



VILLAGE OF ESSEX JUNCTION TRUSTEES  
TOWN OF ESSEX SELECTBOARD  
Subcommittee on Governance  
Special Meeting Agenda

Location: 2 Lincoln St.  
Essex Junction, VT 05452  
Thurs., March 5, 2020  
7:00 PM

E-mail: [manager@essex.org](mailto:manager@essex.org)

[www.essexjunction.org](http://www.essexjunction.org)  
[www.essex.org](http://www.essex.org)

Phone: (802) 878-1341

*The Governance Subcommittee consists of two members of the Essex Junction Board of Trustees and two members of the Essex Selectboard. The members will not discuss or take action on any issue outside of the scope of the subcommittee and shall not act as the Town Selectboard or Village Board of Trustees at the meeting.*

1. **CALL TO ORDER** [7:00 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
5. **BUSINESS ITEMS**
  - a. **Discuss and Consider Approving Q&A for Water Sewer Transition Language – MEMO from Dennis Lutz, P.E., Public Works Director included in packet.**
  - b. **Discuss Library Proposal – MEMO from Brownell Library Board of Trustees and Essex Free Library Board of Trustees included in packet.**
  - c. **Review and Approve Subcommittee Memo to Joint Boards – DRAFT MEMO from George Tyler included in packet.**
  - d. **Prepare Draft Transition Provisions Language for Attorney Review – Updated draft transition plan language included in packet. Transitional representation language inserted since the last meeting on February 13.**
  - e. **Set Date for Next Governance Subcommittee Meeting**
  - f. **Approve minutes: February 13, 2020**
6. **READING FILE**
  - a. **Attorney Response to Question Regarding the Legislative Directive to Have No Contingencies in the Merger Plan – EMAIL from Attorney Dan Richardson included in packet.**
7. **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 or President, 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 or President. This agenda is available in alternative formats upon request. Meetings, like all programs and activities of the Village of Essex Junction and the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Unified Manager's office at 878-1341.*

Certification: \_\_\_\_\_ 02-28-20 \_\_\_\_\_ Ann Janda \_\_\_\_\_

**Memorandum**

**To:** Governance Subcommittee; Evan Teich, Unified Manager

**CC:** Ann Janda, Project Manager, Greg Duggan, Deputy Manager; Sarah Macy, Assistant Manager and Finance Director

**From:** Dennis Lutz, P.E., Essex Public Works Director

**Re:** Discuss and Consider Approving Q&A for Water Sewer Transition Language

**Date:** March 5, 2020

**Issue**

At its meeting on February 13, the Governance Subcommittee agreed with the water and sewer transition language proposed by staff. However, the Subcommittee requested a Question and Answer sheet explaining the transition language.

**Discussion**

The following Q&A was developed based on questions that staff received from Subcommittee members on February 13.

**Recommendation**

Staff recommends that Governance Subcommittee members discuss the draft Q&A for the Water Sewer Transition language and consider approving for use with the public, including on [www.greateressex2020.org](http://www.greateressex2020.org).

## Questions and Answers on Governance Position on Municipal Sewer and Water

1. How similar are the current municipal water and sewer systems in both municipalities?

*The Town and the Village both obtain their water from the Champlain Water District (CWD). The Town outside the Village has 3538 customers, 59.2 miles of waterline and 474 hydrants. The Village has 3346 customers, 34.42 miles of waterline and 379 hydrants. Water service encompasses almost the entire Village; rural portions of the Town are on wells.*

*Both municipalities treat their wastewater flow at the Tri-Town (Essex, Essex Junction and Williston) Wastewater Facility in the Village. The Town outside the Village has 30.54 miles of sewer, 16 municipal pump stations and 880 sewer manholes. In comparison, the Village has 30.09 miles of sewer, 9 pump stations and 774 manholes. Almost all of the Village is on municipal sewer; sewer in the Town is only allowed within the designated sewer core area as a pre-existing grant condition to limit urban sprawl.*

2. Why is the recommendation made that the merger will transition the two systems into one with separate user classes that have different rates?

*One entity will provide centralized control by the merged government for consistency with overall community zoning and utility coverage, operational efficiencies especially with respect to staffing, and simplified State permit compliance.*

*Although the wholesale water cost from CWD and the wholesale sewer cost from the Tri-Town facility are at the same rate for both municipalities, their retail rates currently differ. Existing debt is different and contributes to the rate differential as does the amount of infrastructure, the financial participation by Global Foundries and other issues.*

3. How would the combined system be managed and would the fees remain different?

*The elected governmental body would act similar to a Board of Water and Sewer Commissioners and manage the system as one entity. Daily operation of the systems would be under control of the Municipal Manager and his/her staff would manage and operate the entire system as one. Debt incurred under the legacy systems would be paid off by the users of each legacy system until such debt was retired. Water and sewer charges within each legacy sub-system during the transition would likely be different - a combination of a uniform rate charge based on usage and different surcharge costs that reflect the difference in the two legacy systems. Some existing debt remains due for the next 20 years so a full rate consolidation would take at least that long to achieve equality.*

## MEMORANDUM

TO: Village Trustees and Town Selectboard  
FROM: Wendy Hysko, Brownell Library Director  
Caitlin Corless, Essex Free Library Director  
Brownell Library Board of Trustees  
Essex Free Library Board of Trustees

DATE: January 21, 2020

SUBJECT: Plan for the Village and Town libraries to retain independent identities and Boards should the Town of Essex and the Village of Essex Junction vote to merge in 2020.

INTRODUCTION: The Brownell Library and the Essex Free Library each serve different populations. The Brownell Library is governed by the Brownell Trust which was created in 1926 by Samuel Brownell when he donated the land and built the Brownell Library. The Essex Free Library is governed by 22 V.S.A. § 143. The libraries have two different personalities reflecting the populations that they serve, and have grown over time to complement each other.

PROPOSAL: Should the Town of Essex and the Village of Essex Junction vote to merge in 2020, the identities and governance of the Brownell Library and the Essex Free Library should continue to operate as they always have and remain separate entities retaining their current rules of governance and separate Boards of Trustees. The two libraries will continue to align applicable procedures and staff compensation, as contracts allow, and the separate Boards will set policies to best serve their particular populations. They will also continue to pursue cost savings such as shared databases, electronic resources, technology, and program opportunities. The libraries will align technologies to enhance infrastructure to be able to offer the best library services to our shared community. Each library will have its own budget and staff which will reflect its particular size and needs. Finally they will work together towards creating a combined calendar for the community so that patrons can more easily access program information at each library.

ADVANTAGES: The separate personalities of the two libraries will be maintained and continue to serve the populations they have served very successfully over the years. By maintaining separate Boards of Trustees, each library will be able to set policies that best serve these populations. There are currently several Vermont communities that have two or more independent municipal libraries within their borders, providing a model from which to learn. These communities include: Derby/Derby Line, Jericho, Westminster and Hartford. The Town of Hartford has four municipal libraries that serve the different areas within the Town. Aligning pay would allow for the libraries to share staff when there are gaps in desk coverage. No additional costs will accrue to either the Village or Town other than any general costs associated with the municipal merger plan.

**COSTS:** We foresee no additional costs other than those already associated with the municipal merger plan. If the libraries were to merge, the question of how to break the Brownell Trust and create a new governance structure for the combined libraries would have to be explored and the costs are unknown. Neither library has the capacity to serve the entire community, and as they have grown to complement each other, each institution is essential to continue providing access to community connection, information, ideas and knowledge through materials, digital access and programs.

**CONCLUSION:** For all of the above reasons, if the Village of Essex Junction and the Town of Essex vote to merge in 2020, the Brownell Library and the Essex Free Library should remain separate entities.

## Memorandum

28 Feb. 2020

**From:** Essex Junction/Essex Town Subcommittee on Governance

**To:** Essex Junction Board of Trustees and Essex Town Selectboard

**Re:** Update on Proposed Charter for Merged Community

The Subcommittee has reached a point in the charter development process where it would be beneficial for the joint boards to give definitive guidance and/or final approval on three questions:

- I. **Representation Model** (see 'Town Selectboard' section of draft charter version 2.28.20) Do you approve our recommendation for a representative model of two seats from the Town outside the Village, two seats from within the Village, and three seats elected at large? Considering the recent citizen-led petition effort to request a change to the Essex Town charter to add an additional seat to the Selectboard and have three seats designated for inside the Village and three designated for outside the Village, do the joint elected boards want to adhere to the Subcommittee's proposed '2 + 2 + 3' configuration or amend it?
- II. **Tax Rate Integration Models** (see draft charter version 2.28.20, paragraph§ 104) Which of the proposed tax phase-in/reconciliation recommendations should be included in the transitional portion of the merger charter? Do you approve the concept to incrementally reconcile the differential between the Village and Town general funds over 12 years at a rate that will increase taxes on the average (\$280K) T.O.V. home an average of approximately \$26 per year? Which, if any, of the other tax rate increase mitigation recommendations should be included in the transition charter (i.e. Village as a 'Sidewalk District,' 'Capital Improvement District,' village center as a 'Downtown Improvement District')? Please note that the Vermont Legislature's Government Operations Committee and Legislative Counsel have reviewed these ideas and not cited any particular concerns. Also note that the Subcommittee and administrative staff have yet to determine the specific tax rates and revenue estimates to be attached to the 'Sidewalk,' 'Capital,' and 'Downtown' districts. Before asking staff to develop these numbers the Subcommittee would like to get joint board guidance on any or all of these concepts.
- III. **Transition Provisions\* Language and Terms** Excluding paragraphs and sections mentioned above, do the joint boards approve the remainder of the draft version of the transition provisions for a merged municipal charter so far, with specific attention to the interim period between Legislative approval and election of the new board AND during the first five year 'transitional' phase of the merger?

\*The transitions provisions are not the whole draft charter, just the draft of Subchapter 1 temporary transitional language needed to merge. After all transitions specified in Subchapter 1 are made, the transition provisions will sunset and can disappear from the "permanent" merged municipal charter. The Subcommittee is only focusing on the Subchapter 1 transition provisions at this time.

**Additional Work to be Completed:** The Governance Subcommittee and Staff are organizing and overseeing a collaborative effort between the Essex Junction and Essex Town Planning Commissions and Community Development/Planning staff to recommend a model for a planning/zoning/development review structure in the merged community. For example: should the new community have a planning commission and zoning board of adjustment (ZBA) or convert to a planning commission/development review board (DRB) model? How many seats should be on each commission/board? What are their terms of service? What issues, if any, need to be addressed in the charter about integrating current Town and Village municipal plans, zoning, building codes, etc.

We anticipate that this process will be completed by May. All recommendations will be reviewed by the Subcommittee and present to the joint elected boards for final approval before inclusion in the charter.

**Draft Subchapter 1 Transitions Provisions**  
**for Merged Charter/ version 2.28.20**  
**(Still Requires Legal Review and Edits)**

**PREAMBLE**

The inhabitants of the town of Essex, including the historical, unincorporated village of Essex Junction, are a corporate and political body under the name of "town of Essex" (herein called "the town"). As such, inhabitants enjoy all rights, immunities, powers, and privileges and are subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation.

**Subchapter 1: Transitional Provisions**

§ 101 Adoption of town and village assets and liabilities

This first provisions should demarcate the new entity as the successor entity to the village and the town as such all assets, contracts, liabilities, rights, and obligation held by the former entities shall transition to the new entity. This should dovetail and mirror Section 201 below.

*(a) All assets and obligations formerly owned or held by the Town and Village shall become the assets and obligations of the [name of municipality] upon the effective date of the charter. This shall include all real property, easements, rights and interests in land, buildings and other improvements; vehicles, equipment, and other personal property; assessed but uncollected taxes, rents and charges, together with lien rights and enforcement powers; moneys, rights of action in legal or administrative proceedings; insurance policies; documents and records; debts, claims, bonded indebtedness; without any further act, deed, or instrument being necessary.*

*(b) All contracts, agreements, trusts, and other binding written documents affecting the Town or Village shall remain in effect on the effective date of the charter, and the [Name of Municipality] shall assume all the responsibilities formerly belonging to the Town and Village.*

§ 102. Transition Period

This provision should define the length of the transition period, if the period will extend to all or certain municipal functions, when the transition will begin, and when its provisions will sunset.



**(Question for Dan Richardson:** Can you recommend language that allows us to have some discretion about which departments will be immediately consolidated within the first year of the merger while others may take a few or more years?)

*The transition period shall begin not later than July 1, following the approval of the charter by the Legislature, and end on June 30, 20\_\_\_. At the end of the transition period, the charter will become effective and the City or Town (Town of Essex) shall be fully established and organized. Nothing in this section shall affect or limit other provisions in this subchapter or in other subchapters, which serve a transitional purpose and which by their own provisions continue beyond the transitional period. In such cases, transitional provisions intended to extend beyond the transitional period shall be governed by specific sunset terms.*

§ 103. Organizational Municipal Meeting

Depending on whether the new entity follows a town meeting format or an Australian ballot format of annual meetings, this provision should lay out what will happen at the first meeting of the new entity, who will be elected, who will lead the meeting, and what items (such as a budget) will be voted.

*The first annual City or Town meeting shall occur on the same date as the Essex Westford School District preceding the July 1 effective date of the charter. This shall be a unified meeting of the new municipality and shall be noticed and warned to all residents of the Town of Essex and (unincorporated) Village of Essex Junction. This meeting shall be for the purpose of presenting and discussing the budget only. Other (new Town) business may also be presented and discussed but not voted on. After presentation and discussion of the budget and any other business the meeting shall adjourn. Voting on the budget shall be by Australian ballot and shall occur on the same day as the budget vote for the Essex-Westford School District. Voting for (new Essex Town) elected officers shall also occur at this time. Time and holding of the meeting shall be pursuant to section \_\_\_ of the City or Town charter. The first annual City or Town meeting shall be jointly warned by the Village Trustees and Town Selectboard. The election of a moderator shall be the first order of business.*

§ 104. Transitional Districts

***[Village becomes Debt Assessment District]*** For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Debt Assessment District for the purpose of retiring the Village's residual bonded debt, which is scheduled to retire in FY 2035.

***[Village becomes Tax Reconciliation District]*** For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated

*as a Tax Reconciliation District for the purpose of transferring the cost of the Village's municipal operations into the Town's operational budget. (Do we need to specify an algorithm or some other formula by which this phase-in of costs occurs?)*

***[Village becomes a Sidewalk District]*** *For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Sidewalk District for the purpose of levying a special tax on properties within the Village for the purpose of maintaining the Village's sidewalks, including snow removal and routine maintenance, but not capital repairs, in accordance with its previous sidewalk maintenance procedures prior to the merger.*

***[Village becomes a Capital Improvement District]*** *For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Capital Improvement District for the purpose of levying a special tax on properties within the Village for the purpose of paying for Village capital infrastructure projects on the Village's Capital Reserve Plan prior to the merger. The Capital Improvement District is not required to complete all projects in the plan prior to the end of the transitional period and the (new governing board) shall designate in their proposed budgets which projects are to be completed in each new fiscal year of the transitional period.*

***[Village Center Zone become a Downtown Improvement District]*** *For a transitional period of 12 years commencing from the July 1 effective date of the charter, the Village Center Zone, as designated in the Essex Junction zoning plan, shall be designated as a Downtown Improvement District for the purpose of continuing the Village's downtown revitalization efforts as outlined in the Village's municipal plan. The (new Town government) shall levy a special tax on commercial properties within the District at a rate up to but not to exceed an additional \$0.01 on the community-wide tax rate in each fiscal year to pay for infrastructure improvements, landscaping improvements and maintenance, and real estate purchases within the District in accordance with the revitalization objectives in the municipal plan.*

#### § 105. Interim Governing Body

This provision should lay out how the new municipality will be governed between adoption of the new charter and the first organizational meeting. There are a variety of options. This body could be the duly elected Trustees and Selectboard; a representative hybrid of the two; or a body created by each of the Trustees and Selectboards composed of new members. This body should have certain powers and duties to oversee the new municipality and to oversee the transition.

*(a) For the transition period described in paragraph § 102 following the approval of the charter by the Legislature, all members of the Town Selectboard and Village Trustees*

*shall comprise an Interim Governing Body. In no event shall the Interim Governing Body consist of less than three trustees and three selectpersons. If one or two member(s) of one board resign(s) during the transition period, an equal number of members shall resign from the other board. Each board shall designate its own process for determining such resignations with a preference for retaining selectpersons who reside outside the Village. The Interim Governing Body shall, at a minimum, schedule, warn, and hold bi-monthly meetings. The selectpersons shall address details and issues relating to expenditures in the Essex Town budget approved by voters for the fiscal year of the transitional period. The trustees shall address details and issues relating to expenditures in the Essex Junction budget approved by voters for the fiscal year of the transitional period. The selectpersons and trustees shall address all details and issues relating to the transition from a town and village to the new (Town of Essex) jointly. The Interim Governing Body with the assistance of the Unified Manager shall develop recommendations for whatever proposals or policies are needed to ensure a smooth transition. The (Town of Essex) council may implement such proposals once the charter becomes effective.*

*(b) The Interim Governing Body will also, with the assistance of the Unified Manager and staff, propose and warn in the manner pursuant to this charter, the first annual budget of the [the Town of Essex] for consideration by the voters at the first annual meeting held pursuant to § 103. This meeting shall be informational only. Voting for the budget shall occur on the same day as voting for the Essex-Westford School District budget pursuant to § 103.*

**§ 106. Budget and Municipality Administration**

*Following the approval of the charter by the Legislature pursuant to § 103 and § 105, the Manager will propose a unified budget for the community for the next fiscal year that addresses proper service levels, contractual obligations, capital projects, debt, and that reflects any changes related to the merger.*

**§ 107. Village and Town Boards and Department Transitional Provisions**

*For a transitional period of 5 years commencing from the July 1 effective date of the charter, the Manager, with the advice and consent of (new governing board), shall integrate the fire departments, community development and planning offices, libraries, parks and recreation offices, and any other town and village municipal services and operations, with special provisions and considerations outlined below.*

**FIRE DEPARTMENTS**

*The [new town] shall continue to operate the former Essex Junction Fire Department and Essex Town Fire Department, and each department shall have a chief appointed by the manager. At the manager's discretion, one person may be appointed chief for both departments. During the transitional period, pursuant to § 105, the Interim Governing*

*Body may review options for integrating the operations of the two departments for the purpose of improving efficiency and service levels and with a preference for retaining the historic identities of the two departments and for the predominant level of service remain “paid on call.” Recommendations made by the Interim Governing Board pertaining to the fire departments cannot be adopted during the transitional period pursuant to § 102 or during the fiscal year commencing on July 1 after approval of the Charter and ending on the next June 30, nor without the approval of the (new governing body) pursuant to § 103.*

#### COMMUNITY DEVELOPMENT, PLANNING, AND ZONING

*(This section will contain the recommendations from the joint meeting between the Town and Village planning commissions and development/planning staff. This section will also describe how existing Town and Village municipal plans, zoning, building codes, and all other regulations pertaining to development, planning, and zoning will be integrated post-merger)*

#### RECREATION AND PARKS DEPARTMENTS

*During the five-year transitional period the Manager, with the advice and consent of the (new board) shall integrate and reorganize the town and village recreation and parks department and the Manager shall appoint a department head.*

#### LIBRARIES

(To be completed after the Subcommittee meets with library directors and chairs of respective boards. Note that the structure of the Brownell Library Board of Trustees is established by the Brownell Trust. Half the Brownell Board members are perpetual appointed members of the Brownell Trust and half are elected from within the Village. Dissolving the Trust would require a separate legal action in addition to dissolving the Village municipal charter and approving the new unified charter. The Essex Free Board is established by state statutes and board members are appointed. The tentative plan as of 2/28/20 is to continue with both existing library board structures post-merger with the exception that the elected seats on the Brownell Board would open to all Town residents. If this is the case, we might not need a Library section in the Transition Provisions.)

#### § 108. Unification and Adoption of Ordinances, bylaws, and rules

This provision should provide (1) for adoption of existing ordinances and bylaws; (2) the repeal of such ordinances or bylaws that conflict; and (3) a temporary grant of power to the transitional body to oversee these ordinances and to make changes as may become necessary during the transition.

*On the effective date of this charter, all ordinances, and bylaws of the Town of Essex and the Village of Essex Junction shall become ordinances and bylaws of the City or Town. The City council or Town selectboard shall be fully authorized to amend or repeal any ordinance according to the provisions of subchapter\_\_ of the charter. Whenever a power is granted by any such ordinance, or bylaw to an officer or officers of the Town of Essex or the Village of Essex Junction, such power is conferred upon the appropriate officer or officers of the [name of municipality].*

§ 109. Personnel

This provision should cover all town and village employees during transitional period for issues of employment, compensation, and benefits.

- (a) The Interim Governing Body established in § 105 shall develop a pay and classification plan and make recommendations to meet the Town's needs. The City council or Town selectboard may implement such proposals once the charter becomes effective.*
- (b) The Town of Essex personnel regulations in effect as of 6/30/\_\_\_ shall carry over and control as of July 1, 20\_\_\_ until amended by the [name of municipality] council or selectboard.*
- (c) Employees of the Town of Essex and the Village of Essex Junction shall become employees of the [name of municipality]. The dates of hire with the Town of Essex and the Village of Essex Junction will be used as the dates of hire for purposes related to benefits with the [name of municipality] and all accrued benefits shall carry over.*
- (d) Upon the effective date of the charter, employees of the Village as of June 30, 20\_\_\_ shall have the option to remain in the retirement program they are enrolled in as of June 30, 20\_\_\_ or to join the Vermont Municipal Employees Retirement System*
- (e) All new employees hired after the effective date of the charter will be considered [name of municipality] Employees and are subject to the Town Employee Manual and/or their respective labor agreement.*

§ 110. Water and Sewer Districts

*Upon the effective date of the charter of the merged municipality, there shall be a transitional phase to incorporate the municipal water system(s) and municipal sewer system(s) into one service area district. The one district shall be made up of two systems which follow the boundaries of the two legacy systems operated separately by the Village of Essex Junction and the Town of Essex. Each system will have its own user base consistent with the two legacy systems. Costs specific to each system will be charged*

*solely to the user base within the boundaries of that system including capital and debt service costs. Any new costs incurred after the effective date of the charter of the merged municipality attributable to the entire district will be borne by all users. Costs attributable to specific users through a special assessment, surcharge or other contractual arrangement shall continue to be assessed to the specific users until they are paid in full.*

§ 111. Finances

Declaring all grand lists to remain in effect from the town and village and that any taxes due under the old entities will be payable to the new municipality. That the new entity will manage the existing budget of the old entities with the assistance of the existing selectboard and board of trustees. Transition provisions for assets and property, bonds, and obligations.

*(a) The existing real property tax system of the town shall become the system of the [name of municipality]. Upon the effective date of the charter, all grand lists will remain in effect and any remaining taxes due to the Village and Town will be payable to the [name of municipality]. The [name of municipality] will manage the existing budget of the Village and Town with oversight by the Interim Governing Body.*

*All Tax and indebtedness incurred by the Village tax payers at the time of merger are to remain with these properties until final payment of said obligations are made in full.*

*All existing legal obligations, including but not limited to tax stabilization agreements and any agreements to purchase real property, are to be considered obligations of the new governmental entity.*

§ 112. Terms Extended

Extending the governing officers' terms for the length of the transitional period (if necessary).

*The Selectboard and Trustee terms set to expire in 20\_\_ shall be extended without further action necessary, until June 30, 20\_\_.*

§ 113. Transitional Tax Districts and Transitional Tax Provisions.

**(Question for Dan Richardson:** Do we need this paragraph? How does it improve upon § 104 above?)

§ 114. Repeals

(a) 24 App. V.S.A. chapters 117 (Town of Essex Charter) and 221 (Village of Essex Junction Charter) are repealed.

§ 115. Revisions (?)

## **TOWN SELECTBOARD (COUNCIL??)**

**Composition, Eligibility, Terms (NOTE: This entire section is preliminary language solely to outline the current '2&2&3' representative model proposed by the Governance Subcommittee)**

There shall be a Selectboard of seven members elected by the qualified voters of the Town as follows: two members who reside within the boundaries of the former incorporated Village of Essex Junction to be elected by the qualified voters within the boundaries of the former incorporated Village of Essex Junction; two members who reside within the boundaries of the Town of Essex exclusive of the former Village of Essex Junction to be elected by the qualified voters of the Town of Essex exclusive of the former Village of Essex Junction; three members elected at large by all qualified voters of the Town.

(Terms – three year terms staggered. The precise language TBD)

(Election of Chair – the precise language TBD)

## **WARDS**

The Selectboard is empowered to make such changes from time to time, by resolution or ordinance, in the number and boundaries of the several wards of the Town as it may deem proper, having regard so far as practicable and convenient, to an equal division of population among them; provided that after the first change so made, such changes shall not be made more than once in five years. (From the City of St. Albans charter, Chapter 011-5)

**Appointment of Ward Commission** Within five years after the first election of the seven-member Selectboard, the Selectboard shall appoint a special commission to study the composition of voting wards within the Town, including the former incorporated Village of Essex Junction, and, having regard to an equal division of population and other considerations deemed proper, recommend changes to the boundaries by which members of the Selectboard, are elected.

**From:** [Daniel Richardson](#)  
**To:** [Ann Janda](#)  
**Cc:** [Gregory Duggan](#); [Evan Teich](#); [George Tyler](#)  
**Subject:** RE: Gov Ops and Vt Leg Counsel feedback on Gov Subcommittee taxing proposals for merger  
**Date:** Tuesday, February 18, 2020 8:59:55 PM

---

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST

Hi Ann,

Thanks for the prompt!

So my interpretation is that the transition provisions should not have uncertainty or options. Things can change, but short of a charter change, the process should be fixed.

For example, if the charter said: "A board made up of the Town's selectboard and Village's trustees shall act as a single governing body from the date that this charter is effective until members of the new governing body can be elected." This would likely be acceptable as there are no contingencies.

But if the charter said: "A board made up of the Town's selectboard and Village's trustees shall act as a single governing body from the date that this charter is effective until the Town consolidates the library boards into a single body." This would make the new board's implementation contingent upon a town action that may or may not happen and could have ripple effects or uncertainty if it is not completed as envisioned.

A similar issue arises, I believe if the charter says that "Members of the new governing body can be elected, unless the voters vote at a special meeting immediately following the passage of this charter elect to have three members of the selectboard representing the town outside the village and three members of the trustees serve as the governing body." This would likely be unacceptable as it has at least three contingencies: (1) it is dependent on a town vote that may or may not happen or be scheduled or properly conducted; (2) it is set for an uncertain time period; (3) it is unclear what "town outside of the village" means; and (4) it is unclear and contingent upon the process which selectboard members and which trustees would serve on this new board. In such a case the legislature is unlikely to allow the town and village to have this contingency. It would have to choose: either a new governing body as defined by a charter provision or a modified and combined board as defined in a charter provision but not either/or.

In other words, someone should be able to determine what to do and who is in charge simply by reading the charter and that the beginning and end of boards, districts, provisions, and other terms laid out in the charter are laid out based on very clear standards that are established in the charter and do not create different contingencies. I read this directive as akin to the KISS theory of drafting. Keep it simple so that the Gov't Ops committee can understand it and understand what will happen and anyone else reading it can follow an apply it with predictable results.

Let me know if you need more information.

Best,

Dan

---

**From:** Ann Janda <ajanda@essex.org>  
**Sent:** Tuesday, February 18, 2020 10:35 AM  
**To:** Daniel Richardson <drichardson@tgrvt.com>  
**Cc:** Gregory Duggan <gduggan@ESSEX.ORG>; Evan Teich <eteich@essex.org>; George Tyler <gtyler@essexjunction.org>  
**Subject:** RE: Gov Ops and Vt Leg Counsel feedback on Gov Subcommittee taxing proposals for merger

Hi Dan,

I'm just checking in on this request (see below). Will you be able to respond this week?

Thanks,  
Ann

---

**From:** Ann Janda  
**Sent:** Friday, February 14, 2020 8:27 AM  
**To:** Daniel Richardson <drichardson@tgrvt.com>  
**Cc:** Gregory Duggan <gduggan@ESSEX.ORG>; Evan Teich <Eteich@ESSEX.ORG>; George Tyler <gtyler@essexjunction.org>  
**Subject:** RE: Gov Ops and Vt Leg Counsel feedback on Gov Subcommittee taxing proposals for merger

Dan,

The Governance Subcommittee would like to know what the second bullet below about contingencies actually means. Could you define this better for us and give some examples?

Thanks,  
Ann



---

**From:** George Tyler  
**Sent:** Wednesday, February 12, 2020 4:13 PM  
**To:** Ann Janda <[ajanda@essex.org](mailto:ajanda@essex.org)>; Daniel Richardson <[drichardson@trvt.com](mailto:drichardson@trvt.com)>  
**Cc:** Gregory Duggan <[gduggan@ESSEX.ORG](mailto:gduggan@ESSEX.ORG)>; Evan Teich <[eteich@essex.org](mailto:eteich@essex.org)>  
**Subject:** FW: Gov Ops and Vt Leg Counsel feedback on Gov Subcommittee taxing proposals for merger

Ann –

Below is Rep. Lori Houghton's email outlining feedback from a key Gov Ops committee member and Leg Counsel regarding our taxing proposals for the charter. They're self-explanatory. I'm also forwarding them to the other subcommittee members, but I'd appreciate it if you could make hardcopies for the committee meeting tomorrow night in case they don't receive this email in time. Thanks.

George

---

**From:** Lori Houghton [<mailto:L.Houghton@leg.state.vt.us>]  
**Sent:** Wednesday, February 12, 2020 3:46 PM  
**To:** George Tyler  
**Cc:** Linda Myers; Marybeth Redmond; Dylan Giambatista; Robert Bancroft; Lori Houghton  
**Subject:** Re: Explanation of merger tax proposals

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST

George, I met with Representative Jim Harrison, the Gov Ops member who manages charter changes, and Legislative Council today regarding your proposed plan as outlined in your email below/attached.

Overall there is no concern with the plans as presented. Although the State has never had a plan as long as the one being recommended, it is understandable for our circumstances. The legislature has wide authority to approve charter changes that comply with Title 17 VSA 2645 as long as the changes don't run afoul of the constitution. With that being said, it was clear that the committee will look at what has been done in other communities when making decisions. A few other comments below:

- In regards to the various special tax districts, these would be considered subordinate districts, and all taxpayers within that subordinate district would need to benefit from the tax. This is the proportionality clause in the Constitution.
- There should be no contingencies in the merger. In other words, the legislature won't approve charter language that is contingent on municipal action. We should outline what milestones are happening at each date but not have contingencies on those milestones.
- The Selectboard organization plan was fine - again with specific milestones at specific dates.
- There was an emphasis on ensuring we are following the process for charter changes as set out in legislation i.e. having a complete charter prior to the vote, each municipality voting to dissolve charters then voting on merger, etc.
- The committee will look at the vote from each municipality, as well as, the Town as a whole vote.

Please let me know if you have any other questions or if I can help in any other way.

Lori

---

**From:** George Tyler <[gt Tyler@essexjunction.org](mailto:gt Tyler@essexjunction.org)>  
**Sent:** Sunday, February 2, 2020 11:53 AM  
**To:** Lori Houghton <[L.Houghton@leg.state.vt.us](mailto:L.Houghton@leg.state.vt.us)>  
**Cc:** Ann Janda <[ajanda@essex.org](mailto:ajanda@essex.org)>  
**Subject:** Explanation of merger tax proposals

Lori-

I've attached an abbreviated (but still long) outline of the things we're considering for mitigating the Village's general fund transfer to the Town general fund to share with Sarah Copeland Hanzas and Leg counsel. This stuff is fairly complex so it's a bit tricky to put it all into a simple document. So – please let me know if anything is unclear. I'm assuming I'll see you Monday night and we can touch base then.

Best,  
George

This message contains confidential information and is intended only for the individual(s) addressed in the message. If you aren't the named addressee, you should not disseminate, distribute, or copy this e-mail. If you aren't the intended recipient, you are notified that disclosing, distributing, or copying this e-mail is strictly prohibited.

This message contains confidential information and is intended only for the individual(s) addressed in the message. If you aren't the named addressee, you should not disseminate, distribute, or copy this e-mail. If you aren't the intended recipient, you are notified that disclosing,

VILLAGE OF ESSEX JUNCTION TRUSTEES  
TOWN OF ESSEX SELECTBOARD  
SUBCOMMITTEE ON GOVERNANCE - SPECIAL MEETING  
February 13, 2020

**SUBCOMMITTEE MEMBERS:** George Tyler, Chair; Raj Chawla; Andy Watts; Annie Cooper.

**ADMINISTRATION:** Evan Teich, Unified Manager; Dennis Lutz, Public Works Director.

**OTHERS PRESENT:** Irene Wrenner, Ken Signorello, Mike Sullivan.

**1. CALL TO ORDER**

George Tyler called the meeting of the Village of Essex Junction Trustees and Town of Essex Selectboard Subcommittee on Governance (hereafter referred to as “Subcommittee on Governance”) to order at 7:00pm.

**2. AGENDA ADDITIONS/CHANGES**

George Tyler provided hard copies of an email he had sent to subcommittee members pertaining to feedback from the legislature as additional information relating to Business Item 5b.

**3. AGENDA APPROVAL**

**RAJ CHAWLA made a motion, and ANDY WATTS seconded, that the Subcommittee on Governance approve the agenda as amended. Motion passed 3-0.**

**4. PUBLIC TO BE HEARD**

Mike Sullivan voiced his concern about the upcoming charter change vote on the ballot for the Town of Essex, stating that it will impact the merger discussion and make it more difficult to have a successful merger. Mr. Tyler noted Mr. Sullivan’s concern, and added that this committee is tasked with developing a merged charter and transition recommendations, and that districting discussions are outside the scope of this subcommittee.

**5. BUSINESS ITEMS**

**a. Discuss and consider approving water-sewer charter transition language recommendation by staff**

Mr. Tyler introduced this item, stating that the merger document needs detail around the water and sewer systems of two independent municipalities and how they would be consolidated in the event of a merger.

Dennis Lutz provided additional detail, stating that the intent would be to merge the two systems into one to avoid two entities with independent control and governing bodies. He noted that the infrastructure is the same for the two current systems but the customer base is different. He additionally noted that it would be relatively easy to develop one universal rate for water, citing lack of debt as one reason for this simplicity. He added that there is some debt attached to the Town’s sewer system, which would need to be addressed through a surcharge to those residents,

47 should a merging of the water/sewer systems occur. Staff recommend a consolidated system but  
48 with several user classes to address the differing legacy costs for the Town and Village.  
49

50 Mr. Tyler asked if hookup fees were considered as part of staff's analysis when developing  
51 recommendations. Mr. Lutz relied that it would be reconciled over time while a legacy cost  
52 system is in place, and that during the transitional phase the governing body will have to  
53 determine what the common user rate should be.  
54

55 Andy Watts asked the group whether rate changes would need to be explicitly detailed, citing  
56 concern that rates are significantly different and could increase for the Town in addition to tax  
57 increases. Raj Chawla replied that the group could state that the rates will most likely equalize  
58 over time, which would be achieved by increasing the Village's rate, not decreasing the Town's  
59 rate. Annie Cooper added that a visible recognition of the change in a specific timeframe could  
60 reassure uneasy residents. Mr. Tyler finally stated that any changes could be modified in future.  
61

62 **b. Discuss response from Government Operations Committee**

63 Mr. Tyler stated that he reached out to Town and Village legislative representatives and Attorney  
64 Dan Richardson contacted the House Committee on Government Operations and legislative  
65 counsel with a proposal to meet and discuss the merger proposal. The chairman of the  
66 Committee on Government Operations was given a synopsis of merger changes, including tax  
67 proposals and representation models, and determined after review with legislative counsel that  
68 they do not need to meet with representatives from this Subcommittee. The Subcommittee  
69 reviewed the responses from the Committee on Government Operations and would like more  
70 clarity on some of the legislature's comments related to contingencies. Evan Teich suggested  
71 asking Attorney Richardson for his interpretation of their comments.  
72

73 **c. Soliciting input from Planning Commissions for charter language**

74 Mr. Tyler introduced this agenda item, stating that proposed charter language mentions a  
75 Planning Commission, but input is needed from the currently existing Planning Commissions in  
76 both the Town and Village. He suggested having the Town and Village Planning Commissions  
77 meet together to discuss what is needed for charter language and develop recommendations and  
78 milestones for content based on that discussion. He noted that he has contacted the Regional  
79 Planning Commission office in Winooski, who would be happy to host this meeting. Mr. Watts  
80 noted that he will have to recuse himself from discussion related to this topic, if  
81 recommendations are brought forward.  
82

83 **d. Discuss next steps for draft transition provisions language**

84 Mr. Chawla noted that given the positive feedback from the legislature and with a pre-town  
85 meeting overview of merger meeting occurring this weekend, it may be best to hold off on  
86 making additional language changes to the draft transition provisions for now. Other  
87 subcommittee members concurred.  
88

89 **e. Set date for next Subcommittee on Governance meeting**

90 The next meeting of the Subcommittee on Governance was set for Thursday, March 5, 2020 with  
91 a backup date of March 19, 2020.  
92

**SUBCOMMITTEE ON GOVERNANCE  
(DRAFT)**

**February 13, 2020**

93 **f. Approval of minutes**

94 *January 23, 2020:*

95 **RAJ CHAWLA made a motion, and ANDY WATTS seconded, to approve the**  
96 **Subcommittee on Governance meeting minutes from January 23, 2020 with the following**  
97 **modifications:**

- 98
  - **Line 95: replace “are” with “were”.**

99

100 **Motion passed 4-0.**

101

102 **6. ADJOURN:**

103

104 **RAJ CHAWLA made a motion, and ANNIE COOPER seconded, to adjourn the meeting.**

105 **Motion passed 4-0. The meeting adjourned at 8:47pm.**

106

107 Respectfully Submitted,

108 Amy Coonradt

109 Recording Secretary

110

111

112 Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020

113

114 **(see minutes of this day for corrections, if any)**