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**TOWN OF ESSEX
VILLAGE OF ESSEX JUNCTION
PLAN OF MERGER MEETING
May 9, 2005**

SELECTBOARD MEMBERS: Tom James, Chair, Linda Myers, Jeffrey B. Carr, Alan Mr. Nye, Thomas Torti.

BOARD OF TRUSTEES MEMBERS: Deborah Billado, Chair, Peter Gutafson, Tim Jerman, John Lajza.

OTHERS PRESENT: Patrick Scheidel, Town Manager, Todd Odit, Assistant Town Manager, Patricia Coon, Charles Safford, Village Manager, Meg Mustane, Diane Clemens, and Paula Duke

Mr. James and Ms. Billado called the meeting to order at 7:30 pm.

PLEDGE OF ALLEGIANCE

Mr. James invited those present to join him in reciting the “Pledge of Allegiance.”

PUBLIC TO BE HEARD

Mr. James extended an invitation to anyone that wanted to speak to the Boards on any subject not on the agenda.

MERGER DISCUSSION

Deborah Billado acted as chair for the Board of Trustees in Larry Yandow’s absence. Mr. James explained the purpose of the merger discussion meeting was to review and make changes to the ad hoc committee outline prepared by the Selectboard at their May 2, 2005 meeting. Mr. James emphasized that the document before them was a draft. The Selectboard members put down what they felt should be clear. He wanted to draw attention to specific tasks but let it be known the list was not all-inclusive.

Mr. Jerman said, with regard to the purpose, the first sentence seemed vague to him. He read the first paragraph and thought it should be called a Task Force. Following further discussion, the Boards agreed it should read as follows: **The Ad Hoc Task Force purpose is to recommend to the Selectboard and Trustees a plan of merger pursuant to a single Charter for their consideration.**

Ms. Billado thought, as she read the initial sentence, it implied that the Ad Hoc Committee was going to pass information back to the Boards as they were working. She asked if they want the Ad Hoc Committee to go off and do the work and come back to them. She did not feel that made sense if they are going to do the work anyway. Mr.

45 James said the concern makes sense if the Board is going to come back with everything
46 they address, but the intent was not to steer them constantly as they go through the
47 process.

48
49 Mr. Nye commented he would expect the Committee to periodically report back to the
50 Trustees and the Selectboard. In his thought process, there is no question they are
51 looking for the Committee to develop a plan or document but that if they are going down
52 a road where there is disagreement by one member, then it's time to pull back and get a
53 feel for that. An issue might be as simple as how they deal with Public Works in the end.
54 Do they look at Public Works as an entire entity? Or because of the ongoing growth in
55 the Town, and the need to do some things in the Town that have already been done in the
56 Village, do they look at a couple of distinct districts that are governed by the new
57 governing body? Before a complete document is developed, he felt there should be times
58 when they check in with the Boards.

59
60 Ms. Billado's concern was that they would develop the Ad Hoc Committee and then end
61 up steering it through the entire process.

62
63 Mr. Nye said he didn't see that happening. He thought that when a philosophical
64 decision was needed, they would report back to the legislative bodies.

65
66 Ms. Billado thought periodically they would report back to the Boards, but she was not
67 sure how much the Board should be involved.

68
69 There was further discussion about the purpose of the Ad Hoc Committee.

70
71 Mr. James asked the group if it is inclusive of what they want to get done. Torti said it
72 assumes the Boards and the Trustees will consider the merger at the same time. He asked
73 whether or not they are going to change this in any way in the future.

74
75 Mr. James said there is a legal statute that says each legislative body must independently
76 approve the Plan of Merger.

77
78 Mr. Jerman talked about Item # 9. He said there is no doubt it's for modification.

79
80 Mr. Torti thinks each Committee should understand before it's put forward there is room
81 for modification at the end. Mr. Lajza and Mr. Carr discussed changes to # 2 and # 9.

82
83 Mr. Lajza agreed with Mr. James that they should make it clear down the road that it can
84 be modified. Again both communities need to approve it.

85
86 Ms. Myers asked if they want to indicate it's the Selectboard and the Trustees that are
87 going to look at this plan, and ultimately add the citizens of the Town as the final step. It
88 will have to go to the legislature ultimately.

89 The Boards continued to discuss the Committee Purpose for the plan.

90

91 Mr. James said they would ask for public input at a later time and would welcome it. He
92 is asking the public to wait while the Boards work through the process amongst them
93 first. Mr. Lajza said as they go through the process they may modify it. They are going
94 to warn this and it could be modified again at that time by the voters. His understanding
95 from Chapter 24 is that that can happen. Mr. Carr said the whole purpose is to be clear
96 about the Committee's purpose.

97

98 Mr. Torti said task one is not just a task. Myers thought that should be the final task and
99 should be the final product.

100

101 **# 1** of the draft document: **The Boards agreed to delete this item and incorporate it**
102 **into the Committee Purpose.**

103

104 Mr. James said the question before them is whether or not they agree with the first
105 statement to move forward. The Boards agreed they should go through the specific tasks,
106 and then they could draft a final statement. Therefore, specific task # 1 on the draft
107 document is no longer there. They agreed bullets were better than numbering for the
108 revised document.

109

110 **# 2** of the draft document: **Review personnel services and service delivery contracts**
111 **and systems associated with the consolidated community.** Mr. Lajza thought they
112 needed to review what services they have for each community and how they were going
113 to put that together. Mr. Torti asked what the intent of the item was. Mr. James explained
114 the intent was to look at everything they do, not how they were going to do it, clarifying
115 there are times when the line blurs. Mr. Carr asked if they wanted to add
116 recommendations to the statement. Ms. Billado thought it was a huge task for a few
117 months, meaning by the end of the year. The Boards agreed that would not be the case.
118 Ms. Myers said the timeframe didn't need to go anywhere. The purpose and the tasks are
119 what were important. She didn't think the timeframe should be a goal and that it was
120 very optimistic to think they could have a vote in November.

121

122 Mr. Carr said he would be disappointed if they didn't get it done by Town Meeting. Ms.
123 Billado said, when soliciting for an Ad Hoc Committee, they need to know a timeframe.
124 Gustafson said he wanted it to tie in with other voting. Mr. Torti said the Committee
125 would look at the services and the contracts and would make recommendations regarding
126 those.

127

128 Mr. James suggested the document that is ultimately arrived at would have a transition
129 plan. When they do go down the list he wants to make sure they have some kind of
130 transition.

131

132 The Boards agreed that #2 would now read: **Review personnel services and service**
133 **delivery contracts and systems and make recommendations for a consolidated**
134 **system.**

135
136 **# 3** of the draft document: **Review and recommend solutions to issues previously**
137 **raised as points of difference.** Mr. James said the statement was intended to be a
138 catchall. Mr. Jerman said he thought it was too general and vague. He wanted to see
139 something about the 1999 Charter as a point of reference in the statement. Mr. Carr said
140 they wanted to note the 1999 Charter as a starting point of discussion.

141
142 Torti said there has been a lot of discussion about using the 1999 Charter, should it be
143 part of the purpose. The Boards disagreed.

144
145 The Boards agreed that **# 3** would now read: **Using the 1999 Charter, review and**
146 **recommend solutions to issues previously raised.**

147
148 **# 4:** Keep as stated in the original document: **Recommend a government structure for**
149 **the consolidated community.**

150
151 **# 5:** Keep as stated in the original document: **Develop an outline for the planned**
152 **transition from the present form of government to a consolidated community.**

153
154 **#6:** The Boards agreed will now read: **Identify and recommend a plan for the**
155 **resolution of financial issues.**

156
157 Mr. Mr. Nye noted the committee needed to talk about the mutual sharing of funds. Ms.
158 Billado said that the statement read the same as #2. She didn't want it to show they were
159 looking at dollars when they are looking at services and systems. Mr. Mr. Nye said the
160 Town and the Village have dissimilar cash balances and asked if there was a way they
161 could be distributed.

162
163 **# 7:** Keep as stated in the original document: **Prepare and recommend a Charter for**
164 **the consolidated community.**

165
166 **# 8:** Keep as stated in the original document: **Recommend a name for the new**
167 **community.**

168
169 Mr. Jerman said a Charter is a product that the community will have to go to the
170 legislature with for approval and that the Plan of Merger was everything up to and
171 including the Charter. Mr. Mr. Nye agreed. Mr. James said a Charter has to have some
172 sort of transition system, a plan of merger, and the Charter is how you are going to
173 function and once it is in existence. Mr. Jerman said the Charter could be part of the Plan
174 of Merger.

175

176 Mr. James has had some conversations with attorneys and it is his perspective that a
177 Charter is a product that will authorize the community to proceed. The Plan of Merger
178 could include long-term bond disposition, or any other event.

179

180 Mr. Scheidel said that is the way it was approached in 1999 when discussing the city
181 methodology. The Plan of Merger was going to be the transitional function of the
182 Charter. He suggested they have their respective attorney's check that.

183

184 Charles Safford said they are sometimes incorporated as one document. There are
185 several models they can look at.

186

187 Ms. Myers asked Mr. Scheidel if the 1999 Charter includes wording regarding the
188 transition. She said once the transition is in place you don't need the Charter. Mr. Mr.
189 Nye said it was included because they didn't have the opportunity to do a Plan of Merger.
190 It was the only way they could show a working road map. Mr. James said those are the
191 kinds of things that wouldn't be in the Charter, but were needed to show that everybody
192 was being treated fairly.

193

194 Mr. James asked if anyone wanted to have anything included in this section before
195 developing the final statement.

196

197 **# 9:** Delete and replace with final paragraph to read as: **The final product will be**
198 **presented to the Selectboard and Village Trustees for review and possible**
199 **modification, and presentation to the voters of Essex Town, including those in the**
200 **Village of Essex Junction.**

201

202 Mr. James asked if they needed a specific part of the Committee to look at Parks and
203 Recreation. Ms. Myers said in the Town it is part of the Town not the school like in the
204 Junction. They will have to talk to the Essex Junction School Board, which is also
205 undergoing a consolidation effort. She did not feel that could be set aside. They may say
206 they don't want the Parks and Rec. Mr. Lajza asked if the Selectboard controlled the
207 Town schools. Mr. James said no.

208

209 Gustafson said it's conceivable that they might be looking at a Town Meeting vote.

210 Myers said this bothers her because the issue of school has a tendency to be an emotional
211 one with people.

212

213 Mr. James asked if the Village holds title to the parklands. Mr. Safford said they did.
214 The School District has an agreement to administer the parks by ordinance through June
215 30th of this year. Recent improvements to the schools have been made and that may be
216 an issue that needs to be examined. Mr. James said they are going to look at libraries,
217 fire, public works, etc. because they exist in both communities, but Parks and Recreation
218 does not. He asked if they wanted to look at Parks and Recreation and talk with the
219 School District.

220 Mr. Safford responded they segregate the Recreation levy, and it is recognized separately
221 on the tax bill. In their Charter, the Essex Junction School District has a right to
222 administer recreation programs. In the end, those parklands belong to the Village
223 Municipal Corporation.

224

225 Mr. James said the Village land needed to be evaluated at the very least. They need to
226 see how it relates to Parks and Rec. Ms. Billado said with the changes of Act 68, Parks
227 and Recreation might no longer be a moneymaker for the school system so they may
228 want to discuss it.

229

230 Mr. James said for those that are on the Ad Hoc Committee, it is understood that this
231 needs to be included. Ms. Myers felt it did, but didn't need to be called out as a separate
232 item.

233

234 Mr. James again asked if other tasks needed to be on the list. Ms. Myers said just
235 because something was not on the list did not mean the Ad Hoc Committee wouldn't
236 come up with other items besides what they were reviewing that night. Mr. James said
237 that the list was not an all-inclusive list.

238

239 Mr. Torti suggested that they not anticipate a November vote. There was discussion
240 around timing for the vote.

241

242 Mr. Mr. Nye asked whether the final paragraph was committing the legislative bodies to
243 move forward with a document they might not support. He has no idea what the issues
244 could be but if they get to a specific point in time and a couple of significant issues arise,
245 he gets worried when they put a timeframe in place that may not allow certain issues to
246 be resolved.

247

248 Mr. Gustafson asked that an odd number of members sit on the Ad Hoc Task Force. Mr.
249 Carr felt there should not be an uneven number representing either side. If they can't do
250 it by consensus, they shouldn't do it. Mr. Jerman asked if they want to have some kind of
251 a consensus model; If they want to say anything about how this group of ten will choose
252 leaders. He felt that there should be two co-chairs. Mr. James asked if the legislative
253 bodies wanted to determine how the Ad Hoc Committee was going to organize them.
254 Mr. Torti said that suggesting co-chairs is about as much as he wanted to do. Mr. James
255 asked if they had to address in the document how they would solicit for citizen
256 representation. Ms. Myers said no, they should advertise in the paper soliciting names
257 and that wouldn't have to be part of the document they were reviewing that night.

258

259 **Time Frame:** The Boards agreed will now read: **It is anticipated that the**
260 **Selectboard/Trustee-approved group of individuals will meet regularly and that a**
261 **vote on a consolidated municipality could be held in March or April of 2006.**

262

263 **Members:** The Boards agreed will now read: **The composition of the Task Force will**
264 **be as follows: Two representatives from each legislative body appointed by the**
265 **respective body, and six citizen representatives, with three appointed from the**
266 **Village and three from the Town outside the Village appointed by each legislative**
267 **body. The Task Force shall elect co-chairs, one from the Village and one from the**
268 **Town outside the Village. It is recommended the co-chairs not be Selectboard**
269 **members or members of the Board of Trustees.**

270

271 Mr. Carr said they might run afoul of not having equal representation if they allow a
272 representative to be chosen from either municipality. He cautioned against running that
273 risk.

274

275 Mr. Jerman asked about ex officio members. Mr. James said the managers would be
276 expected to attend, not as ex officio members that have a right to vote but as ex officio
277 non-voting members. The Boards discussed whether any outside assistance would be
278 allowed for mediation or facilitation.

279

280 **Staff Resources:** The composition of the Task Force will be as follows: **The Task**
281 **Force may utilize Town and Village Staff as required and utilize outside technical**
282 **assistance but not for the purposes of mediation or facilitation. The Town and**
283 **Village Managers will be non-voting members of the Ad Hoc Task Force.**

284

285 Mr. James said they had touched on advertising for citizen representatives. Mr. Gustafson
286 asked that include advertising in the Free Press in addition to the Essex Reporter. Mr.
287 Lajza said they needed to agree on a target date to complete an ad and agree to get it run
288 on a particular date. The Boards discussed the steps of the process and potential deadlines
289 for advertising with the publications. Mr. Carr agreed going to appoint members by a
290 certain time. They agreed they were looking at the middle of June or July before the first
291 meeting. Mr. Jerman asked if both Boards should have one or more alternates for Board
292 Reps and citizen members. Mr. Carr suggested leaving that to the Boards. Mr. Torti said
293 there's a relationship factor and its hard to get up to speed and then try to get others
294 involved somewhere in the middle of the process. Mr. Mr. Nye said they have to get a
295 commitment from people.

296

297 Ms. Myers said requiring an alternate assumes the votes are going to be split. It is
298 difficult with 10 people to have another person come in unless they have been in the
299 discussions all along. Mr. Torti said the committee members would develop a
300 relationship working together and bringing in alternates could disrupt the mix.

301

302 Mr. James asked if they wanted the Ad Hoc Committee to have a manner to acquire
303 funds to accomplish goals or would they need to come back to the Boards. If they can
304 apply for technical assistance, Mr. Lajza said it's going to cost money.

305

306 Ms. Myers said they needed to pick a day for the advertising. Mr. Torti recommended
307 only one day in the Free Press since it is so expensive. The Boards settled on the 19th and
308 26th for the Reporter and the 19th for the Free Press.

309

310 Mr. Safford suggested a deadline to submit letters of interest. The Boards agreed on a
311 deadline of June 3rd. James asked if the response date should be a week later. Ms. Myers
312 thought they will be inundated with responses and will have to interview all of them.

313

314 Mr. James said they have to be specific about people in and out of Town and that it
315 means an 8-9 month commitment. Mr. James asked the staff to come up with an article
316 for the advertisement. Mr. Jerman felt the committee should be called a Task Force rather
317 than a Committee. Mr. Mr. Nye agreed Task Force is a good term. The Boards agreed to
318 change the word from Committee to Task Force throughout the document. Ms. Billado
319 suggested stating the meeting frequency.

320

321 Mr. James asked for final input. Patricia Coon expressed interest in participating on the
322 Ad Hoc Task Force. She gave her resume to Mr. Scheidel.

323

324 Mr. Scheidel asked a question about the legislators in Montpelier: if they were
325 committed to vote in April, is there any way to get that submitted to Montpelier. Mr.
326 Jerman said they require a 24-hour notice. Ms. Myers said it would go to the Government
327 Operations Committee. She explained that by April individual bills could no longer be
328 introduced, but Committee bills could be introduced. Mr. Jerman said Charters could
329 come up at anytime. Mr. Gustafson questioned if voted on in April, could it be a reality
330 in six months.

331

332 Mr. Nye said they would want to start at the beginning of a fiscal year. James said they
333 would need to talk about who will be on the Task Force.

334

335 **At 9:17 p.m., ALAN MR. NYE MOVED AND THOMAS TORTI SECONDED A**
336 **MOTION TO ENTER EXECUTIVE SESSION TO DISCUSS PERSONNEL TO**
337 **INCLUDE THE SELECTBOARD, TOWN MANAGER, AND ASSISTANT TOWN**
338 **MANAGER. THE PREMATURE DISCLOSURE OF WHICH MIGHT**
339 **PREJUDICE THE TOWN.**

340

341 **THE MOTION PASSED 4/1/0.**

342

343 **JEFF CARR MOVED AND LINDA MYERS SECONDED A MOTION TO EXIT**
344 **EXECUTIVE SESSION.**

345

346 **THE MOTION PASSED 5-0-0.**

347

348 **JEFF CARR MOVED AND THOMAS TORTI SECONDED A MOTION TO**
349 **APPOINT ALAN MR. NYE AND LINDA MYERS AS THE SELECTBOARD**
350 **REPRESENTATIVES TO THE AD HOC TASK FORCE ON MERGER.**

351
352 **THE MOTION PASSED 5-0-0.**

353
354 **THOMAS TORTI MOVED AND LINDA MYERS SECONDED A MOTION TO**
355 **ADJOURN AT 9:31.**

356
357 **THE MOTION PASSED 5-0-0.**

358
359 Respectfully submitted,



360
361
362 *Julie E. McCarty*
363 Recording Secretary

364
365 Approved this _____ day of _____, 2005.

366
367 (See minutes of this date for corrections, if any).

368
369 _____
370 Mr. Thomas W. Torti, Clerk, Selectboard

371
372 (THESE MINUTES ARE SUBJECT TO CHANGE AT THE NEXT SELECTBOARD
373 MEETING)

374