mr. Tyler seconded. The meeting adjourned at 5:46 p.m.

Additional Questions to Consider Sending to Dan Richardson

Questions About Subcommittee Process and Structure:

Background – *One Village/Town elected official serves on the Essex Junction Trustees and the Essex Selectboard. The Trustees appointed her to represent them on the Joint Governance Subcommittee along with another member of the Trustees. The Selectboard appointed two other of its members. Concerns have been raised that when the Subcommittee meets it is essentially no different than a Selectboard meeting because there is a quorum of selectment present, even though one of them is representing the Trustees, and must therefore be warned as a ‘Selectboard’ meeting and not a meeting of a Selectboard subcommittee. The Trustees have no concerns about this arrangement and believe their interests are fairly represented.*

Question 1 – Should a Governance Subcommittee meeting, composed of members described above, be considered a regular Selectboard meeting?

Question 2 – Hypothetically, if a 5-member elected board appoints 3 of its members to a limited-purpose, fact finding subcommittee with no decision making authority, is a meeting of that subcommittee the same as a meeting of the full elected board?

From Trustee Lori Houghton:

As we all know we have been discussing merger/consolidation options for many years. I firmly believe that with the remaining departments to be merged, we must now first determine a representative governance body. I’m hopeful that the work of the subcommittee and our boards can find a path forward. However, should we fail to endorse a governance solution, I expect that our merger conversation will continue. But with that merger conversation, as a representative of the Village of Essex Junction, I believe we must understand how the Village of Essex Junction could separate from the Town of Essex. Only with the addition of this information would the Village of Essex Junction residents and the Town outside the village residents have a full understanding of all their options when determining how to move forward. Some questions to be answered:

Question 1 – Who votes on separation? Village of Essex Junction residents only?
Both Village and Town outside the village residents?

Question 2 – What role does the State Legislature play?

Question 3 – What services would the Village of Essex Junction need to contract for?

Question 4 – How would separation affect the tax rates of both entities

Potential Governance Options

Scenario A:

- Retain the Village Board of Trustees as long as there are Village-specific needs (5 members).
- Create an equivalent Town-outside-the-Village (TOV) entity for TOV-specific needs (5 members).
- Also maintain and expand existing Town Selectboard (SB) to include the membership of both the above boards, so that the SB has 10 members.
- This model would entail 3 separate charters, one for each board.

1) What would be the legal process needed (to update our current town charter) in order to allow the current SB to expand from 5 to 10-members -- including having Village Trustees (so long as there is a Village Charter in force) to populate the 5 TIV seats and electing 5 TOV residents to populate the 5 TOV seats? (IW)

In a town with an incorporated village, is it legal for the area not inside the village to form its own governing body, similar to the village's, to make decisions for that area, separately from decisions made by the town governing body? (ES)

- Can a committee-of-the-whole model apply to a town with an incorporated village?
- Are there decisions made by a town governing body that do not apply to its incorporated village?
- If this model were valid, what changes would be made to taxation? If there were a separate TOV entity making decisions on TOV related issues, would there by necessity need to be TIV representation on that board, since TIV residents also pay for the things the TOV entity would be making decisions on?

Scenario B:

- Dissolve both Village and Town charters, and write a new, single charter for one community.
- Form a new board of 5 to 7 members, all elected at-large.

- Create a Rural Essex advisory board and a Village advisory board, the members of which would be appointed by the elected board.

Are there examples of communities in VT that have advisory boards like this? (ES)

What is the recommended process for writing a new charter? (ES)

Scenario C:

- Create a single, consolidated board but maintain 2 charters.
- Each charter adopts the same amendment to allow this to happen.

I would still like to know if it's legally feasible to have a single elected body execute two charters. I'm curious about this because maintaining two charters might be a basis for creating separate taxing districts which could provide a mechanism for equalizing tax rates without a dramatic tax increase for Essex outside the village. It might also obviate needing to select a new place name, which has been a hurdle in the past for a variety of reasons. There might be other advantages as well. (GT)

Can a town board merge itself with the governing board of its village? Can each board amend its charter to allow both boards to merge into one governing body? (ES)

- Is it legal for the former members of the town board to make decisions regarding village business, and vice versa?
- If these two boards merge, how would taxation of the village be affected? Village residents would no longer have representation by a board that makes spending decisions solely on their behalf. Would taxation have to be adjusted at the same time as the joining of the boards, or could the adjustment proceed at the slower pace anticipated?
- If these two boards merge, what would be their process for acquiring debt? How would the two communities bond?

Scenario D:

- Consider overlay districts, and whether they apply outside of the realm of planning.

2) Assuming we'd need an overlay district to allow proper voting for the latter, how would TOV residents set one up (with their own Trustee Board similar to the Village's) -- including: petition wording, number of signatures, who would be allowed to vote (TOV only or TIV also), sample charter?, for example, (IW)

3) If the TOV were an overlay district, which unconsolidated depts and budgets would it be fair for its new Trustee Board to take on policymaking and budgeting for -- including anticipated budgetary effects? That is, if the Essex Free Library were so designated, for example, its entire budget might be covered by TOV taxpayers only, and the entire Brownell Library budget might be covered by TIV taxpayers. No library expenses would appear in the Town budget, unless and until the libraries merged in a way that put the control of both under the 10-member Town SB. (IW)

I'd also like to know more about 'overlay districts.' Town staff often refer to the Village as an overlay district (we in the Village know better!). It isn't. The Village has the same legal, jurisdictional authority as any other VT municipality. But Vermont planning statues do allow 'overlay districts,' which are designated sub-units within towns established for zoning or development restrictions, which can include preserving historic character. Whether this sort of thing might be applicable to our situation will likely require substantial research, but, again, why go there if most of us don't think it's a worthwhile question to investigate. (GT)

Scenario E:

- Create a single board of 7 to 9 members.
- Create two voting districts: Village and TOV.
- Elect 3 members from the Village, 3 members from TOV, and 3 at-large.

Scenario F:

- Dissolve the Village charter, keep Town charter.
- Adjust Town Selectboard membership based on geography.

Scenario G:

- Dissolve the Village charter, keep Town charter.
- Maintain 5 member, at-large Selectboard.

Scenario H:

- Form a city with a mayor and city council.

Scenario I:

- Maintain two charters, the Village BOT, and the Town SB.
- Complete current consolidation efforts but do not consolidate any further.

Other questions not related to a particular scenario:

Would Lauren be able to update the Tax Rate History chart (which currently ends at 2007) before she retires? It gives a picture of the tax inequities (and more) over time that we are trying to remedy. (IW)

What is the legal or logical precedent / justification for TOV (only) residents paying a sizable

highway tax since at least 1951 without TOV (only) representation? (IW)

What is the general legal or logical precedent / justification for states / populations having equivalent representation at the state and federal legislative levels? (IW)

We understand that inter-municipal agreements are allowed by state law. The Town and Village are not two separate municipalities, however, as Jericho and Colchester are. The Village is both its own municipality as well as a part of the entire Town. What state law, if any, allows inter-municipal agreements that are, at the same time, intra-municipal agreements? (IW)

Much has been made of the ability of Village residents (who happen to be Trustees) to sit at the board table and discuss the future of the Town government, while the very idea of TOV residents sitting at that same board table has been rejected. Under the Town Charter, who (if anyone) has the legal right to formulate Town policy alongside Selectmen? (IW)

What statute, if any, suggests that uneven numbers of board seats are preferable to even numbered ones? (IW)

What statute, if any, encourages elected at-large seats in any governing body over elected ward (or district) representation?' (IW)

I remain very concerned about the Essex community (town and village) losing a seat on the CCRPC. Having two seats puts us in a fairly advantageous position which I think is appropriate given the traffic burden we're coping with and our rapid growth in population. Other Chittenden communities probably don't see it that way. I'm specifically concerned about losing a significant portion of the revenue that CCRPC disperses every year. (GT)

What would happen to the town's and village's representation on regional governing boards if the two boards were to merge into one? (ES)

- We already have one representative for both municipalities on at least two boards--CSWD, Channel 17--and have retained 2 votes on each board. Would the village lose its representation if both boards merged?
- Would funding received from bodies like CCRPC be reduced to reflect one municipality? Would village funding be rolled into town funding?

What are the ways that other Vermont towns have used to merge? (ES)

If the two boards merged, would there still be an annual meeting for each municipality? (ES)

Would there be any impact on municipal committees like planning commissions if the two boards merged? (ES)

Questions from Selectman Andy Watts:

Title 24, Chapter 39, section 1302 of Vermont statute allows for the alteration of Incorporated Village boundaries. While the Chapter includes details regarding annexation of additional territory, there is no explicit procedure for removing territory from an Incorporated Village. Is there such a process? Can the residents/owners of property within an Incorporated Village boundary petition to leave the Incorporated Village? Regarding annexation, can residents/owners outside of the boundary petition to join an Incorporated Village? Or does such an annexation petition need to be originated by/within the Incorporated Village? (I understand that there are significant details regarding taxation, infrastructure maintenance, etc., that would also need to be worked out. My question is specifically about processes related to alteration of Incorporated Village boundaries).

Title 24, Chapter 49, Section 1483 of Vermont statute states that a plan of merger can include provisions where specific areas or groups of voters have access to special services not available to all areas/voters and that such services would be paid for only by those with access to them. There is no reference to specific representation requirements for those areas/voters that receive those services. Is it correct to assume that statute does not require unique representation but that the merging entities could stipulate such representation within the plan of merger?

Title 24, Chapter 87, section 3252 allows for “special assessments” for public improvements that benefit a limited area of a municipality. Could special assessments be used generally to separate Village projects from TOV projects after merger or are special assessments specific to those types of projects listed in the Chapter? It appears that a vote would be required by the entire Town to approve a special assessment that affected a smaller area of the Town. Is this correct? Do all Town voters have to approve a special assessment that affects only one neighborhood?

From: Andy Watts
Sent: Sunday, July 15, 2018 8:43 PM
To: Travis Sabataseo <tsabataseo@ESSEX.ORG>
Cc: Evan Teich <eteich@essex.org>
Subject: Additional Governance comments/questions

Hi Travis,

I read through all of the Municipal Charters in Vermont Statute. I am not an expert in this area. Below are some observations and questions.

There are nine City charters which vary from 3 Aldermen to 12 City Counselors. 4 have districts/wards, 5 have at large representation.

There are 48 Town charters, thirteen of which include provisions related to merger with a Village.

Several re-iterated Title 24, Chapter 49, Section 1483 stating the right to have a special services area of Town where only residents in that area receive and pay for services available only to them.

Some seem to explicitly give these areas voting rights related to those special services.

Some seem to explicitly state a requirement for separate accounting for those special services.

Several specified bond debt to be paid by taxpayers of the former Village.

Three allowed all or some Trustees to remain as separate Board or part of Selectboard until next Town Meeting.

One required all Selectboard members to resign with full new board elected.

One requires a super-majority (75%) to make any changes to former Village services.

One established a Downtown District and Commission.

No Towns established wards (except Brattleboro for Representative Town Meeting).

All Selectboard members for all Towns elected at large.

QUESTION FOR SELECTBOARD GOVERNANCE COMMITTEE (and George): Many Town charters that included provisions related to merger with a Village also had sections that were empty except this exact phrase "[Transitional provisions]." My question is whether those sections were empty from the start or whether they were deleted after Merger was completed. I'd like to understand if there were other provisions that do not appear in current statute.

QUESTION FOR SELECTBOARD GOVERNANCE COMMITTEE (and George): If a Town chooses to exercise its right to have a special service area, is it implied that those benefiting from access to those services have voting rights related to those services or does a charter need to explicitly state that right? Similarly, does the right to establish a special service area within a Town only come from merger with a former Village (Title 24, Chapter 49 is explicitly about Mergers) or can a Town establish a special service area without that area having been a former Village? That is, can a TOV area ask to have a special service area established outside of a former Village?

Most Towns in Vermont have 3 Selectboard members all with 3-year terms. This is the default in Vermont Statute. Vermont Statute also allows 2 additional members if a Town votes to add them. These additional two members must have either 1-year or 2-year terms (they both have the same term length).

Seven Towns have 5 members with 3-year terms (including Essex).
Seven Towns have 5 members with 3 having 3-year terms and 2 having 2-year terms.
Seven Towns have 5 members with 3 having 3-year terms and 2 having 1-year terms.

Two Towns have 7 members, one of which has 3-year terms for all members and the other has 4 members with 3-year terms and 3 members with 2-year terms.

Best regards,
Andy Watts

Andy Watts

Sun 7/22, 9:55 AM

It occurred to me after the meeting that I should have included the list of 13 Towns with merger provisions in their charter.

Bradford
Bristol
Cavendish
Chester
Hardwick
Hartford
Milton
Plainfield
Readsboro
Richford
Richmond
St Johnsbury
Stowe

The City of Newport and has merger provisions in their charter.

Best regards,
Andy Watts

From: Andy Watts
Sent: Sunday, October 14, 2018 12:06 PM
To: Evan Teich; Gregory Duggan
Cc: Max Levy
Subject: RE: SB Homework

Hi Greg,

Here is my initial note with governance questions.

Copied from the attached email from May 9 (before we established the so-called subcommittee)

[Things we need expert help on:](#)

[Vermont Library Governance](#)

[Representation \(wards/districts or can single board manage more than one budget?\). If only one board, are there options for establishing quorum that address representation concerns?](#)

[How do we handle Assets \(would this need to pass both Village and Town \[Village to agree to transfer, Town to agree to accept?\]\)](#)

I've already answered the Library governance question myself.

Best regards,
Andy Watts

From: Andy Watts
Sent: Wednesday, May 9, 2018 10:26:44 PM
To: Evan Teich; Gregory Duggan
Cc: Max Levy
Subject: SB Homework

(NOTE FROM GEORGE TYLER: I deleted text regarding goals for Evan from this section)

Trustee/Selectboard/Staff work plans:

I believe the Boards need to consider whether the \$3.4M that needs to be raised to run the Village can be absorbed in the Town budget. I am thinking that it can't and that we need to discuss how to deal with that very soon as/if we move forward. I believe that we can shift some of it but I struggle with the whole amount.

I think we should ask the Library Boards to seriously consider whether combining would be in the best interest of the Town. Are there incremental steps that can be taken to lower overall costs? I think we need to re-open TGIA discussions and have a frank discussion about development centers. I think the Rec consolidation plan that was under development during the UMD discussions should be re-opened and steps should be taken if it makes sense to do so. I believe we should consider all "shared" costs and shift what we can to the Town budget so that Village residents aren't paying twice. I believe that we should continue with the proposed staff alignment plan to remove impediments to completing

consolidation of departments and to avoid the need to have separate Town/Village contracts and practices. In parallel with this, we need to seriously consider whether there are things we want to stop doing and we need to discuss whether there are things that current Village residents will not want to give up and that outside the Village residents will not want to pay for.

As we move toward this point, we need to investigate governance options. If we get to an impasse on services and costs, we will likely need to retain (or expand) appropriate representation.

Things we need expert help on:

Vermont Library Governance

Representation (wards/districts or can single board manage more than one budget?). If only one board, are there options for establishing quorum that address representation concerns?

How do we handle Assets (would this need to pass both Village and Town [Village to agree to transfer, Town to agree to accept?])

I am not crazy about sub-committees. I do not want to add even more meetings. Changes in Governance are supposed to take a long time and I think we need to continue to work together rather than splinter up. I worry that dividing into sub-committees would be difficult given concerns expressed about representation. With only three of us living outside the Village, any sub-committee we form may not be perceived as balanced.

Best regards,
Andy Watts

From: Andy Watts
Sent: Sunday, October 14, 2018 4:11 PM
To: Evan Teich; Gregory Duggan
Subject: AWatts Governance comments/questions 10/14/18

Hi Evan and Greg,

Here are my discussion points that I had hoped to bring up at the Joint Meeting last week. PLEASE let me know if any clarification is needed. I really wish this could have been a conversation instead of an essay.

Scenario A: This looks to me like the formation of a new Village within the Town which is certainly allowed (VSA 24, Chapter 39 (1301)). Based on my reading of this statute and others, it seems to me that the formation of a Village and its by-laws and representation are up to the residents of the new Village. The Town Selectboard can certainly negotiate with the new Village Board of Trustees, but it is not within the SB purview to decide how such a Village would be established and what its by-laws are. This is certainly not within the purview of the existing Village of Essex Junction's Board of Trustees purview. I agree with George Tyler's prior assertion that this is a Selectboard matter and that the Trustees have no say in future representation of such a new Village. I believe this scenario should be removed from consideration by the joint boards and be left to the residents who are interested in additional representation to initiate if that is what they want. [My question here is whether I am seeing this wrong.](#)

Another provision of Scenario A, has Trustees from Essex Junction and NewVillage joining together to act as a single Town Selectboard. [My question is whether an individual can be voted into more than one representative position with a single vote.](#) It seems to me that the legal way to enact this would be to have three separate elected boards. Of course, any Trustee can also run for any open Selectboard seat but I am not sure that one can simultaneously, that is, with a single vote, be elected to two representative boards (Trustee and Selectboard with a single vote). The other way to do what is suggested here is to separate the two entities and do away with the Town. The two separated entities could then form a Union Municipal District for joint action (but this raises the question of whether the UMD is required to have an independently elected board). [So, legal question is whether one can be elected to two representative positions with a single vote.](#)

There is a question about how the CCRPC gets away with acting as both the RPC and the MPO with different membership and representation. I believe this may be because no one on the CCRPC is elected to their position.

Regarding question of whether different areas of Town can be taxed differently, Vermont statute regarding merger of municipalities (VSA 24 Chapter 49 (1483)) states "*The plan shall provide that any area or group of voters in the consolidated municipality or town may have special services, not common to all the voters of the municipality or town, provided for them, if so voted. All costs of whatever nature required to support these special services shall be paid for by the taxpayers receiving those services, by a tax on their grand list...*". [My question is what this would look like? Is a separate vote required for the additional services or is the municipal budget approved as one with the special services listed as line item\(s\) in the general budget?](#)

Scenario B: There is a question about advisory boards in this scenario. It is my believe that advisory boards are allowed and already exist. Examples are homeowners associations who come to the selectboard when they have an issue. I do not believe it is appropriate for the Selectboard to mandate

that each area of the Town be represented by what amounts to a homeowners association. If residents want to have this kind of representation to the Selectboard, they are free to do so today and no action to establish them is required by the Selectboard.

The Town of Hartford has specific appointed boards for some of its many historic and overlay districts. We should ask them how they deal with this and what the advisory board responsibilities are.

Scenario C: My reading of statute says that rather than maintaining two charters, specific provisions can be added to the merger plan that address anything that needs to carry over from the former Village charter to a new Town charter. I don't think the 2 charter option is viable unless you separate Essex Junction from the Town outside the Village and then form Union Municipal District which I have already commented on in Scenario A.

Scenario D: I don't think this is a governance scenario. It says nothing about how things are governed. This question applies to any/all of the other scenarios. Vermont statute does allow separate taxing districts within a municipality (commented on it Scenario A). This "scenario" should be added to the "Other questions not related to a particular scenario" list rather than be carried as a standalone scenario.

Scenario E and F: There are no Towns in Vermont that have representation based on geography. Barre City, Burlington, and St Albans are the only cities in Vermont that have representative wards or districts. All other cities have at-large representation.

Scenario G: I think this is a non-starter and should be removed from the list. I do not see that leaving the Town charter unchanged is feasible or fair.

Scenario H: This is just a different variation of the end result. It might make it easier to get to representative wards or districts because there are three cities in Vermont who have this but I don't think, by itself, that it answers how of if we move forward.

Scenario I: This may be where we end up if we run into an issue where neither side is willing to compromise. I do not believe there are any legal issues that cannot be addressed if we are willing to negotiate.

Scenario J: I haven't seen the reasoning behind including this scenario but I can see why it needs to be considered. The process we are using to evaluate these scenarios is not at all transparent (inputs from non-so-called subcommittee members can only be provided in writing and open discussion in meetings is limited where only one member is allowed an "indulgence" to offer a position). It appears to me that we have not learned anything from our Rec Governance experience and that we may be doomed to a repeat failure so it makes sense to keep this option on the table.

Scenario K (new): Tax equity is improved by Essex Junction annexing additional territory (allowed by VSA 24 Chapter 39 (1316-1321)). This would involve only the Trustees and the residents of the area being annexed. This would increase Essex Junction grand list and spread taxes over a larger base. Yes, I understand that road maintenance, water rates, etc. would need to be negotiated but this scenario is just as valid as many of the others.

Scenario L (new): Individuals, entities elect to remove their territory from the Village. Though there is a defined procedure for a Village to annex additional territory, I do not see anything in statute regarding a process for leaving a Village. [Is there any way for an individual, group of individuals or any entity to petition to be removed from the territory of a Village?](#)

Other questions not related to a specific scenario:

I answered my Library governance question on my own by attending a session at the VLCT Town Fair offered by the Secretary of State and the Department of Libraries. Since a public Library can only be established by a municipal vote, the only way to change Public Library governance is by a public vote. I believe this would need to be a specific vote that explicitly states the changes. That is, the Selectboard and Trustees can't change the governance model for Brownell or Essex Free by adjusting budgets. Any governance changes would need to be approved explicitly by the voters.

Tax rates for Essex and Essex Junction going back to 1992 can be found here <https://www.essex.org/taxrates>

There was a question about asking staff to provide this. I googled it.

There was a question about an even number of board members. There are no municipalities in Vermont with an even number of votes on a board. There are some Cities that have an even number of city counselors or aldermen but they also have a mayor who can break ties.

Regarding the number of votes at the CCRPC, Burlington has 4, Colchester and S. Burlington have 2. Essex and Essex Junction each have one. I can only assume that, since Essex is larger than both Colchester and S. Burlington, that if Essex and Essex Junction merged, Essex would retain the 2nd vote that Essex Junction now controls. Conditions around that 2nd vote and how it is used could be written into the merger plan if necessary.

I have in other notes and verbally in a prior meeting documented research regarding how other municipalities have merged in Vermont. I believe this information should be used to our advantage. If necessary I can relay that information again.

There was a question about planning commissions if Essex and Essex Junction merged. There is precedence in Hartford where there are multiple planning entities covering former Village areas. We should learn from this.

If I think of anything else before Tuesday, I will pass it along.

Best regards,
Andy Watts