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**MERGER TASK FORCE
ESSEX/ESSEX JUNCTION
MEETING MINUTES
March 1, 2006**

MEMBERS PRESENT: Hugh Sweeney, Linda Myers, John Lajza, Alan Nye, Rene Blanchard, Barbara Higgins, and Irene Wrenner

STAFF PRESENT: Charles Safford, Village Manager, Pat Scheidel, Town Manager, Todd Odit, Assistant Town Manager

OTHERS PRESENT: Bob Marcotte, Chuck Lloyd

BUSINESS AGENDA:

Public Input on Agenda Items

There were no public inputs.

Approve Minutes of February 22, 2006

JOHN LAJZA MOVED AND LINDA MYERS SECONDED A MOTION TO APPROVE THE MINUTES OF FEBRUARY 22, 2006, WITH THE FOLLOWING CORRECTIONS:

Line 14, insert “Essex Senior Center” after “Helfrich”

Line 85, change 1st “Helfrich” to “Aldrich”

Line 217, insert a period after “(c)”

Line 254, change “Mr.” to “Ms.”

Line 255, insert a period after “correct” to end sentence and delete the rest of the sentence

Line 258, change sentence being “Ms. Higgins” to read “Ms. Higgins explained that the current language does not require a separate Districting Commission unless there is a petition. In the former case, the Town Council itself, in the process of determining the need for districts, could suggest their own plan.

Line 264, change “Mr.” to “Ms.”

Line 265, change “felt” to “said that” and insert “is” after “way”

Line 492, change “continent” to “contingency”

Line 596, change “legislature” to legislator”

Line 611, change second “that” to “the”

Line 631, insert “not” after “would”

Line 635, change “and she did not win the election” to “she would not seek re-election”

MOTION CARRIED 7-0

Review MTF Charge, Discuss Remaining Tasks and Timeline

Mr. Scheidel noted that the Task Force had not discussed contracts to see if there were any legal issues.

MERGER TASK FORCE

March 1, 2006

49 Mr. Sweeney mentioned that they still needed to discuss No. 1 of the charge, which dealt with
50 personnel services and service delivery contracts and systems to make recommendations for a
51 consolidated system.

52
53 Mr. Scheidel pointed out that the 1999 charter did not include the Fire Department, Parks and
54 Recreation, or the library, and that they should be in this charter. It was agreed that this item had
55 been discussed.

56
57 Mr. Safford said that the schools want to meet with the Village to discuss what will happen if the
58 municipalities merge and the schools do not. Ms. Myers noted that the last she had heard was that
59 the merger vote for the schools would be after the merger vote for the municipalities. Mr. Sweeney
60 stated he felt that the Task Force had decided to recommend a structure whether or not the schools
61 merge.

62
63 The Task Force agreed that they had completed No. 2 of their charge (Review 1999 charter)
64 pending minor issues.

65
66 Mr. Sweeney stated that the managers needed to provide the Task Force with an organizational
67 chart. Mr. Lajza said he thought they had all agreed that services would not change but maybe they
68 needed to officially approve this.

69
70 Mr. Safford noted that the Task Force had deferred a lot of transition issues to the transition
71 committee. Mr. Nye stated that he felt that establishing a transition committee had resolved No. 4 of
72 their charge.

73
74 Mr. Safford mentioned that they still needed to discuss the water and sewer districts and debt issues
75 before the financial issues could be resolved. Mr. Nye pointed out that they also needed to discuss
76 the Village's rolling stock fund.

77
78 Mr. Sweeney stated that they were in the middle of the final review of a charter for a consolidated
79 community and that a name for the new community had been recommended.

80
81 Mr. Lajza stated that the transition committee and the new town council needed to decide some of
82 the structure. The Task Force can give the voters some idea but they cannot totally define what the
83 organizational structure will be.

84
85 Mr. Scheidel said he envisioned providing the Task Force with a skeleton organizational chart and
86 they could decide whether or not to pass it on.

87
88 Mr. Safford asked if he was correct that there was to be no change in services. Mr. Sweeney
89 answered he assumed so.

90
91 Mr. Nye explained that Burlington has a director of public works and someone else to oversee their
92 sewer and water division and inquired if the organizational chart would be in this detail. Mr.
93 Safford replied that he had thought that the personnel plan and budget process was part of the job of

MERGER TASK FORCE

March 1, 2006

94 the transition committee. However, he did not expect any radical changes and both the Town and
95 Village Departments work much the same way currently.

96
97 Mr. Sweeney noted that the Task Force needed to provide a range of tax rates that were projected.
98 Ms. Myers stated she felt that the tax rates would be provided to the Trustees and Selectboard and
99 they would present them to the community.

100
101 Mr. Sweeney summarizes the remaining items for the Task Force:

- 102
103 1) continue to discuss the charter
104 2) financial issues
105 3) personnel services
106 4) service delivery chart
107 5) organizational chart.

108
109 Mr. Lajza stated he felt that the charter should be discussed first, then the organizational chart and
110 last the finances.

111
112 Mr. Lajza suggested that the managers develop a list of financial issues for discussion. Perhaps such
113 a list could be provided next week and the Task Force could then decide when each of the issues
114 would be discussed.

115 116 Council Seats

117
118 Ms. Wrenner provided the Task Force with suggested modifications for elections/appointments to
119 the new Town Council.

120
121 Ms. Wrenner noted that proportional representation requires at least three seats to be available for
122 election. Therefore, she was proposing a change from the 3-2-2 election cycle to a 3-4-0 election
123 cycle.

124
125 **IRENE WRENNER MOVED AND BARBARA HIGGINS SECONDED A MOTION TO**
126 **CHANGE THE ELECTION CYCLE FROM 3-2-2 TO 3-4-0 SO AS NOT TO BIND**
127 **FUTURE COUNCILS OR THE TRANSITION COMMITTEE IF THEY WANTED TO**
128 **CHANGE THE STRUCTURE IN THE FUTURE.**

129
130 Mr. Blanchard reminded the Task Force that they had decided early in their meetings not to discuss
131 controversial issues without all members being present. He felt that they should wait to discuss this
132 until a full Task Force was present.

133
134 Mr. Sweeney stated he was not expecting a lot of support for this proposal based on what he had
135 heard the last time it was discussed. Ms. Myers agreed with Mr. Sweeney and also agreed with Mr.
136 Blanchard that this should not be discussed without a full Task Force present.

137

MERGER TASK FORCE

March 1, 2006

138 Ms. Higgins pointed out that the last time this was discussed Ms. Wrenner was proposing a specific
139 type of proportional voting. This proposal does not recommend a specific method of proportional
140 voting specifically, only to change the staggering of terms so that it might be easier to institute
141 proportional voting at some point in the future.

142

143 **MS. HIGGINS WITHDREW HER SECOND TO THE MOTION.**

144

145 **MOTION FAILED DUE TO LACK OF SECOND.**

146

147 This issue will be discussed at a future meeting.

148

149 **Charter Review Beginning with Section 202**

150

151 Section 105 Ordinances, Method of Adoption and Enforcement

152

153 (A) Mr. Nye stated he felt that adding the word “Town” before police officers would create a
154 problem as state police officers and police from other towns can issue tickets in the Town of Essex.

155

156 Mr. Safford noted that this was the same language as is currently in their ordinances but Mr. Nye
157 brings up an issue that probably should be discussed with the police before making a final decision.

158

159 Mr. Safford suggested removing the word “Town” before police officers, which would solve the
160 issue. There was consensus to do this.

161

162 (B) The Task Force agreed to the proposed changes in section 105(b) by adding, “except for zoning
163 by-laws and/or subdivision regulations which shall be adopted pursuant to 24 VSA Chapter 117, as
164 amended from time to time hereafter.”

165

166 Section 202 Town Councilors, Number, Terms of Office, Election

167

168 This section to be discussed at the next meeting.

169

170 Section 203 Organization

171

172 (C) It was agreed to delete on the second line “from the appropriate district”

173

174 Section 204 Meetings

175

176 (C) Mr. Nye noted that some things have to be decided by a majority of the Selectboard not just a
177 majority of the members attending the meeting.

178

179 Mr. Safford mentioned that a reason for a charter is that the municipality wants to do something
180 different than allowed under State Statute.

181

182 The Task Force decided to make the following changes to (C):

183
184 1) Change “four” to “five”
185 2) Change “quorum” to “members present and voting”
186 3) Add to end of second sentence “except as otherwise provided by State Statute”
187
188 Section 205 Record of Proceedings
189
190 (A) It was agreed to delete “shall be kept by its clerk, who need not be a member of the Town
191 council, which”
192
193 Section 206 Appointments by Town Council
194
195 No changes.
196
197 Section 207 Prohibitions
198
199 Mr. Nye noted that some positions like the Town service officer is a position for which a member
200 of the Selectboard could be a good candidate.
201
202 Mr. Blanchard questioned if a selectboard member should be limited to one year after their term on
203 the Selectboard before becoming a member of the Planning Commission or Zoning Board.
204
205 It was agreed to remove the second paragraph under (A).
206
207 Section 208 Compensation of Town Council, Appointees
208
209 Mr. Lajza stated that there could potentially be a problem when the Board can vote themselves a
210 higher salary.
211
212 Ms. Higgins noted that she felt that if they did, it would catch up to them during the next election.
213
214 Ms. Myers said that at some point in time there has to be some trust shown.
215
216 Section 209-Section 601
217
218 No changes.
219
220 Section 602 Officials Appointed by Manager
221
222 Mr. Safford pointed out that the job titles may change after completion of the organization chart.
223
224 Mr. Sweeney noted that the Library Director was not in this list.
225
226 Ms. Myers stated that the Director of Parks and Recreation was added.
227

MERGER TASK FORCE

March 1, 2006

228 Section 701- Section 705

229

230 No changes.

231

232 **Discussion of Future Agenda Items**

233

234 March 8, 2006 meeting

235 Review financial issues and decide when to discuss each of them

236 Discuss Section 202 if full Task Force present

237 Continue review of charter starting with Section 801

238

239 March 15, 2006 meeting -- Review organizational chart

240

241 Discussion of possible public meeting

242

243 **Public Input -- General Comments**

244

245 Bob Marcotte stated he felt that in Section 202, they should rethink the number of council members
246 from seven to five. He had found it very difficult to find anyone from the Village who was willing
247 to run for the Town Selectboard. He had thought that seven members of the council was to make
248 sure that there was representatives from the Village, but now that the council members would be
249 elected at large this would not matter.

250

251 Mr. Nye explained that the first four years there would be three representatives from the Village,
252 three from the Town, and one at large.

253

254 Mr. Lajza pointed out that seven members on the council was three less than currently.

255

256 Mr. Marcotte pointed out that Section 105 needed to be renumbered.

257

258 **JOHN LAJZA MOVED AND IRENE WRENNER SECONDED A MOTION TO ADJOURN**
259 **THE MEETING AT 8:55 P.M. MOTION CARRIED 7-0.**

260

261 Respectfully submitted,

262

263 *ANN M. GRAY*

264

265 *Ann M. Gray*

266 Recording Secretary

267

268 (THESE MINUTES ARE SUBJECT TO CHANGE AT THE NEXT MERGER TAX FORCE
269 MEETING)

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**MERGER TASK FORCE
ESSEX/ESSEX JUNCTION
MEETING MINUTES
March 8, 2006**

MEMBERS PRESENT: Hans Mertens, Hugh Sweeney, Linda Myers, John Lajza, Deb Billado, Irene Wrenner, Rene Blanchard, George Boucher, Barbara Higgins.

STAFF PRESENT: Charles Safford, Village Manager; Pat Scheidel, Town Manager; Todd Odit, Assistant Town Manager.

OTHERS PRESENT: Bob Marcotte, Chuck Lloyd, George Tyler, Katherine Mertens, Rob Reiber.

BUSINESS AGENDA

Public Input on Agenda Items

Mr. Marcotte commented that with the decision by the Task Force to keep the current boundaries until the community goes to an at-large district, would mean that there would be a 200 person differential, and would not remove the boundary lines. He was in favor of the three-district map, which distributed the population more evenly to about 9000 people in each district and would remove the boundary lines. He strongly recommended that the Task Force consider his proposal because it would eliminate the current boundary lines and possibly prevent any future arguments or reversal of the merger in the future.

Approve Minutes of March 1, 2006

RENE BLANCHARD MOVED AND GEORGE BOUCHER SECONDED A MOTION TO APPROVE THE MINUTES OF MARCH 1, 2006 WITH THE FOLLOWING CORRECTIONS:

Line 20: Replace “15” with “22”. Line 88: Strike: “noted that the Village was currently in their budget process and”. Line 134: Replace “a lot a” with “a lot of”. Line 138: Replace “specifics.” with “a specific type of proportional voting.” Line 139: After “not” add recommend a specific method of”, strike “for”. Line 156: Replace “issues” with “issue”. Line 161: Replace “to B.” with “in section 105 (b) by adding, 'except for zoning by-laws and/or subdivision regulations which shall be adopted pursuant to 24 V. S. A. Chapter 117, as amended from time to time hereafter.' ”

It was determined that the items listed in lines 103 to 107 were not intended to be aligned with the items of the Charge. It was determined at the last meeting that the members decided that the unfinished items of the Charge were numbers 1, 5, and 6 and that the completed items of the Charge were 2,3,4 and 7.

THE MOTION PASSED 5-0-3. (George Boucher, Deb Billado and Hans Mertens abstained) Mr. Mertens made note of a mistake in the minutes of February 22, 2006 in line 370, which

48 **should be changed from “8-2-0” to “6-2-0”.**

49

50 Mr. Mertens commented that members should all have a copy of the updated Charter of 3/01/06. He
51 announced that Rob Reiber from Channel 17 informed him that the next couple of Task Force
52 meetings would be aired on Channel 17 on Friday at 8:22 p.m. and on Saturday at 1:22 a.m., 7:22
53 a.m. and 1:22 p.m.

54

55 **Discuss Need and Timing of Public Meeting**

56

57 Mr. Mertens recapped the events leading to this topic. He stated that there was a Public Hearing
58 about four months ago at Maple Street Park, which had been to update the public of the Task
59 Force's progress and to gather input from the public. He explained that at that time, there was a
60 general feeling from the members that another Public Hearing in the future would be necessary and
61 that the timing of that meeting would occur after the Charter was reviewed and completed. He felt
62 that the Task Force was very close to that point, along with having reached conclusions about the
63 various departments within the community. He believed there were a number of items to share with
64 the public and input to be heard, and he entertained discussion on the need and timing of a second
65 public meeting.

66

67 Ms. Myers explained that she, from the beginning of the process, had always felt that it was not the
68 charge of the Task Force to have a public meeting to explain their progress. She believed their
69 charge was to report to the Selectboard and the Trustees, whom then had the responsibility to hold
70 public meetings for input. Mr. Mertens understood that Ms. Myers had stated in the past that it was
71 not the job of the Task Force to sell the document to the public. However, he did not see holding a
72 public meeting as an effort to sell it to the public, but rather to inform all the interested parties about
73 the decisions that had been made thus far. He felt it would be valuable to hold a public meeting in
74 that the public may have an item that the Task Force had not thought of addressing that may be of
75 importance in their deliberations. He asked for other opinions.

76

77 Mr. Blanchard was concerned that the meeting might present an opportunity for those strongly
78 opposed to the merger to stall or provide an obstacle to their progress. Ms. Higgins wondered if
79 there were any areas that the Task Force felt needed specific input and if not, then perhaps it did not
80 make sense to hold a public hearing. Mr. Mertens suggested that the Task Force could develop a
81 progress report on five or six items, such as Recreation, along with the reason for their decision,
82 which would most likely elicit questions from the public. He felt how they set up the meeting would
83 be the question.

84

85 Mr. Boucher agreed that another public hearing could potentially stall their progress and felt that if
86 anyone from the public had issues, members were accessible by phone or e-mail, and an
87 opportunity to express concerns was available during Public Input at each weekly meeting. Mr.
88 Mertens did not disagree with Mr. Boucher, but noted that at the Maple Street Meeting, there were
89 about 100 people in attendance versus a handful of people in attendance at the weekly meetings.
90 Mr. Boucher agreed that an open meeting would attract more people, but felt strongly that they
91 already had an opportunity to attend the weekly meetings or to call members with issues of concern.
92 He felt that if there were pressing issues, the members would have already been alerted and
93 suggested that the public might be content with the progress thus far.

94

95 Mr. Lajza expressed his opinion as having had mixed emotions because although he understood the
96 concerns related to holding a public meeting, he had received questions recently related to their
97 progress. He commented that the minutes were available for public record along with the
98 opportunity to attend meetings, but was not opposed to considering a public meeting. He suggested
99 limiting a public meeting to an hour, which would include an update only. Then, if there were any
100 questions, there could be another format for receiving those such as through phone calls, e-mails,
101 etc. He agreed with Mr. Boucher that the members would have probably heard by now if there were
102 any major upsets with their recent decisions. He felt the lack of such communication might mean
103 that the public was in support of their deliberations.

104

105 Ms. Myers, in regards to Mr. Lajza's comments, added her concern that those attending a public
106 information meeting would expect the opportunity to respond or ask questions, and Mr. Mertens
107 agreed. She did not think they would be able to make a presentation without offering a
108 question/comment time. Ms. Myers agreed with hearing public opinion, but noted that throughout
109 the deliberations, she had only received feedback from two people in the public arena. She noted
110 that she has had more questions from the legislature, in regards to their progress, than from the
111 community. Ms. Myers agreed to the fact that the minutes were available to the public as well as
112 the notification of their meetings every week in the newspaper. She commented that she was
113 surprised at the low attendance and low participation level during this process.

114

115 Ms. Billado felt that the first public meeting was a success and that she could be in support of
116 having another public meeting if that was decided. She felt a public meeting was a good
117 opportunity to engage the public in the Task Force's vision of the new community, but would also
118 be content with the will of the Task Force on this issue. Mr. Blanchard suggested a format for an
119 update that was aligned with the items on their Charge. Ms. Myers questioned whether that would
120 be possible with the item on the Charge that stated "design a charter" as she felt it would be
121 difficult to summarize that briefly, and members agreed. Ms. Billado agreed with Ms. Higgins'
122 comments that the Task Force needed to determine the specifics of the discussions thus far, such as
123 the future of the libraries, the recreation department, etc., and she felt that the Task Force should
124 inform the public of the direction their decisions were taking in relation to the document that would
125 be given to the Selectboard and the Trustees for approval. She felt that there were people in the
126 community interested in that information, but questioned whether it needed to be accomplished
127 through a public hearing format.

128

129 Mr. Lajza was in favor of continuing the work on the Charter and then revisiting this issue. He
130 suggested circulating a hard copy of a summary of accomplishments to the media, such as Channel
131 17, for public record for those concerned or interested parties. Mr. Sweeney felt that the first public
132 meeting was a success because they had very specific items that were of high interest in the
133 community and people wanted to be heard on those issues. Mr. Safford added, that the Task Force
134 was looking for specific feedback on those issues, and Mr. Sweeney agreed. Mr. Sweeney noted
135 that there were three important items at that time presented to the community, which resulted in
136 large participation from the public, but he did not feel that was the case at the present time. He was
137 in favor of completing their work. Mr. Lajza expressed that he had received questions from the
138 public about the current progress of the Task Force and had some difficulty answering those
139 questions, other than referring to what was already in the public record. However, he felt it would

140 be helpful to have a short, agreed-upon, summary of the progress to date, even though it was not
141 absolutely necessary.

142

143 Ms. Wrenner was in favor of holding another public meeting so that the public could hear an update
144 from the Task Force as well as have the opportunity to be heard by the members to process and
145 consider in their deliberations. She preferred the informational update to be a dialog. Mr. Mertens
146 summarized that he was not hearing a majority of support on this issue of holding a public hearing,
147 which, although he would accept, was disappointing to him. He agreed with Ms. Wrenner because
148 the community was going to be faced with a very large decision at the polls in the near future. He
149 felt that the community would benefit from being more informed of and more exposed to the issues
150 and whether they chose to attend was their prerogative. He understood that the large attendance at
151 the last meeting was not a measure of the attendance at future public meetings. Mr. Mertens stated
152 that perhaps some of the issues were resolved, but that updating the public about their vision of the
153 future community, including departments, was important and would present an opportunity for the
154 public to process that information and provide feedback, which he felt was the nature of
155 government. With that said, Mr. Mertens accepted the general opinion of the Task Force that the
156 time for a public meeting might not be right and might not be an appropriate use of their time. He
157 suggested they continue their work, but that in his opinion, having a periodic public meeting was in
158 the best interest of the community. Mr. Mertens asked if any member chose to make a motion.
159 Hearing none, he stated that the issue was resolved at that point, but invited any member to bring
160 the discussion forward should they choose at a future meeting and the Task Force could have
161 another discussion, and members agreed.

162

163 **Discuss Timing of Financial Issue Discussion**

164

165 Mr. Mertens asked for clarification about this Agenda topic and assumed that it related to the
166 Manager's presentation. Mr. Sweeney stated that the financial issue could be a very involved
167 discussion. He explained that the topic was discussed last week with the intent of giving the
168 Managers a week to think about when would be the best time to have a financial discussion and
169 what issues would be addressed. The purpose that night was to hold a brief discussion about the
170 timing, not to actually have a financial discussion. Mr. Sweeney commented that even though Mr.
171 Scheidel's schedule may have lightened a bit due to the fact that the Town meeting for Essex was
172 over, Mr. Safford still had preparations for the Village Meeting in April. Therefore, Mr. Sweeney
173 stated that, with an understanding that the Managers had their own work to do, this was an
174 opportunity to discuss the timing for a financial discussion.

175

176 Mr. Scheidel suggested discussing which Wednesday nights in the near future would have full
177 attendance from the members and the Managers. In his opinion, April 12th would be the ideal date
178 to offer a financial presentation, which would include the topics of rates, utilities and debt. He
179 offered that next week's organizational chart discussion might lead into some of the financial
180 discussion such as personnel, but it may also raise some additional questions. He informed the Task
181 Force that he would not be present at the March 22nd meeting and recommended there be no Task
182 Force meeting on April 5th since that was the night for the Village Meeting. According to him, the
183 available nights for a financial discussion were March 29th and April 12th. Mr. Scheidel was not
184 sure the Managers would be prepared for a financial discussion on March 29th, but would let them
185 know if that changed. At this point in time, however, the best date for a financial discussion was

186 April 12th.

187

188 Members agreed that the Task Force Meeting should not be held on April 5th due to the Village
189 Meeting. Mr. Mertens asked whether April 19th would be acceptable as he would be out of town
190 April 12th, and Mr. Scheidel noted that April 19th would work as well. Members agreed that April
191 19th would be the Financial Discussion. Mr. Mertens asked for clarification as to the details of the
192 topics that would be discussed at that time. Mr. Scheidel stated that at that point, Mr. Safford and
193 he had discussed including topics on utility rates between the two communities, debt, particularly
194 for water, wastewater and the pool, and the projection of tax rates. Mr. Mertens asked about
195 organizational charts, and Mr. Safford replied that organizational charts would be available at the
196 next meeting on March 15th. Mr. Mertens asked Mr. Sweeney if he had anything to add to this
197 discussion. Mr. Sweeney questioned whether there were any other items to include in the financial
198 discussion. Mr. Mertens asked about the issue of bonds, and Mr. Scheidel stated that bonds would
199 be included in the topic of debt. Ms. Billado clarified with the Managers that they would not be
200 able to develop a future financial picture without the completed work from the Transitional
201 Committee. Mr. Safford replied that the financial picture would be based on a trend, and Mr.
202 Sweeney stated that it would be based on the best information that they had now, what they could
203 predict in five to ten years and what would they see as potential savings in a merger that they could
204 identify, based on their best knowledge. Mr. Mertens added that the Recreation funds would be part
205 of the financial discussion, and Mr. Scheidel stated that it would be part of the debt topic. Mr.
206 Safford stated that it would also be a part of the overall projected tax rate. Mr. Mertens reiterated
207 that the Managers would make their best effort in providing as many predictions, as possible, based
208 on what they knew today.

209

210 **Review Draft Town of Essex Junction Charter**

211

212 **Section 203(c)**

213

214 Ms. Myers referred the Chair and members to page 1 of the draft of 3/1/06 as she noticed that there
215 were two sections labeled (a) under section 103. Staff acknowledged this typo. Mr. Sweeney
216 clarified that they had made changes to 203(c), 204(c), 206 (a) and 602, and Mr. Mertens moved the
217 discussion to 203(c). Mr. Mertens asked if any members had any concerns about the minor change
218 in 203(c). Mr. Sweeney clarified that “from the appropriate district” was removed from the
219 paragraph. Mr. Mertens asked Mr. Odit to explain the reasoning. Mr. Sweeney replied that it was
220 because the new community would not have districts, and Mr. Mertens understood, and members
221 agreed.

222

223 **Section 204(c)**

224

225 In section 204(c), Ms. Myers confirmed that the question was in regards to what constituted a
226 quorum, and Mr. Sweeney stated that there were two questions. One was about a quorum and read,
227 “The affirmative vote of a majority of a quorum shall be necessary to take binding council action.”
228 Mr. Sweeney did not think that statement was correct because a quorum, if there were seven
229 council members, would be four and a majority of that would be three, which meant that the
230 Council would take action with three votes. He did not think this was correct as he thought a
231 majority should be four votes. Mr. Odit explained that State Statute said a majority of the total

232 number of Board members, which in this case would be four. He recommended striking that
233 sentence and using the State Statute. Mr. Sweeney stated that as the language was written, three
234 could bind the Board. Members deliberated this issue and decided that in the case of a seven
235 council member Board, there needed to be four members, which counted as the majority, to take
236 binding action. Ms. Myers suggested, “The affirmative vote of the quorum.....” Mr. Sweeney
237 confirmed that the number “four” should be included. Mr. Safford suggested, “The presence of four
238 members shall constitute quorum. The affirmative vote of four of the councils shall be necessary to
239 take binding council action.” Mr. Sweeney agreed with that language, but also agreed that the State
240 Statute addressed the issue.

241

242 Ms. Myers confirmed Ms. Higgins' suggestion as being, “Four affirmative votes shall be necessary
243 to take binding council action.” Mr. Mertens confirmed that the language would read, “ The
244 presence of four members shall constitute a quorum. Four affirmative votes shall be necessary to
245 take binding council action.” Mr. Mertens stated that they would review section 204(c) next week
246 when they had the final language.

247

248 **Section 206(a)**

249

250 Mr. Mertens, in regards to Section 206(a) asked Mr. Odit what changes were made. Mr. Odit stated
251 that he changed the “L” to “I” and indented (1) through (5). Members approved section 206(c).

252

253 **Section 602**

254

255 In regards to section 602, Mr. Mertens pointed out the revisions of the underlined language. He
256 made a suggestion to change “library director” to “director of library” to be consistent with the
257 other departments. Mr. Safford stated that “library director” was a statutory title. Mr. Mertens
258 confirmed that it was an important distinction, and Mr. Safford agreed. Members approved section
259 602.

260

261 **Section 202**

262

263 Mr. Mertens noted that Mr. Nye was absent so they would discuss section 202 at another meeting
264 when all members were present.

265

266 **Section 801**

267

268 Mr. Mertens asked Mr. Odit whether the underlined language in the draft was a recent change, and
269 Mr. Odit replied that it had been there for awhile. Members approved section 801.

270

271 Mr. Lajza asked whether they wanted to consider two annual payments or specified by Council. He
272 noted that there were some communities that moved to four annual payments. Ms. Myers clarified
273 that the language did state, “ or pursuant to such other schedule as the Town council may adopt by
274 resolution, bylaw or ordinance.” Members agreed and understood that Mr. Lajza's suggestion had
275 already been added.

276

277 **Section 802**

278

279 Mr. Mertens asked Mr. Odit if the 8% was statutory. Mr. Odit explained that in the municipality,
280 the voters could vote to eliminate the late charge or reduce it. Mr. Mertens asked members for
281 whether they wanted to add flexibility to the language or state 8%. Mr. Safford suggested they be
282 very clear on this matter for the ease of explaining it to the taxpayers. Mr. Blanchard asked if it
283 could be changed by petition or annual meeting. Mr. Odit replied that a few years ago the
284 legislature decided that at Town Meeting, the voters could change the penalty or reduce it, as in
285 Huntington. Mr. Odit clarified that the legislature changed the delinquent tax statute to allow the
286 voters to change the penalty. Ms. Billado asked whether it was through a Charter change. Members
287 stated, no through Town Meeting. Mr. Odit stated that it was through Town Meeting for non-
288 chartered communities. Mr. Mertens asked members whether the 8% was justified. Mr. Safford
289 stated that it was more the norm than the exception for 8% throughout Vermont. Members approved
290 section 802.

291

292 **Section 803**

293

294 Ms. Higgins pointed out that in the final version there should be a space between section 802 and
295 section 803. Mr. Mertens moved the discussion to section 804.

296

297 **Section 804**

298 Ms. Higgins Confirmed that “law” should be singular.

299

300 **Chapter 9.**

301

302 **Section 901**

303

304 Ms. Billado, in regards to a recent article in the newspaper, asked the Managers whether all the
305 appointments in the Town and Village were people who were registered voters and the Managers
306 answered no. Ms. Billado clarified that a person did not have to be a registered voter in the
307 community to get an appointment. Mr. Safford pointed out that section 902 was personnel
308 appointments, and Ms. Billado understood but stated that she was asking a general question. Mr.
309 Safford asked if her question related to Offices, and Ms. Billado agreed. He referred her to section
310 602. Mr. Scheidel stated that in regards to the Town officers, they did not necessarily have to be a
311 registered voter. Mr. Sweeney asked if they needed to be a resident, and Mr. Scheidel stated no. Mr.
312 Scheidel explained that residency and voting was not a skill or ability, which was what they looked
313 for in hiring and being a voter was not a qualification. He was not sure about those appointed on the
314 Planning Commission as to whether they needed to be registered voters, but he would imagine that
315 most people who wanted to serve in the government were in fact registered voters. Mr. Safford
316 stated that in regards to personnel, there were no residency requirements. In section 602, it was not
317 indicated that they had to be a resident, so it left flexibility to the Manager with the advice of the
318 Town Council. Mr. Mertens asked Ms. Billado whether she suggested being a registered voter was
319 a qualification the Task Force members should consider? Ms. Billado stated no, it was just for
320 discussion and wondered about the issue of being an American citizen. Mr. Mertens asked Mr.
321 Safford whether employees or appointed officials had the requirement to be a resident, or a
322 registered or U.S. citizen. Mr. Safford stated that under section 609 and 602, they did not have to
323 be a resident by state law. Mr. Blanchard asked about whether they needed to be a U.S. citizen. Mr.

324 Scheidel informed him that they have had employees with dual citizenship. Members approved
325 section 902.

326

327 **Section 902**

328

329 Ms. Myers felt paragraph (a) was satisfactory. Ms. Higgins asked whether it was customary that
330 the Town Manager “shall” be the personnel director as opposed to “may” be the personnel director
331 and why there would not be instances when the Manager would appoint that position. Mr. Scheidel
332 replied that it was based on how large the organization was and that the larger the organization, the
333 more necessary it was to have an HR person. Mr. Mertens explained to Ms. Higgins that the
334 current draft of the Charter was a blend of the Village and the Town and subsequent to blending
335 those two documents, they edited as needed. In the case of (a), where it had been unedited as of yet,
336 it appeared in neither the Town or Village Charters today and had not caused any problems thus far,
337 and the Managers agreed.

338

339 In regards to section 902(b), members had no comments.

340

341 **Section 903**

342

343 Mr. Mertens asked Mr. Odit if he recalled why they titled this section PERSONNEL
344 PROHIBITIONS instead of just PROHIBITIONS, and Mr. Odit suggested it was perhaps for
345 clarification. Ms. Myers stated that it was because Subchapter 9 related to Personnel and in order to
346 be consistent, they used Personnel before Prohibitions. Mr. Odit added that section 207 was labeled
347 Prohibitions and to use Personnel Prohibitions in section 903 helped to differentiate the two.

348

349 **Chapter 10.**

350

351 **Section 1001.**

352

353 Ms. Higgins noted that this language referred back to the State Statute, which was 5% of voters
354 were necessary to petition. She wondered whether they should be consistent with the language in
355 this paragraph and state 10%, since they used 10% in other areas of the charter. Ms. Myers
356 confirmed the percentage was presently 5% at the state level, but recalled members discussing
357 changing the percentage to 10% in the Charter at one point. Mr. Lajza stated that he was actually
358 uncomfortable with 10%. Ms. Higgins stated that she was not taking a position on the percentage
359 amount, but rather being consistent in the Charter. Mr. Lajza stated that he understood, but that he
360 was in favor of keeping the percentage at 5%, which he felt was a reasonable amount of voters to
361 bring forth a change in the community if necessary. At the same time, he was opposed to what
362 occurred in Waterbury, which was a recall. In that case, he believed there should be a higher
363 requirement of voters such as 15% or 20%. Ms. Higgins reiterated that she wanted to call attention
364 to the inconsistency. Mr. Sweeney felt this could be addressed and he agreed that there were areas
365 in the Charter that either followed the Charter or state Statute and needed clarification. Mr.
366 Sweeney asked Mr. Odit if there were any repetitions he could identify. Mr. Odit stated that he felt
367 the comments from Ms. Higgins in regards to 10% was related to the petition to reconsider an issue,
368 which Mr. Mertens stated was in section 109. Mr. Odit added that where it was more specific than
369 state statute in the Charter, the Charter would rule. Therefore, in this case, the 10% would rule even

370 though the state statute was 5%. Mr. Sweeney asked whether section 1001 should be updated to say
371 that the Charter was different than state statute in terms of amendments. Mr. Safford stated that it
372 was a policy decision based on the judgment of the members. Mr. Sweeney clarified that Mr.
373 Safford was saying that there was no difference. Mr. Safford stated that there were two different
374 matters and one was the decision of 10%. Mr. Sweeney asked if that fell under Subchapter 10. Mr.
375 Safford stated no. Mr. Mertens clarified that if the Charter was silent, the state law would govern
376 5% and if the Charter specified a different number, such as in section 109 which specified 10%, the
377 10% superseded the 5% state law. Mr. Sweeney asked whether it needed to be changed to reflect
378 10% in section 1001 and whether there was a conflict. Mr. Safford stated that there was no conflict.
379 Mr. Safford and Mr. Odit suggested removing, "including but not limited to redistricting." Mr.
380 Safford explained that this language was not included in the Town's Charter at the present time and
381 thought it was added in the 1999 Charter for a reason unknown to him. He stated that since they
382 were not going through the redistricting process, it could be eliminated, and members agreed. Mr.
383 Mertens asked Mr. Safford to read the language. Mr. Safford read the proposed edit, "This charter
384 may be amended in accordance with the procedure provided for by state statutes for amendment of
385 municipal charters." Mr. Mertens confirmed that in section 1001, they would strike the last six
386 words, and members agreed.

387

388 **Section 1101.**

389

390 Members approved this section.

391

392 **Transitional Provisions**

393

394 Mr. Mertens confirmed that the intent was to review this section as well, and members agreed. In
395 regards to (a), Ms. Higgins asked whether it was necessary to have "and end of June 30, 2008".
396 Members explained there had been much deliberation on this matter and were in consensus about
397 that issue based on contracts, etc. In regards to (b), (c), and (d), members had no comments. In
398 regards to (e), Mr. Sweeney recalled in the 1999 Charter, it had defined the Transition Committee
399 to be three members from the Selectboard and three from the Trustees with a seventh member
400 appointed by the other members. He recalled that Mr. Lajza suggested simplifying this process and
401 including all five members of the Selectboard and Trustees. Mr. Sweeney, in thinking about this in
402 that last few weeks, realized that this set up a situation where one person could have two votes and
403 he did not think that was fair or that the members should support that scenario. Ms. Higgins
404 suggested it might also create a legal challenge. Mr. Sweeney stated that he did not have a problem
405 with a Village Trustee being a member of the Selectboard, but with regards to the Transition
406 Committee, if that occurred, it would present a problem because that person got two votes. He
407 originally had agreed with Mr. Lajza's proposal because it seemed a simple solution at the time.
408 Therefore, he stated that at some point, he was going to make a motion to reverse their decision and
409 change it back to the original configuration as defined in the 1999 Charter.

410

411 Mr. Lajza was not completely uncomfortable with Mr. Sweeney's remarks, but was still in favor of
412 having five members from each municipality as he felt there was going to be a huge amount of
413 work to be done. He suggested adding language that suggested that if any acting member was a
414 member of both boards, he/she could not vote. Ms. Higgins suggested that he/she would only have
415 one vote. Mr. Sweeney stated that originally they had three and three with one appointed seventh

416 member to avoid a tie vote. He felt the configuration of five and five with possibly a member sitting
417 on both boards jeopardized the approval of the document because even if the person had one vote,
418 there would also be a situation where there might be four Selectman votes and five Trustees votes,
419 and he did not think that was fair either. Mr. Lajza felt that even though that member would not get
420 a vote, his/her thoughts would still be on record, and since he or she would represent both boards,
421 he felt both those votes should be eliminated. Mr. Sweeney was open to any suggestions that would
422 make it fair, but wanted to point out that it set up an unfair situation. Mr. Lajza stated that if they
423 gave that person one vote, they may not vote from the current district they represented, which could
424 present a problem, so he would like to see them participate, but he agreed that the voting was a
425 problem. In his opinion, Mr. Lajza believed that if a member of the Transition Committee was on
426 both Boards, he/she should not get to participate in the voting.

427

428 Mr. Blanchard stated that in the original configuration for the Transition Committee, there would be
429 three Trustees and three Selectman. Mr. Sweeney confirmed that the Selectboard and the Trustees
430 would choose the three representatives from each ward. Ms. Higgins felt they should still address
431 the issue of whether a member would be on both boards and what would occur with the voting. Mr.
432 Sweeney assumed that the Selectboard would not choose a member that was also on the Trustees to
433 be one of the three of the Transition Committee, due to the problem of having two votes. Ms.
434 Billado thought Mr. Sweeney's scenario was a valid issue, but she agreed with Mr. Lajza that to
435 place the amount of work entailed on just six people was also problematic. Mr. Sweeney pointed
436 out there would be seven members and that he was trying to eliminate a potential problem. Ms.
437 Billado clarified that the seventh person would be a non-Selectboard or Trustee member. Mr.
438 Sweeney noted that the old language stated that "the Transitional Committee so appointed shall
439 choose by a majority vote a seventh member." Ms. Myers stated that they could change that to add,
440 "who shall not be a member of the Trustees or the Selectboard." Ms. Higgins suggested that there
441 could be more than one appointed member, like the Task Force, to increase the number of members
442 on the Council, and members agreed.

443

444 Mr. Sweeney's proposal was to return to the original language in section (e), but was also in favor
445 of considering other suggestions. Mr. Mertens stated that Mr. Sweeney's proposal was one option
446 and asked if anyone wanted to modify it. Ms. Higgins suggested four members from each Board.
447 Mr. Lajza stated that four would be acceptable, but there was still the unknown of how many
448 members might be on both Boards. He stated that the reason he suggested all five members from
449 each Board was that there was expertise and skills from each member, along with their knowledge
450 of their respective communities. However, he understood the potential problem. Mr. Mertens stated
451 that one option would be to keep the five members from each Board provided that there was not one
452 person that served on both. If that was the case, then they would only have four from each Board
453 and so on, like a sliding scale.

454

455 Ms. Higgins stated that she would second Mr. Sweeney's motion. Mr. Sweeney suggested members
456 take some time to think about the issue as they did not need to make the motion that night, but
457 could discuss it again. Mr. Mertens commented that in the 1999 Charter, there was a non-elected
458 person as the seventh person and wondered whether that person was mandated to be from the
459 Village or the Town. Mr. Safford reminded the members that the Transition Committee was only
460 making recommendations for the future council and approving the FYE'09 budget for the voters and
461 that both the council or the voters would make the binding decisions. Mr. Sweeney pointed out that

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462 in the Transition year, there would be a lot of decisions to be made, and Mr. Safford agreed. Mr.
463 Sweeney summarized that he would like it to be a fair process and was concerned that if they set up
464 something that would not be fair, they would be jeopardizing the success of the merger. Mr. Safford
465 agreed and noted that he was responding to Mr. Mertens question and wanted to clarify the role of
466 the Transition Committee. Members deliberated on the number of members for the Transition
467 Committee. Mr. Lajza commented that it was going to be a different situation into the future. He
468 also commented that he felt that the Task Force had done a great job of being considerate in their
469 deliberations and that it had been a good experience. At the same time, however, he felt that the
470 Transition Committee would have a charge to bring the community towards one municipality and
471 therefore, did not understand how serious the issue was. Mr. Sweeney pointed out that there would
472 be a lot of decisions on personnel and funding. Mr. Lajza guessed there would not be a lot of
473 changes because everything needed to be approved by the voters and that the budget would also be
474 subject to voter approval. He believed that the Boards, in general, had always honored public
475 requests at the Annual Meeting, and with that said, would like time to consider this issue. He
476 understood that they were coming from different perspectives. Mr. Sweeney replied to Mr. Lajza
477 that in this case, perception was very important in terms of getting the Charter approved. Mr.
478 Mertens suggested having (e) as a follow-up item and invited any proposed language for next week
479 to reach consensus.

480

481 In regards to (f), Ms. Higgins asked whether there had been a discussion in the past about what
482 happened if there was conflict between the Zoning and Planning Boards. Mr. Sweeney clarified
483 that she was referring to a conflict between the Zoning Board and the new Planning Commission.
484 Ms. Higgins clarified that she referred to the conflict with the zoning laws. Mr. Safford added,
485 whether they were aligned, and Ms. Higgins agreed. Mr. Safford stated that theoretically, the
486 ordinances would exist side by side until the laws were adopted. Ms. Higgins asked if one set of
487 laws superseded the other. Mr. Sweeney stated that the way (f) was written as he understood was
488 that the Town zoning law would apply to outside the Village, and the Village zoning ordinance
489 would apply to the Village, and Ms. Higgins understood. Mr. Sweeney clarified that further on in
490 the language, it stated that there would be a proposed Committee to create one zoning ordinance
491 and one planning ordinance. Mr. Safford added, not necessarily prior to the effective date of
492 merger, and members agreed. Ms. Higgins confirmed that during that interim period, where one
493 lived would determine which ordinance would be followed, and members agreed.

494

495 In regards to (g), there were no comments from the members.

496

497 In regards to (h) on page 16, Mr. Lajza circulated proposed language to replace the current
498 language in the draft. Mr. Lajza read the first part of his proposed language which stated,
499 "Personnel. All employees of the Town of Essex and the Village of Essex Junction shall become
500 employees of the Town of Essex Junction and come under the Town of Essex Personnel
501 Regulations in effect as of 6/30/08." He explained that this language was drafted from the language
502 in the Stowe Charter. Mr. Sweeney asked whether in Stowe's scenario, it was a Village going out
503 of existence, and Mr. Lajza stated, yes. Mr. Sweeney noted that the situation was different than in
504 their situation with a merger, but Mr. Lajza disagreed. Mr. Sweeney clarified that the Village went
505 out of existence in Stowe, and Mr. Lajza stated that they merged. Mr. Safford stated that the Village
506 in Stowe merged into the Town, which was stated in Stowe's plan of merger documents. Ms.
507 Higgins asked Mr. Lajza for clarification on his proposal. Mr. Lajza explained that the first part of

508 his proposal was whether or not employees would be guaranteed full employment and the second
509 part of his proposal was in regards to dates of hire and benefits. He quoted the second part of his
510 proposal, "The dates of hire with the Town of Essex and the Village of Essex Junction will be used
511 as the dates of hire for the purposes related to benefits with the Town of Essex Junction and all
512 accrued benefits shall carry over." Mr. Lajza explained that this was some concerned feedback they
513 had received from the Village Association. Mr. Sweeney stated that they had spoken of contracts in
514 the past and in his opinion, this issue would be under collective bargaining. He reminded members
515 that one of the reasons they chose July of 2008 for the effective date of merger was related to the
516 timing of the contract expirations for each respective community, that the Town was renegotiating a
517 three-year contract for their service employees, and the Village contract expired December of 2007.
518 Therefore, the period between December and July would be used for collective bargaining. Mr.
519 Lajza stated that there were concerns from loyal and skilled staff who had been employed for
520 twenty years who were afraid of losing their benefits under the new municipality. He understood
521 that in the new municipality, they would merge all the Village employees into the Town, but that a
522 concern remained that the Village employees would lose their accrued vacation and benefits. They
523 did not want to begin as new employees, which he felt was a valid concern and should be addressed
524 more clearly in the language in (f). Mr. Mertens clarified that as the Charter read presently in (h), it
525 was essentially silent and said that the Transition Committee would make that decision, and Mr.
526 Lajza agreed. Mr. Mertens clarified with Mr. Lajza that he was proposing that in (h), they make it
527 clear what exactly the Transition Committee should do in regards to seniority. Mr. Safford and Mr.
528 Lajza stated that it was not an issue of seniority, but date of hire, which would effect the benefits
529 accrued. Mr. Safford explained that the Village Employee Association wanted to make sure their
530 dates of hire would remain the same so they would not lose their accrued benefits for their length of
531 service. Ms. Higgins stated that she did not have an issue with employees maintaining their dates of
532 hire so they would not lose their benefits, but she did have a problem with the first premise of full
533 employment. She realized that she had not been present for past discussions and she knew that their
534 goal was to hopefully not eliminate any positions, but she did not think that the Task Force should
535 be making that decision. Mr. Mertens asked for clarification. Ms. Higgins stated that "all
536 employees shall become employees" meant they were guaranteeing full employment, and Mr. Lajza
537 agreed. Mr. Lajza informed members that the Village employees had declined severance packages
538 in the event of a merger, so it would be his position that if they agreed that they were not going to
539 agree with full employment, the next step would be the financial severance package, which would
540 become the responsibility of the new municipality.

541
542 Mr. Mertens suggested understanding Mr. Lajza's proposal. He asked, did his proposal intend to
543 guarantee full employment? Mr. Lajza stated that it could be interpreted in that way with the current
544 language in his proposal. He stated that the Board of Trustees had been interested in going this
545 direction and he did not know what the consensus was with the Selectboard. Mr. Sweeney
546 confirmed that it was Mr. Lajza's intent to guarantee full employment, and Mr. Lajza agreed that the
547 intent was to bring it to discussion. Members determined that the language was not ambiguous. Mr.
548 Sweeney asked Mr. Lajza if it affected seniority or job position? Mr. Safford stated that seniority
549 was largely the function of the Union contracts, which was a separate matter. Mr. Scheidel did not
550 think they should discuss seniority as he was in the middle of bargaining at the present time. Mr.
551 Sweeney asked if the proposed language affected seniority or negotiations? Mr. Scheidel stated
552 that it excluded seniority, and Mr. Sweeney understood and Mr. Lajza added, that was the intent.
553 Mr. Sweeney asked whether it suggested anything about how two people in the same position

554 would be handled or whether this would be left up to the Manager? Mr. Scheidel stated that at the
555 present time, seniority was defined in each of the Union agreements as law and that was what they
556 followed. Mr. Safford explained that Union contracts would determine seniority and their titles
557 would be a function of those contracts. Non-Union employees would still be impacted by those
558 seniority Union contracts, but as far as job titles, if there were two managers, it would be at the
559 discretion of the Manager to determine what those job titles would be unless it was driven by a
560 Union agreement. Mr. Safford explained that in the proposed language, just because it stated, “all
561 personnel shall be employees”, it did not affect movement of positions, change of titles or
562 restructuring of departments. If this was not covered by the Union agreement, then the language did
563 not mandate a specific organizational structure.

564

565 Mr. Blanchard agreed with Mr. Scheidel that this was not the best time for this discussion while Mr.
566 Scheidel was in negotiations with the unions. He asked Mr. Scheidel when he would be through the
567 negotiations because he felt that was an important factor for discussion. He stated that since the
568 Trustees seemed to have a position, he wondered whether the Selectboard would be willing to offer
569 their own position. Ms. Higgins did not know how that was possible if Mr. Scheidel was not
570 allowed to discuss it. Mr. Safford clarified that the proposed language had nothing to do with the
571 seniority or the Union discussions, but was rather the issue of full employment or not and whether
572 dates of hire would carry over to the new corporation. Mr. Blanchard would like to have them finish
573 their negotiations and then ask the Selectboard to provide their position on this matter. Mr. Mertens
574 responded to Mr. Blanchard that the timing was problematic as negotiations went through 2008.
575 Mr. Scheidel stated that he could answer specific questions for this Task Force in Executive
576 Session, but he was bound by state law to bargain in good faith. Therefore, to discuss changing
577 something with the Task Force while he was negotiating with another group was a conflict.

578

579 Mr. Mertens summarized that the original language in (h) was intended to allow the Transition
580 Committee to make those decisions and suggested that the language offered by Mr. Lajza would be
581 offered during the Transitional year by the members of the Transition Committee, but asked if that
582 was possible. Mr. Lajza stated that his proposal was driven by the Association being nervous and he
583 did not want to lose some very good employees due to fear that they might lose their job or benefits.
584 He wanted to allay the fears of those employees. Mr. Safford stated that full employment was one
585 issue that the Selectboard might have some comments about and that the second issue was the dates
586 of hire. Those issues were a concern from the Association, which would like the Task Force to
587 address them now and not be left to chance later on. Mr. Safford explained that the Village had a
588 third interest in that in their personnel regulations, it stated that if there were layoffs as a result of
589 merger, there would be three months buyouts and health benefits for line employees and six months
590 for Department Heads. He explained that this was a liability of the Village, which did not want to
591 bear that burden, even though that was the price of progress. He stated that the employees needed
592 reassurance and if the selectman and trustees were not committed to full employment, it would be
593 necessary to transfer that liability to the entire community by making that obligation to the Town of
594 Essex Junction so that it would not be just the Village taxpayers that would pay disproportionately
595 for the cost for layoffs.

596

597 Mr. Sweeney asked Mr. Scheidel if the discussion of these matters in an open meeting was a
598 problem in regards to the labor negotiation process he was participating in, and Mr. Scheidel stated,
599 yes. Mr. Sweeney stated that therefore, any discussion would have to be in Executive Session. Mr.

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600 Scheidel explained that it was mandatory to carry over contractual obligations from one entity to
601 another. However, with non-union employees, Mr. Scheidel stated that there were no contracts, but
602 rather personnel guidelines or a list of benefits to which employment agreements had been reached,
603 which were based largely on date of hire. He asked, if in one entity there were different benefits and
604 different earnings of benefits, which one would prevail? He stated that Mr. Lajza's proposed
605 language suggested that whatever was "in effect as of 6/30/08" would prevail. Therefore, the
606 assumption would be to have some opportunity to align those policies for those employees rather
607 than to have them start off as a brand new employees with no length of service in a new entity.

608

609 Mr. Safford and Mr. Scheidel determined that they were in concurrence to the proposed language
610 that would suggest that all employees would be given full employment and date of hire would be
611 honored, while seniority issues were under the purview of the Unions. Mr. Safford informed
612 members that if they were not prepared to reach consensus on those policy issues, the Village had
613 an interest in transferring that liability. Mr. Safford reiterated that these were the concerns from the
614 Association in a merger. Mr. Mertens stated that they understood the concern and the language of
615 the proposal and that the original language was intended to allow the Transition Committee as
616 much flexibility and to not interfere with the negotiations. He suggested looking into other Town
617 charters and how they have handled this particular provision, whether it was with more vague
618 language or language similar to Mr. Lajza's proposal? Mr. Lajza stated that the first sentence was
619 from Stowe's charter. "All the employees of the Village shall become Town employees with all
620 Town and former Village employees shall come under the same benefits plan and all Town
621 personnel rules and regulations as amended shall apply as the effective date of merger." Mr.
622 Mertens asked if it was true for other communities in this situation. Mr. Safford replied that some
623 charters had been more clear than others, but that Stowe had been the most clear on this issue in
624 their Charter. Mr. Blanchard asked how many of the merged communities had a Transition
625 Committee? Mr. Safford stated that most communities had merged more quickly than what was
626 being proposed by the Task Force, and most communities had been much smaller and/or the
627 Villages had been absorbed into the Towns or had very little services left by the time they merged.
628 It was not as big or complex of a process as in this case, so it was not as large of an issue. He felt
629 that the merger between Essex and Essex Junction would be the largest municipal merger.

630

631 Mr. Scheidel stated that the contract expiration date for the Village Association was December 31,
632 2007. Mr. Safford stated that there was a certain amount of assurance that the employees would like
633 and from the Manager's standpoint, they wanted to prevent flight from skilled employees while they
634 had business to wrap up for the merger. Ms. Wrenner wondered whether changing the wording to
635 "all non-union" employees would assist in this issue and members did not think it would. Ms.
636 Myers stated that in the case of Stowe, the Village was becoming part of the Town, so that was
637 why they were saying 'all employees of the Village became Town employees', but in this case, the
638 Village/Town were becoming another entity and questioned whether the proposed language was
639 applicable. Mr. Safford replied that the first sentence to Mr. Lajza's proposal included both the
640 Town and Village employees becoming employees of the new entity of the Town of Essex
641 Junction, as opposed to Village employees folding into the Town policies.

642

643 Members determined that they would not deliberate any further on this issue that night. Mr. Lajza
644 agreed to having members think about these issues and felt there was some interest in what was
645 currently in his proposal. Mr. Lajza argued that this issue was extremely important. He commented

646 that Mr. Safford pointed out that in the beginning, the Village would merge into the current
647 personnel provisions of the Town of Essex, but then the Town of Essex and the Village together
648 would cease to exist and then become the new Town of Essex Junction with new regulations. He
649 commented that there were probably concerns from employees from both the Town and the Village.
650 Mr. Sweeney summarized the issues by stating that the first question was did the Task Force
651 endorse the full employment policy and the second question was did the Task Force endorse the
652 concept that everyone's dates of hire be carried over? He reminded the Task Force that Mr.
653 Scheidel informed them that they could not discuss this in open session because of contract
654 negotiations so that it would have to be discussed in Executive Session.

655

656 **Future Agenda Items**

657

658 Mr. Mertens suggested determining at the next meeting the timing of that Executive Session
659 discussion due to the current detailed nature of this topic, which he felt could have big implications.
660 Mr. Lajza stated that if they wanted to go into Executive Session, it would have to be moved by a
661 member and asked if they wanted to make that motion now or later. Mr. Mertens stated that they
662 were out of time that night. Mr. Lajza stated that it would be out of time at any case, as Executive
663 Session would not be part of a regular meeting and would be after the meeting or at some other
664 time. Ms. Higgins clarified that Mr. Lajza was suggesting it be on the Agenda as an Executive
665 Session discussion for next week. Mr. Lajza asked, when did they want to make that decision? Mr.
666 Scheidel stated that this topic would arise during the discussion on the organizational chart as well
667 as with the financial presentation, as government was people serving people, and members agreed.
668 He recommended that when they started discussing people, they should enter Executive Session. He
669 stated that going into Executive Session was a legitimate, legal opportunity to have a discussion
670 about personnel, contracts or pending litigation and should occur when they determine that they
671 were discussing people in the next several meetings. Ms. Myers would like to have the opportunity
672 for the Selectboard to discuss these issues. Members deliberated on the timing of executive session
673 and the nature of next week's presentation. Mr. Safford stated that they would address the difference
674 in services, not the particulars of people. Mr. Lajza thought that this discussion would have
675 occurred next week, and Ms. Myers pointed out that the discussion could not occur in open session.
676 Mr. Mertens felt they could discuss it and not make a decision. Mr. Sweeney and Ms. Myers
677 confirmed that the discussion had to be in Executive Session, and Ms. Myers stated that she was not
678 willing to go into Executive Session without an opportunity for the Selectboard and the Trustees to
679 have discussions first. Members deliberated on the timing of going into Executive Session, which
680 was decided to be on March 29th. Mr. Lajza suggested a meeting with both the Boards, and Ms.
681 Myers did not think that was necessary but that they could meet independently and come to the
682 Executive Session with their respective opinions. Mr. Mertens noted that they reached item (h) in
683 their process of reviewing the Charter, which was not resolved as of yet, and that the Task Force
684 would return to (h) next meeting.

685

686 **Public Input-General Comments**

687

688 Mr. Marcotte expressed concern that Ms. Wrenner's letter to the Free Press praising Burlington's
689 move to IRV would send the wrong message to the voters in this town and would be an obstacle to
690 voter approval of the Charter. (In her letter, Ms. Wrenner said, "Modern voting methods, like IRV
691 and Choice Voting - currently under investigation by Essex's Merger Task Force as a more

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692 representative means of electing its Town Council - allow voters to rank their candidate choices
693 (1,2,3) rather than select a single candidate.”) Mr. Sweeney clarified with Mr. Marcotte that the
694 Task Force had not made a decision to this issue. Mr. Mertens stated that when they addressed
695 section 202, the Task Force would address the topic raised by Mr. Marcotte and if everyone was
696 present next week, it would be possible the issue would be addressed.

697

698 Mr. Marcotte expressed concern with the large penalty for late taxes. He was in favor of having it
699 be 4% as opposed to 8% and suggested that if there were repeat offenders, it would be 8%. He felt
700 this would be a more friendly policy for the community as sometimes being late was not
701 intentional.

702

703 **LINDA MYERS MOVED AND RENE BLANCHARD SECONDED A MOTION TO**
704 **ADJOURN AT 9:00 P.M.**

705

706 **THE MOTION PASSED 8-0.**

707

708

709 **Respectfully submitted,**

710 *Saramichelle Stultz*

711

712 *Saramichelle Stultz*

713 Recording Secretary

714

715

716

717 (THESE MINUTES ARE SUBJECT TO CHANGE AT THE NEXT MERGER TASK FORCE
718 MEETING)

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**MERGER TASK FORCE
ESSEX/ESSEX JUNCTION
MEETING MINUTES
March 15, 2006**

MEMBERS PRESENT: Hugh Sweeney, Hans Mertens, Linda Myers, George Boucher, Alan Nye, John Lajza, Deb Billado, Irene Wrenner, Rene Blanchard, Barbara Higgins.

STAFF PRESENT: Pat Scheidel, Town Manager; Charles Safford, Village Manager; Todd Odit, Assistant Town Manager.

OTHERS PRESENT: Dave Willey, Victoria Welch, Tim Jerman.

BUSINESS AGENDA

Public Input on Agenda Items

There were no public inputs.

Approve minutes of March 8, 2006

LINDA MYERS MOVED AND DEB BILLADO SECONDED A MOTION TO ACCEPT THE MINUTES OF MARCH 8, 2006 WITH THE FOLLOWING CORRECTIONS:

Line 133: Replace “and” with “that”. Line 138: Strike “had”. Line 229: Replace “Selectboard” with “Council”. Line 231: Replace “was” with “defined a quorum as”. Line 330: Replace “personnel” with “person”. Line 365: Strike “agreed and”. Line 406: Replace “of the Transition Committee.” with “as defined in the 1999 Charter”. Line 427: Replace “those three respective” with “the three representatives from each ward.” Line 431: Replace “he” with “she”. Line 438: Strike “that”, after “there” add “could”, after “appointed” add “member”, replace “unlike” with “like”. Line 553: Replace “personnel would be seniority” with “contracts determined seniority”. Line 580: Replace “flight” with “fear”. Line 581: Replace “relay” with “allay”. Line 594: Replace “at the present time” with “in an open meeting”. Line 669: Shorten dash, Replace “allowed” with “allow”.

THE MOTION PASSED 9-0.

Hans Mertens arrived at 7:20 p.m.

Organizational Structure Input from Town and Village Managers

Mr. Scheidel stated that he and Mr. Safford met to discuss the details of their assignment, which was to develop an organizational chart that would reflect the current organizations and the future organization known as the Town of Essex Junction. Mr. Scheidel referred members to their packets, which included four organizational charts, one that reflected the current Village of Essex Junction, one that reflected the current Town of Essex, one that reflected the recommended organizational

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48 structure for the Town of Essex Junction and one that reflected a recommendation for the
49 Legislative Body in the new Town of Essex Junction.

50

51 Mr. Scheidel reminded the Task Force that they had decided to maintain a Council/Manager form
52 of government for the new community, which had been the form of government for the Village and
53 the Town for over 50 years and, in his opinion, had been working well. He explained that the
54 classic organizational chart of a Council/Manager form of government, called for the voters to be at
55 the top of the Chart, who elected a Legislative Body, which would be charged with setting policy.
56 The Legislative Body hired a Manager, who was charged with managing the organization and
57 departments. The departments would vary depending on the size of the community and the
58 complexity of services offered, but regardless of the size of the community, the organizational chart
59 would probably have the same general flow with the same basic departmental functions.

60

61 Mr. Scheidel reviewed the organizational structure of the current Village of Essex Junction. The
62 voters elected all the officers who set the policy for the Village, which included the Village
63 President and the Trustees, the Library Trustees and Fire Department Engineers. The Village
64 Trustees and President appointed all members of the Boards and Commissions, who hired a Village
65 Manager to run the organization. Then the Village Manager managed the functions/departments in
66 the organization, which delivered services to the taxpayers in the Village. Each of the titles were
67 defined in boxes and lines were drawn to define the accountability, responsibility and
68 communication between and among the boxes. Mr. Scheidel explained that the lines reflected the
69 powers that came from State law and from the charter. Each department, which included Public
70 Works, Clerk/Treasurer, Accounting MIS, Library Director, Engineering, Attorney and
71 Development and Planning reported to the Village Manager, who also hired the people who
72 provided those services.

73

74 Mr. Scheidel stated that the Town of Essex organization chart was similar to the Village of Essex
75 Junction. The voters elected the Selectboard and the Selectboard appointed all members of the
76 Boards and Commissions including the Attorney and they hired a Town Manager. The Town
77 Manager was responsible for managing the organization from an administrative standpoint. The
78 basic functions provided to the Taxpayers currently in the Town of Essex were the Police, Public
79 Works, Clerk/Treasurer, Assessor/Real Estate, Finance, Library, Parks and Recreation, Fire and
80 Community Development.

81

82 Mr. Sweeney stated that in some towns, the Town Clerk was elected and assumed that the Clerk in
83 the Town of Essex was appointed, and Mr. Scheidel agreed. Mr. Sweeney asked whether there had
84 been a charter change to change the position from elected to appointed. Mr. Scheidel responded that
85 it was a charter change. He explained that for many years, the Clerk/Treasurer was an elected
86 position, but that the nature and complexity of the job required that person to remain in the position
87 for a length of time and to handle more issues more frequently. As a result about five or six years
88 ago, it was decided that having an appointed Town Clerk would address those needs by providing
89 more continuity and more frequent contact with the voters. Mr. Sweeney confirmed with Mr.
90 Safford that the Clerk/Treasurer was appointed by the Manager in the Village. Mr. Sweeney
91 assumed that the current language in the proposed charter for the merged community was consistent
92 with the Clerk/Treasurer being appointed by the Managers, and the Managers agreed.

93

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94 Mr. Blanchard asked Mr. Scheidel to repeat the three definitions for the lines on the chart, and Mr.
95 Scheidel stated, accountability, responsibility and communication. Mr. Scheidel explained that
96 information was filtered through the Manager from the Legislative Body as well as from the
97 organization to the Legislative Body, which was in most charters. He explained that the Manager
98 implemented policy set by the Legislative Body and that the Managers could not make policy
99 decisions. Mr. Nye asked whether the Town and the Village contracted services from the Attorney
100 and who managed that contract. Mr. Safford stated, yes they contracted services from the Attorney
101 and that by charter, the Manager appointed both the Engineer, the Attorney and the Clerk/Treasurer
102 with the approval of the Legislative Body. Mr. Scheidel asked if it was annual appointment in the
103 Village, and Mr. Safford agreed that it was an annual appointment.

104

105 Mr. Scheidel, with regards to the Town of Essex Junction, explained that the proposed chart was
106 within the same structure of a Council/Manager form of government and reflected all the same
107 duties and responsibilities in the charter that was created by the Task Force thus far. He explained
108 that the voters elected the Town Council, which would appoint the Town Attorney or any members
109 of the Boards and Commissions. The Town Council would hire a Town Manager, who would be
110 responsible for running the organization. Mr. Scheidel explained that the functions in the
111 organizational structure for the Town of Essex Junction identified thus far from the Task Force
112 included Police, Public Works, Clerk/Treasurer, Assessor, Real Estate/Finance, Library, Parks and
113 Recreation, Fire and Community Development, which the Managers believed were essential to
114 maintain the same level of service in the new organization. He concluded that this proposal would
115 be a recommendation to the Task Force who would then make a recommendation to the Selectboard
116 and the Trustees. He then suggested that the new Town Council would decide annually, during the
117 budget process, what level of service and what quantity of service would be delivered, but that their
118 proposed organizational chart presupposed no changes in people or services. Mr. Mertens asked if
119 Community Development included planning, and Mr. Scheidel replied, yes. Mr. Blanchard asked
120 whether the Deputy Town Manager was a new position? He noted that there had to be a difference
121 in responsibilities between the Town Manager and the Deputy Town Manager. Mr. Scheidel
122 responded that the Deputy Town Manager was not a new position, but that at the present time, the
123 position was vacant. He explained that the Town of Essex had a Deputy Town Manager job
124 description and an Assistant Town Manager job description. The Deputy Town Manager was a
125 higher level position, with a higher salary and would be next in the line of command to the Town
126 Manager. Mr. Scheidel explained that Essex had an Assistant Town Manager for a number of
127 years, but that the position took on more responsibility, so they created a Deputy Town Manager
128 position to reflect those expanded duties. Mr. Scheidel believed that in the new Town of Essex
129 Junction, the Town Manager would spend most of his time the first couple of years working with
130 the new Town Council, the Boards, Committees and Commissions and the external entities in
131 Chittenden County such as Vermont League of Cities and Towns in order to maintain the current
132 relationships that both the Town and Village enjoy today. The Deputy Manager would then be
133 responsible for running the day-to-day operation of the organization. Mr. Scheidel stated that in
134 their unique situation of merging two organizations that had been separate for a substantial amount
135 of time, both he and Mr. Safford felt that it would be essential, during the first year or two, to have
136 a person who could help to make that transition easy and who could provide institutional memory
137 for the new organization. The Managers felt that the new members of the Town Council would
138 have many questions the first time they developed a budget, etc. and that their proposal for an
139 organizational chart would work well in helping that transition be successful.

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140

141 Mr. Blanchard wondered if the Deputy Town Manager position was vacant due to financial or other
142 past reasons. Mr. Scheidel replied that Essex had this position filled in the past and the person
143 fulfilled those responsibilities. Mr. Blanchard confirmed that currently the position was vacant, and
144 Mr. Scheidel agreed. Mr. Scheidel explained that instead of recruiting for the Deputy Town
145 Manager position, he recruited at the level of an Assistant Town Manager. Currently in the Town of
146 Essex, the Assistant Town Manager functioned as the number one person in the Town Manager's
147 absence and in the new community, the Assistant Town Manager would be the number one person
148 when the Deputy and Town Managers were absent. Mr. Blanchard asked Mr. Scheidel how any of
149 the members could respond to questions about the position of Deputy Town Manager and whether
150 it was a new position? Mr. Safford stated that it was not a new position organizationally. He
151 suggested that for the first time, in the Town of Essex Junction, they would have an Assistant Town
152 Manager and a Deputy Town Manager at the same time. Mr. Safford added that the new Town of
153 Essex Junction would be the largest they have ever had and would include a combination of two
154 cultures merging into one organizational structure. There would be a lot of work to be done during
155 the transition time and during the start of this new organization and to have both positions initially
156 would provide them with a succession plan if desired by the legislative leaders, along with a built-
157 in institutional memory and additional capacity to handle the additional demands in the new
158 organization. Mr. Blanchard explained that he was not disputing the need for both positions, but
159 wanted clarification for how he would respond to questions about this position and confirmed with
160 the Managers that he understood their explanation.

161

162 Mr. Scheidel, in regards to the fourth chart titled Legislative Body Merger Plan, explained that the
163 Managers in developing this structure, made some assumptions that there would not be a
164 Development Review Board, for example, and would have a Planning Commission. He stated that
165 after some time, the new Town Council, might want to change the structure, but that at the present
166 time, this was the recommendation from he and Mr. Safford. The chart was an overview of the
167 Boards, Committees and Commissions presently in the Village and Town. He noted that he and Mr.
168 Safford may have missed some committees, but that this was the customary Council/Manager form
169 of government chart for Advisory Boards through a Legislative Body.

170

171 Mr. Mertens commented that there had been much discussion with the Task Force in regards to the
172 Recreation Department and community input and asked if that was addressed in this chart? Mr.
173 Scheidel replied that there was no proposal for a Recreation Advisory Board in this chart. He
174 suggested that a Recreation Advisory Board could be one of those decisions made by the new Town
175 Council if they desired. Mr. Safford reminded members that the proposed chart was not part of the
176 charter and could be easily changed. He stated that the Recreation Advisory Board (RAB) currently
177 in the Village through the Prudential Committee was not statutorily or charter mandated. The RAB
178 was an option of the Legislative Body, which, through the Charter, was allowed to create any
179 committee they needed to help them fulfill their duties and obligations or to provide them with
180 advice. Mr. Safford recalled the Task Force discussions in regards to the RAB, as being a function
181 of the charter and his understanding from the consensus of the Task Force was they were against
182 being bound to that committee by the charter. Therefore, he explained that the Managers did not
183 reflect it in their proposal. Mr. Mertens asked whether the Committees were mandated. Mr.
184 Safford replied that the only ones that were mandated were the Planning Commission, Zoning
185 Board of Adjustment, Town Manager, and the Library Board. The Legislative Body appointed the

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186 Trails Committee, Economic Development Committee and Conservation Committee and staff was
187 needed to carry out the duties. Mr. Scheidel stated that they did not include the Cemetery
188 Commission.

189

190 Mr. Mertens proposed to Mr. Sweeney that the Task Force add Recreation as a box to be included
191 in this chart. Mr. Sweeney first wanted to include voters at the top of the chart and Cemetery
192 Commission to the chart as well. Mr. Scheidel added that there was a Historic Committee and the
193 Memorial Hall Committee, but did not know if they needed to be included. Mr. Safford confirmed
194 that the Memorial Hall Committee members were appointed by the Legislative Body versus the
195 Historic Committee being a non-profit, and Mr. Scheidel agreed that Memorial Hall Committee
196 should be added to the chart. Mr. Sweeney, in regards to the most recent Town Report, noted that
197 the Historical Society was listed in the Town Report, and Mr. Safford informed him that it was a
198 non-profit group. Mr. Sweeney confirmed that it was a group non-affiliated with the Town
199 government, and Mr. Nye stated that the Town provided them space and money. Mr. Safford
200 explained that the Committees listed on the chart were those that were appointed by the Legislative
201 Body and that the Historical Society was a non-profit group, which he did not believe had a Board
202 that was appointed by the Legislative Body. Mr. Nye suggested that the relationship with the
203 Historical Committee was similar to the relationship with Essex Rescue, and members understood
204 that with Essex Rescue, members of their Board were also not appointed.

205

206 Mr. Blanchard reminded Mr. Sweeney that there was a proposal to add a box for Recreation, and
207 Mr. Sweeney suggested they discuss that issue. Mr. Mertens asked for clarification as to what
208 qualified a Committee to appear on the chart. Mr. Safford replied that it would be whether the
209 Committee was mandated by the charter or statute and whether they were appointed by the
210 Legislative Body. Mr. Mertens asked if Rescue and Historic would appear on the chart and the
211 Managers replied, no. Mr. Mertens confirmed that the reason was that they had no legislative
212 direction. Mr. Safford replied that they were not appointed by the Legislative Body and that they
213 were separate non-profits. He explained that the municipality might provide them funding, but that
214 those organizations had their own policy-making Board, independent from the elected Legislative
215 Body of the municipal corporation. Mr. Scheidel stated that there were a myriad of groups that fit
216 that description such as CHIPS, Senior Center, etc. Mr. Mertens clarified that the reason that Fire,
217 for example, was not included on this chart was because it worked for the Town Manager, and Mr.
218 Safford stated that was correct.

219

220 Mr. Mertens stated that he was in favor of Recreation as a Committee and felt that if Cemetery was
221 included, he felt Recreation was just as important and should have the attention of a Legislative
222 Body. He understood from the discussion with the Prudential Committee some time ago that there
223 would be a focus on Recreation and public input for Recreation. He understood that there was a
224 commitment agreed upon from the Task Force members that it was important to ensure public
225 feedback, well-served school programs and a collaborative relationship between the school and the
226 Recreation Department. Mr. Mertens believed that in order to fulfill that commitment, he felt there
227 should be a Recreation Committee in the new Town of Essex Junction.

228

229 **HANS MERTENS MOVED AND JOHN LAJZA SECONDED A MOTION THAT THE**
230 **NEW TOWN OF ESSEX JUNCTION PROVIDE FOR A RECREATION ADVISORY**
231 **BOARD WHERE THE COMMUNITY AND SCHOOLS CAN PROVIDE INPUT, HELP**

232 DEVELOP THE PROGRAMS AND ASSIST WITH VOLUNTEER WORK SIMILARLY
233 TO THE PRESENT RECREATION ADVISORY BOARD IN THE VILLAGE.

234

235 Mr. Mertens suggested referring questions to Mr. Jerman, who was in the audience, and to Mr.
236 Safford who were both knowledgeable on the Recreation Advisory Board topic.

237

238 Mr. Sweeney pointed out that there were two charts representing the new organization. He
239 confirmed that one chart defined the organization of the Departments, each with Directors. Mr.
240 Safford stated that the intent of that chart was to highlight the Department Heads and that the intent
241 of the second chart was to highlight Legislative Body and policy making that fed into that
242 Legislative Body. Mr. Sweeney clarified that one chart reflected the Parks and Recreation
243 Department Director and the other would reflect the various Committees. Mr. Sweeney noted that
244 the Library did have a Director and a Library Board and confirmed with Mr. Mertens that he
245 wanted to create a similar relationship. Mr. Mertens responded that he wanted to create a
246 relationship more like the present Recreation Advisory Board that existed today in the Village,
247 which allowed the feedback and the interface with the schools.

248

249 Mr. Safford asked if the Recreation Advisory Board was appointed by the Prudential Committee or
250 the Recreation Director and whether the intent was to provide feedback to the Recreation Director
251 or to the Prudential Committee or a combination of both? Mr. Jerman, from the public, replied that
252 it used to be providing feedback just to the Recreation Director, but that the Prudential Committee
253 now had a member on the Recreation Advisory Board, which created a closer relationship to the
254 Prudential Committee. Mr. Jerman stated that if the Task Force created a Recreation Advisory
255 Board(RAB), the duties would change somewhat because at the present time, since it was run by
256 the schools, it was more of a community-driven group with a preference to include a Representative
257 from the Trustees. Mr. Safford stated that in some communities, the RAB was a group that reported
258 to the Director to provide him feedback and not as much to report to the Legislative Body. He
259 stated that he would have to research the various models throughout the State, but that the models
260 were most likely particular to their organization, their history and traditions of their community.
261 Mr. Jerman added that it was not a policy Board but an Advisory Board, which also provided a way
262 to solicit many volunteers for many of the community events. Mr. Mertens wondered whether, in
263 the new Town of Essex Junction, the Library Board would not be a policy Board either? Mr.
264 Safford replied that the Library Board would set Library policies as discussed in the past. Mr.
265 Sweeney reminded Mr. Mertens that the Task Force discussed how the Library Board would set
266 policies, except when it conflicted with anything from the Legislative Body. Mr. Safford asked if
267 the Economic Development Committee reported to the Manager or to the Legislative Body? Mr.
268 Scheidel replied that the Economic Development Committee was staffed by the Assistant Town
269 Manger, but it still reported to the Selectboard.

270

271 Ms. Myers was opposed to a Recreation Board. She felt that the RAB in the Village was formed
272 because there was a perceived need for feedback and a need to keep the lines of communication
273 open because it was under the purview of the Prudential Committee. However, under the model for
274 a merged community, the Parks and Recreation Director would report directly to the Town
275 Manager, and staff and programs would be coordinated through the Parks and Recreation Director
276 via the Town Manager. She stated that they had been working with this Recreation model for many
277 years and have found no need to worry about the coordination with the schools, etc. because the

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278 Recreation Director managed those duties. She noted that the only thing she could think of that the
279 Selectboard was involved with recently, with regards to Parks and Recreation outside of the
280 Department and the Director, was the Needs Assessment for the community. Mr. Scheidel
281 confirmed that there was a Recreation Needs Assessment, along with a five-year plan, which was
282 completed by a former Colchester Parks and Recreation Director and professional, who had been a
283 hired consultant for many years.

284

285 Mr. Mertens asked whether the Parks and Recreation Director and the Cemetery Director would be
286 the same person in the new community, and members said no. He asked if there was a Cemetery
287 Director. Mr. Scheidel stated, no, that presently the Cemetery Commission was a group of five
288 members who maintained and managed the cemeteries. Mr. Mertens asked whether the Parks and
289 Recreation managed the cemeteries and members replied no. Mr. Scheidel explained that one of the
290 employees of the Parks and Recreation provided some grounds maintenance for cemeteries such as
291 grass cutting, etc. Mr. Mertens had the impression that Parks and Recreation was in charge of
292 cemeteries, and Ms. Myers stated no. Mr. Nye stated that the Parks and Recreation just mowed the
293 cemeteries. The Cemetery Commission was a policy-recommending management group that
294 oversaw the cemetery funds. Mr. Scheidel explained that the Cemetery Commission collaborated
295 with the Historical Committee because one of the cemeteries was historical. He explained that it
296 was quite an extensive process to maintain the records and files of all the historic cemetery plots.

297

298 Mr. Mertens asked what the difference was between Economic Development and Community
299 Development. Mr. Sweeney explained that Community Development addressed zoning and
300 planning and Economic Development addressed economic issues and requests from the Legislative
301 Body. Ms. Myers added that the Departments for the Town of Essex Junction, such as Community
302 Development, Parks and Recreation, Public Works, etc. were Departments with Heads that were
303 hired and had hired staff. On the other hand, the Committees consisted of volunteers, except for the
304 Attorney, so there was no hiring done. The volunteers were a group of people who were vitally
305 interested in, for example, trails in the community, so they volunteered to serve on the Trails
306 Committee, which she saw as the difference between the Economic Development Committee and
307 the Community Development Department, which had hired staff. Mr. Mertens was under the
308 impression that none of the Committees influenced the Department Directors. Mr. Scheidel stated
309 that there were staff from most of the Departments, who provided advisory information to the
310 Committees. The Planning Commission was staffed by the Community Development Director and
311 the Town Planner, the Trails Committee was staffed by the Town Planner and the Recreation
312 Director depending on the nature of the job, the Economic Development Committee was staffed by
313 the Assistant Town Manager, the Zoning Board was staffed by the Zoning Officer and the
314 Conservation Committee also had a Staff person depending on the issue. He continued by saying
315 that the Memorial Hall Committee was staffed between the Town Manager's office and the Director
316 of Public Works office, depending on the project, and the Library Director staffed the Library
317 Board. Mr. Scheidel explained that with the Recreation at the present time, the Recreation Director
318 received much input from the people who participated in programs, who knew how to contact Mr.
319 Berry, the Director, who in return, addressed the issues with the public. Therefore, the Recreation
320 Advisory Committee concept was never needed in the past because the communication between
321 and among the various sports groups, etc. was through the Director or from people such as Mr. Nye
322 from the Selectboard, who was very active in Recreation programs. In this way, the public had
323 received answers quickly and to their satisfaction.

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324

325 Mr. Safford, in the case that the Task Force decided in favor of Mr. Merten's proposal,
326 recommended that the Task Force strongly consider having a Recreation Advisory Committee
327 versus a Recreation Commission to avoid any conflicts with the Legislative Body or Recreation
328 Department with regards to authority. He felt that if a Recreation Advisory Committee's authority
329 was not limited by title and direct responsibility, it could become a defacto commission, which
330 would have to be dealt with by the Legislative Body at some point in time. Mr. Nye pointed out
331 that there had been such incidences in the past since he has been a Selectboard member and it was
332 difficult to explain the roles and responsibilities to the members of the Committee. Mr. Lajza
333 expressed his concern for having a Recreation Commission because it might distract the Town
334 Council more easily by trying to run the everyday business, which would not be its business. The
335 Manager would run the business and if they had a Recreation Commission, he felt that it could
336 result in the Council trying to run Recreation instead of the Manager. Mr. Safford explained that
337 the present structure with the Prudential Committee and the Recreation Advisory Board was
338 different in that they did not have a Manager form of government with a Manager overseeing the
339 Department Heads and the School Superintendent was more focused on schools. He was sure,
340 however, that there were other models with a Council/Manager form of government that had
341 Recreation Advisory Committees. Mr. Lajza was in favor of the Recreation Director having the
342 prerogative to decide whether it was necessary to have a Recreation Advisory Committee, but that
343 it was not the Council's prerogative. Mr. Blanchard stated that the title itself seemed to lend to a
344 group of people who would have some influence. His experience with setting up Committees and
345 Advisory Boards was if they volunteered and returned with suggestions, their feelings would be
346 hurt if you didn't follow those suggestions to some degree. He felt comfortable, since the
347 Recreation Department would be separating from the school, that the Recreation Advisory
348 Committee would not be needed as it was at the present time.

349

350 Ms. Higgins stated that her opinion had been expressed by other members so she did not feel she
351 needed to add anything. Mr. Sweeney added that he had read a lot of articles in the newspapers that
352 implied that the merger would not be successful if the Task Force was in favor of the Recreation
353 Department being under the purview of the municipal government and not the schools. However, he
354 had also heard from the Town School Department that they were in favor of having the municipal
355 government be in charge of the Recreation Department as they had enough work to do managing
356 the schools. He noted that he has heard from the schools that the Town government worked well
357 with them to collaborate on the needs of Recreation, school and the community and that the current
358 situation in the Town of Essex was working. Mr. Sweeney was also worried that if they injected
359 another Committee or Commission, it would complicate the structure. He felt that the model in the
360 Town worked fine as long as the Council held the Town Manager and the Department Heads
361 accountable for making it work and set priorities and expectations. He stated that he would not be
362 in favor of an additional Recreation Committee as he felt that it would complicate their structure
363 unnecessarily. Mr. Boucher asked what Mr. Mertens felt the Village would lose by not having this
364 Recreation Committee? Mr. Mertens thanked Mr. Boucher because that was where his thoughts
365 were leading. He stated that Ms. Wrenner and he had the opportunity to visit with the Unification
366 Committee and he knew one of their items was that the schools wanted the ability to ensure that the
367 "Recreation programs served their needs." The Recreation Advisory Committee, as it existed in
368 the Village today, was discussed as a potential avenue for receiving input in the new community
369 and it was less important whether it was called a Commission or a Committee or Recreation

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370 Advisory. He suggested that moving the Recreation Department under the purview of the municipal
371 corporation was a core change in the way Recreation was organized. He noted that clearly the Town
372 was comfortable with their current system, but on the other hand, there was a core change at the
373 present time modifying how things would run, which he felt needed some transition so that
374 everybody involved was comfortable and nothing “fell between the cracks.” Therefore, he was
375 proposing a Committee that would advise the Recreation Director to provide some insight for ways
376 that things had been done in the past and how those ideas could be utilized with the current method
377 of Recreation. Mr. Mertens felt a Recreation Advisory Committee would 1) ensure community
378 input to the Recreation Director and 2) allow the schools some support and communication.
379 Thirdly, Mr. Mertens felt that if the Committee lost its focus or direction, then the Town Manager
380 and the Recreation Director would address that issue, but he was not as concerned about that issue.
381 He agreed with Mr. Sweeney that the schools were overworked and had enough work to do and
382 may be content with not having it as another aspect of their job, but he also did not want to sever
383 the ties so quickly and provide a transition for the process of creating a new relationship with the
384 Recreation Director. He believed that there should be a way to provide public input and build on the
385 objectives for good support and communication between the schools, Recreation Department and
386 the community. Mr. Mertens stated that he had heard so many times that members did not want to
387 decrease services, and Recreation, he believed, was one of those areas. He commented that he was a
388 bit surprised at the informal model in the Town of Essex versus having a Recreation Advisory
389 Committee in the Village. Mr. Mertens remarked that he was unsure as to the level of authority the
390 RAC held other than visiting with Pete Selikowitz on a regular basis, making suggestions, assisting
391 in planning and providing volunteers, similarly to the Library Board. Mr. Mertens argued that
392 having a RAC in a new merged community would ensure that input, which he felt was a positive
393 venue for the new community.

394

395 Ms. Myers stated that she would prefer waiting until the community merged, with the government
396 in operation and the plan put into effect to see whether it appeared that there was a disconnect from
397 the schools or the community. At that point, she would be more comfortable with the new Town
398 Council making the decision as to whether they wanted a Recreation Advisory Board. She was
399 opposed to creating that Advisory Board for the Task Force plan of recommendation at the present
400 time. She believed that the Town of Essex had a system that worked very well for years with a
401 Recreation Director who dealt regularly with the schools. She understood that in the Village it had
402 been different because of their situation, but in the Town of Essex, she never felt that there was a
403 lack of communication or a need for some kind of a group to advise the Recreation Director from
404 the school's point of view, because everything worked. She was in favor of using the Town's model
405 for the new legislative plan and then if they found that due to the expansion from the merger that
406 there was some disconnect, then perhaps the new Town Council could consider adding a
407 Commission to their roster of Committees. However, with Mr. Merten's suggestion, Ms. Myers felt
408 the assumption was that without a Recreation Advisory group there could be problems. She
409 preferred assuming that they have a system that has worked well and could potentially not ever
410 have a problem. Ms. Myers recommended not anticipating a problem unless there was actually one,
411 and she was against the need for a Recreation Advisory Committee in the Legislative Body Merger
412 Plan.

413

414 Mr. Safford suggested that the Recreation Director could pull together the little leagues from the
415 Town and the Village on an Ad-Hoc basis and get their input as to how to merge. He pointed out

416 that even though it was indicated that the Manager could redirect the RAC if needed, that it was, in
417 fact, really the responsibility of the Legislative Body, since they appointed the Committee. He
418 suggested that it could be a difficult process for the Department Head or the Manager to try to
419 redirect a Committee that had been appointed by the Legislative Body. In the best case scenario,
420 Mr. Safford suggested that the RAC could provide some feedback and some volunteer power and in
421 worst case scenario, the RAC could take on a life of their own and become another body for the
422 Legislative Body to manage. Mr. Safford asked Mr. Scheidel if he had anything to add or whether
423 he had ever worked with a Recreation Advisory? Mr. Scheidel stated that he had worked with a
424 Recreation Advisory and agreed with the comments from Mr. Safford. He stated that even the
425 Legislative Body was sometimes unhappy with the autonomy that evolved and nobody wanted to
426 say no to anything that benefited the children, particularly in a Recreational/Educational arena like
427 the Parks and Recreation Department. Mr. Nye stated that other than the Library, Parks and
428 Recreation affected more people in the community than any other organization, other than sewer,
429 water and roads, and any Legislative Body that did not listen to the community as a whole with
430 respect to recreational issues and with respect to program issues would not be around long as it was
431 their responsibility to meet the needs of the community. From his experience being very involved in
432 Parks and recreation in the town for 15 years, Mr. Nye was a huge proponent of the Parks and
433 Recreation. He had listened many times to the community and received feedback, and he thought it
434 was very important to hear it at a higher level, rather than to a small self-serving group that did not
435 represent the mass populace. He believed that the Legislative Body needed to be in touch with the
436 community and that sometimes those Committees were not the avenue for the public to provide
437 input. He stated that similarly to Mr. Blanchard's comment he felt that when you have a
438 Commission or Committee and the Legislative Body did not take their recommendations, due to
439 financial reasons or philosophical reasons, the negative aura that was created in the community
440 could be detrimental. He explained that the Town had a similar experience with the Trails
441 Committee at one point when unfortunately the Selectboard had to refocus those members as to
442 their roles and responsibilities and educate them that even though they were not able to provide
443 funding on the Trails, the Selectboard did not think trails were unimportant, but that it was more a
444 reality of funding problems. Mr. Nye was in favor of the new Legislative Body or the Recreation
445 Director giving the authority to decide whether they were in need of a Recreation Advisory
446 Committee.

447

448 **THE MOTION FAILED 1-9. (Hans Mertens was in favor)**

449

450 Mr. Sweeney asked Mr. Scheidel if he had anything to add to the Organizational Structure
451 Presentation, and Mr. Scheidel stated, no.

452

453 Mr. Lajza asked if they needed a Cemetery Commission and whether there was a lot of policy
454 involved? Members discussed the Cemetery Commission volunteer work. Mr. Safford asked
455 whether they sold the cemetery plots, and Ms. Myers agreed. Mr. Safford stated that the volunteers
456 did a lot of work and that there was more than just policy. Ms. Higgins clarified that essentially the
457 Town was getting a lot of free work done for them and if they had to do it within the Town they
458 would have to hire additional employees, which would be more costly. Mr. Lajza perceived the
459 Cemetery Commission similar to Essex Rescue. Ms. Higgins stated that it may be more difficult to
460 get people who were interested in the topic of cemeteries to come forward as volunteers. Mr. Lajza
461 suggested that he might have misunderstood. Mr. Nye explained to Mr. Lajza that it was Town

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462 property, not like the Village Cemetery, which was private property and Mr. Lajza understood.

463

464 Mr. Blanchard asked who the Town Attorney represented? Mr. Scheidel stated that the Town
465 Attorney represented the Town and the Town was defined differently depending on the issue. For
466 example, if citizens were not happy about the decision made by the Planning Commission and
467 appealed to the Environmental Court, the Town Attorney would represent the staff or the Town and
468 those making the appeal would hire their own attorney. If there was litigation by and between a
469 citizen and the Town on a road issue, for example, the Town insurance company would provide any
470 legal services the Town might need and the Town Attorney would have a limited role in that case.
471 If there were allegations of impropriety, malfeasance, etc, the Town Attorney would defend the
472 alleged employee. He explained that the Town Attorney reviewed all contracts, by and between the
473 Town and all of the Departments involved, and any arbitration as a result of a problem. The Town
474 Attorney would represent Public Works Director, Police Chief, Town Manager, etc. who were
475 involved. The Town Attorney represented the Town and the Town was defined as the entire
476 Organizational Chart. Mr. Safford added, the municipal corporation. Mr. Nye stated, however, there
477 were two exceptions. If, for example, they had a Planning Commission that made a decision and the
478 Legislative Body was unhappy with the decision or did not believe it was in conformance with the
479 Town Plan, etc., then the Attorney represented the Legislative Body and another private attorney
480 had to be provided for the Planning Commission, which had occurred in the Essex community. Mr.
481 Safford provided another instance where there may be an issue with the Manager and in that case,
482 the Town Attorney would represent the Legislative Body and the Manager would get his/her own
483 legal council. Mr. Blanchard asked who would make the final decision if there was an employee,
484 who for some reason, broke an environmental law? Mr. Scheidel explained that the Town had
485 insurance coverage that included legal protection as long as the employee was acting in good faith
486 and under the purview of their job. If there was an action that was done maliciously or intentionally
487 to pollute the waterways on purpose because the employee received a bad evaluation, then it was a
488 criminal matter and the employee would need to seek legal counsel on his own and the Town
489 Attorney would represent the Town and any legal action against that employee. Mr. Safford added,
490 if he was purposefully negligent. Mr. Safford stated that typically the services requested for the
491 Attorney were operational in nature such as questions on an agreement, a contract, planning and
492 zoning issues, personnel matters, etc. Mr. Blanchard asked if there was a scenario where an
493 employee was represented by the Town Attorney, but the Council had to make a decision as to
494 whether the employee was negligent and as a result the Council who had to make the final decision
495 couldn't be brought into the deliberations? Mr. Safford stated that the Council served as the
496 Personnel Board and they served in a quasi traditional manner. The Town Attorney, in that
497 instance, would advise the Legislative Body. Therefore if the employee was filing a grievance, for
498 example, or something that rose to the Legislative Body level, then the employee would typically
499 get representation through their Union and/or private counsel, just like any issues with the Manager.
500 Mr. Blanchard thanked Mr. Safford for his explanation.

501

502 Mr. Nye, in regards to the organization chart, suggested that there may be some other positions
503 created and in his opinion, for example, in the Fire Department, the new community may need two
504 Chiefs, etc. Mr. Nye expressed that in the long term, there may be other positions added to
505 Departments to manage the whole community. Mr. Safford stated that the current proposed Town
506 of Essex Junction Organizational Structure from he and Mr. Scheidel would allow the same
507 services provided today. Mr. Mertens commented that he would like to think that there would be

508 more services. Mr. Safford replied that theoretically, it depended on the number of staff, which
509 effectuated your policy and provided services since they were in a service organization. He
510 commented that a larger organization may allow more specialization in different areas and more
511 staff over time. Mr. Scheidel and Mr. Safford expressed that they always try to do more without
512 adding more costs. Mr. Nye gave the example of the Senior Bus service that was merged and at the
513 same time reduced their costs. He explained that the Town and Village had run separate buses,
514 which had limited staff and limited capabilities at that point in time. Then when they were
515 combined, they served the whole community, provided better service, less personnel, which
516 resulted in greater flexibility and greater capability. Mr. Mertens suggested that Recreation might
517 be another example, and Mr. Nye agreed.

518

519 Mr. Sweeney asked how members would like to proceed in adopting the Organizational Structure.
520 Ms. Myers asked whether the members needed to adopt it. Mr. Sweeney stated that it would be
521 adopted as a recommendation from the Task Force, and he felt that they should recommend some
522 structure to the Trustees and the Selectboard. He noted that they had the Charter, but not everything
523 was defined in the Charter, and he thought the two pages proposed by the Managers defined the
524 Departments and the Committees. Mr. Lajza stated that it was part of the Charge. Ms. Myers
525 agreed that it was part of the Charge, but confirmed that the organizational chart recommendation
526 would not go into the Charter, but rather in the Plan of Merger. Mr. Sweeney asked the members
527 whether they wanted to adopt the proposed organizational structure as a recommendation to the
528 Trustees and the Selectmen? Mr. Nye added, with the changes that had been noted that night.

529

530 **ALAN NYE MOVED AND JOHN LAJZA SECONDED A MOTION TO ADOPT THE**
531 **ORGANIZATIONAL STRUCTURE FOR THE NEW TOWN OF ESSEX JUNCTION AS**
532 **AMENDED.**

533

534 Ms. Billado stated that since they did not have the Deputy Town Manager position filled at the
535 present time, she asked if they could provide her with the distinguishing differences between the
536 Assistant Town Manager and the Deputy Town Manager? She asked whether the major difference
537 between the Deputy Town Manager was that it managed people and the Assistant Town Manager
538 was administrative staff? Mr. Scheidel stated, yes. He explained that the Deputy was the number
539 two person in the organization with direct line control over all the Departments. Ms. Billado
540 confirmed that the Deputy Town Manager could step into the Town Manager's position should that
541 vacancy occur, and Mr. Scheidel agreed. Mr. Mertens had understood from the presentation that the
542 Assistant, Deputy and Town Manager were all the same on a progressive scale. Mr. Scheidel
543 explained that in the Town of Essex currently, the Assistant Town Manager was the number two
544 person and filled in when the Town Manager was absent. Mr. Mertens confirmed that in the merged
545 community all three positions would fulfill the same roles, and members disagreed. Ms. Billado
546 explained that the Assistant Town Manager was administrative staff to the Town Manager and was
547 not a people-manager. Mr. Lajza stated that theoretically, both the Manager and the Deputy
548 Manager had to be available at the same time. Mr. Blanchard, with regards to the Town of Essex
549 Junction Organizational Chart, clarified that the bottom line would be responsible to the Deputy
550 Town Manager rather than the Assistant Town Manager. Ms. Myers asked for clarification. Mr.
551 Blanchard was explaining the difference between the Deputy and Assistant. All the Departments
552 were just below the Deputy and were also below the Assistant, but if he had to be responsible to
553 someone or needed answers, a Department Head or employee refer to the Deputy. Ms. Higgins

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554 clarified that Mr. Blanchard was saying that a question would go from the Department Head to the
555 Deputy as opposed to the Assistant Town Manager. Ms. Billado suggested for practical purposes,
556 that the Assistant Town Manager was a glorified executive secretary, and members disagreed. Ms.
557 Higgins thought that the Town Manager already had an administrative assistant, who she felt was
558 different than the Assistant Town Manager, and she thought there was quite a distinction between
559 the two positions. Mr. Lajza interpreted the Organizational Chart for the Town of Essex Junction
560 as the Assistant Town Manager being a very technical adviser to the Town Manager and the Deputy
561 Manager and who did not address the people-management, but rather was a technical manager and
562 a resource for them. Ms. Higgins asked if it would be helpful to have some verbiage to go with
563 each of the positions for clarification before endorsing this recommendation? Mr. Sweeney stated
564 that Mr. Scheidel had mentioned that they had job descriptions, so he felt it would be best for the
565 members to look at the job descriptions for those two positions, which described everything about
566 those jobs, but asked if they wanted to do that before they voted? Mr. Scheidel pointed out that the
567 job descriptions were narrowly defined for the Town of Essex and the proposal was for the
568 combined community. Mr. Safford added that the job descriptions were likely to change. He
569 reminded them of Mr. Scheidel's story when the Assistant Town Manager's position grew in scope
570 and responsibility because of tenure, and she became the Deputy Town Manager as a way to
571 promote her and to recognize the potential of succession in that situation. Mr. Sweeney suggested
572 that since they would probably get questions from the public concerning the proposed chart, that the
573 Task Force should request a draft of the job descriptions for those two positions as a follow-up to
574 the discussion. Ms. Myers disagreed and stated that she did not think it was the members'
575 responsibility to draft job descriptions for positions. Mr. Sweeney stated that the members were not
576 drafting it, they were asking the staff to draft it and that the Task Force was recommending these
577 positions, which would produce many questions related to the difference between the two positions.
578 He felt it was the Task Force's responsibility to understand the differentiation. Mr. Nye thought
579 they just needed a duties description. Ms. Higgins agreed that she did not want a full job description
580 as she did not think it was in their authority, but she would like to see a general description of the
581 difference between the two positions. Mr. Sweeney asked Mr. Scheidel if this was possible, and Mr.
582 Scheidel stated that it was his job to provide them with whatever information they needed.

583

584 Mr. Lajza added that there were a lot of regulations and the Town Manager had to be on-site and
585 hands-on with services being delivered. He felt that the Managers could not take many hours out of
586 the day to research the laws, etc. for projects to progress and instead he saw that role belonging to
587 the Assistant Town Manager, who was the technical resource to the Town Manager and the Deputy.
588 Mr. Sweeney confirmed with Ms. Myers that she objected to a draft of duties for the two positions,
589 and Ms. Myers agreed. She had no problem with members reviewing the drafts of duties, but she
590 did have a problem with the Task Force hinging their decision about the organization chart on those
591 drafts. She suggested that if members wanted to feel more comfortable about answering questions
592 from the public, then they should get informed to do so, but she did not feel that the Task Force was
593 responsible for the actual draft of duties/job descriptions of anybody who worked for the new
594 community. Ms. Myers was willing to vote on adopting the structure that night and as a point of
595 information, retrieve that information from the Managers as to what those jobs would look like for
596 their comfort in answering questions to the public. Mr. Sweeney asked if everyone felt comfortable
597 with that process, and Mr. Lajza agreed.

598

599 Mr. Blanchard, however, did not agree. It appeared to him, as he stated in the beginning of the

600 discussion, that the Deputy position was a new position, and he felt that it would appear to the
601 public as a new position. He was against voting on this issue before reviewing the drafts. Ms.
602 Myers confirmed that Mr. Blanchard did not want to vote on the motion until he saw the description
603 of duties. Mr. Sweeney clarified that Mr. Blanchard wanted to understand those two positions better
604 before voting, and Mr. Blanchard agreed. Mr. Blanchard felt that there were some overlaps that
605 they had not discussed yet. Ms. Billado asked if he was looking for job descriptions or a list of
606 duties. Mr. Blanchard felt comfortable with a list of duties. Mr. Safford pointed out that there
607 would be a number of situations on the lower end of the organizational structure that the Boards
608 would have to contend with in trying to merge the organizations. He stated that the proposed chart
609 only included the level of Departmental Heads and higher. He stated that in the current models in
610 the Village and the Town, there was a Town Manager and a Village Manager. Their proposal was a
611 nice way of integrating those two positions to merge the cultures and organizational knowledge and
612 to assist with the merging of the corporations. It created a plan that allowed this to occur and
613 recognized the work load and the technical research, etc. that would be needed to help the
614 Managers accomplish their goals. He felt that Mr. Scheidel, in indicating the outline of the job
615 description, was expressing that he was going to have a lot to do, working with new Board
616 members and dynamics, etc. and that there would need to be someone who would manage and
617 organize the department heads and staff. At the same time, there needed to be an Assistant Town
618 Manager to provide the technical research, similar to what the Assistant Town Manager provided
619 for the Task Force, while the Managers focused on the bigger picture. He felt the task was
620 enormous and the plan provided for support in the task of merging the two different organizations
621 and cultures together as well as providing a certain amount of succession planning where people
622 could progress from Assistant to Deputy to Manager, etc., depending on the decisions of the
623 Legislative Body.

624

625 Mr. Lajza added that the proposed organizational chart mirrored the existing organizational
626 structure of the Town presently and that there was nothing different. Mr. Scheidel agreed with Mr.
627 Lajza and stated that they were taking advantage of the Selectboard-approved job descriptions for
628 the Town of Essex. Mr. Sweeney felt frustrated because he had thought he had expressed that
629 opinion in the beginning of the discussion. Ms. Higgins felt that Mr. Blanchard's point was that
630 even though the Deputy position existed, the typical voter was going to see it as a new position
631 since it was vacant at the current time. She thought it was a fair point and that members should
632 recognize that it would be an issue with the voters that needed to be addressed. Mr. Nye argued that
633 throughout the government, there were many positions that did not exist in the Town presently and
634 would need to be added at some point in the future. Ms. Higgins agreed with Mr. Nye, but she
635 stated that she felt the Task Force needed to be clear about explaining those positions. Mr.
636 Sweeney pointed out that Mr. Safford was saying that when they merged the two large
637 organizations, there may be new positions needed even though they were not needed today, and Ms.
638 Higgins added, for a period of time. Mr. Safford stated that perhaps three to five years into the
639 future they would not need certain positions, but initially, they would. Mr. Sweeney pointed out
640 that there would be people retiring, which was built into this recommendation. Mr. Lajza felt this
641 was a great recommendation. Mr. Safford stated that many of the current positions of a routine
642 organization would not fit in the new community initially. The new community would be a pulling
643 together of cultures, institutional memory, employees from different organizations, communications
644 from the public, new Boards and budgets that had no history. He felt it was possible, but that there
645 was a lot of different managing to be done that would not be needed in an older organization. He

646 did not feel it could be neatly defined in job descriptions, but rather it would be developed and
647 adapted over time. Mr. Blanchard disagreed because Mr. Scheidel had already offered a job duties
648 difference between the two positions and did not think that was unreasonable. He stated that he
649 would be more comfortable looking at the duties before voting. Mr. Nye stated that he understood
650 Mr. Blanchard's concern, but wanted to move the question forward to see if there was a vast
651 majority of members ready to vote on this issue. Mr. Sweeney clarified with Mr. Nye that he
652 wanted to vote on this motion, and Mr. Nye agreed. Ms. Myers asked Mr. Sweeney to restate the
653 motion.

654

655 **ALAN NYE MOVED AND JOHN LAJZA SECONDED A MOTION TO INCLUDE BOTH**
656 **THE TOWN OF ESSEX JUNCTION ORGANIZATIONAL CHART AND THE**
657 **LEGISLATIVE BODY MERGER PLAN AS AMENDED TO ADD MEMORIAL HALL,**
658 **CEMETARY COMMISSION AND VOTERS IN THE PLAN OF MERGER.**

659

660 Mr. Blanchard asked if the motion meant that they would not get any information about the job
661 duties, and members disagreed. Mr. Sweeney confirmed that the Managers would bring information
662 on job duties to the members. Mr. Lajza felt that it would be in the realm of responsibility to
663 suggest to both Boards that there may be questions about this and that the Boards should be
664 prepared with information for the public. Mr. Boucher confirmed that the motion would be adopted
665 in the Plan of Merger, and Mr. Sweeney clarified that he referred to the charts. It was determined
666 that Mr. Lajza seconded the motion.

667

668 **THE MOTION PASSED 9-1 (Rene Blanchard opposed).**

669

670 Mr. Sweeney confirmed with the Managers that they would provide a follow-up, and Mr. Safford
671 stated that it would not be next week as Mr. Scheidel would be out of town next week so they
672 would need some time to provide that information.

673

674 **Review Draft Town of Essex Junction Charter-Section 202**

675

676 Mr. Sweeney reminded the Task Force that they delayed the review of this section until everybody
677 was present at a meeting and would like to address it that night since everyone was present. He
678 asked if there was any discussion on section 202, TOWN COUNCILORS; NUMBERS, TERMS OF
679 OFFICE, ELECTION. This section defined seven members of the Town Council, three years as the
680 term of office, etc.

681

682 Ms. Wrenner proposed changing the number of terms from "three" to "four" in section 202(c). The
683 intent of her proposed change was related to the new grid scenario she circulated to members,
684 which would allow flexibility in the future should they decide to change the voting method. Mr.
685 Nye seconded the proposal for discussion.

686

687 **IRENE WRENNER MOVED AN AMENDMENT AND ALAN NYE SECONDED ONLY A**
688 **DISCUSSION FOR A PROPOSED CHANGE IN SECTION 202(C) TO CHANGE "THREE"**
689 **TO "FOUR" TO ALLOW FLEXIBILITY TO CHANGE FUTURE VOTING METHODS.**

690

691 Mr. Nye stated that he was not in favor of the proposed change and preferred keeping the original

692 language and that he would vote against the motion even though he seconded it. Ms. Higgins
693 thought that Ms. Wrenner had brought forward an interesting proposal. She had given it a lot of
694 thought over the few weeks she had been with the Task Force along with the first discussion related
695 to this issue. Ms. Higgins expressed that, at this time, she felt it would cause more harm than good
696 even though the ultimate goal was very positive. She had become more interested in seeing some
697 change along the lines of proportional voting, but believed it could stop the merger effort that has
698 occurred in the community over the last year. Mr. Sweeney asked for clarification on the motion.
699 Ms. Wrenner explained that she would like to take seats two and five and elect them one year
700 earlier. Mr. Sweeney confirmed that she wanted to change “three” to “four” and whether there were
701 further elements to her motion. Mr. Sweeney confirmed that she would also like to adopt her
702 revised scenario, and Ms. Wrenner added, the three-four-zero elected scenario. She stated that her
703 original motion was to change it from “three” to “four”. Mr. Sweeney did not think that would
704 change anything as it still stated that you “could” do it, not you “should” do it, and it did not
705 mandate another election method. Ms. Higgins agreed that it did not propose a specific voting
706 method, but it gave the opportunity for another method to potentially begin earlier. Mr. Sweeney
707 asked Ms. Wrenner to repeat her motion.
708

709 **IRENE WRENNER MOVED TO CHANGE “THREE” TO “FOUR” IN SECTION 202(C)**
710 **TO ALLOW FLEXIBILITY FOR THE FUTURE LEGISLATIVE BODY AND TO NOT**
711 **BOX IN A 3-2-0 SCENARIO, WHICH WAS THE CURRENT METHOD OF VOTING**
712

713 Ms. Wrenner thought it was a minor change and brought up a lot of opportunities for potential
714 future changes without any major charter change. Mr. Mertens asked whether saying no more than
715 four certainly allowed three and whether her intent was not to introduce her proposed table, but to
716 provide for it in some other form? Mr. Sweeney sensed that Ms. Wrenner wanted to vote on this
717 motion and then if it passed, she would proceed to the next step. Ms. Wrenner stated that if they did
718 not vote to approve the motion then her charge would not pass. Mr. Sweeney stated that if it were to
719 be approved, Ms. Wrenner might introduce another motion to adopt on the table, and Ms. Wrenner
720 agreed. Mr. Blanchard asked whether voting yes on the first motion would lead to proportional
721 voting? Ms. Wrenner stated that it allowed a possibility in the future of people changing to be more
722 proportionately represented and potentially avoided petitions, litigations, etc. Ms. Higgins added
723 that approving the motion in no way led to that outcome. Mr. Nye stated that in his opinion, the
724 more opportunities that produced questions to the voters, the more complicated the process. He
725 expressed the frustration with letters to the Editor that provided false information and the chance to
726 respond was not necessarily provided, which created negative press and might persuade voters to
727 vote against the finished document. Questions about a member's motives for the future could
728 become an obstacle and create a negative outlook on the document. He preferred moving forward to
729 get the Charter approved and keeping the confusing issues at a minimum. Ms. Higgins did not
730 think that Ms. Wrenner's proposal was trying to hide anything and did not see that as Ms. Wrenner's
731 intent. She felt it just offered an opportunity, if desired, for the proposal of proportional voting of
732 some kind and it would be allowed in an earlier time frame. She did not think it was forcing
733 anybody into proportional voting as it still could occur via petition. Ms. Wrenner pointed out that
734 her proposal was more simple because it did not cut terms prematurely, and it replaced the 3-2-2
735 term with a 3-4-0 term. Ms. Higgins however, agreed with Mr. Nye that the community would
736 have a difficult time dealing with a lot of questions about those issues, such as no districts, etc.
737

738 **THE MOTION FAILED 2-8. (Irene Wrenner and John Lajza were in favor)**

739

740 Mr. Sweeney asked if there were any other comments in regards to section 202. Mr. Nye was in
741 favor of deleting paragraph (e). Ms. Higgins stated that it was discussed but it did not get removed.

742

743 **ALAN NYE MOVED A MOTION THAT PARAGRAPH (E) IN SECTION 202 THAT**
744 **DEALT WITH TERM LIMITS BE REMOVED FROM THE CHARTER.**

745

746 Mr. Sweeney quoted paragraph (e) as “Council members shall be limited to three consecutive terms
747 after which they shall not be eligible for election to the Town council until three years has elapsed
748 commencing with the end of the third consecutive term served.” Mr. Sweeney asked if there was a
749 second to the motion and there was none, so the motion failed for lack of a second.

750

751 There was no further discussion on section 202.

752

753 **Resolution for Alan Overton**

754

755 Mr. Sweeney reminded the members that a few weeks ago, they asked the Managers to draft a
756 resolution expressing the members gratitude to Alan Overton. He stated that he would like to read
757 the resolution and take action on it that night if possible.

758

759 **HANS MERTENS MOVED AND LINDA MYERS SECONDED A MOTION TO ACCEPT**
760 **THE RESOLUTION FOR ALAN OVERTON.**

761

762 Mr. Nye asked if it would be possible to add the seals of the Town of Essex Junction and the Town
763 of Essex to be placed on the top of the Resolution to the one that members signed, and Mr. Safford
764 stated that they could certainly do that and have it for next meeting. Mr. Safford suggested that if
765 they signed them that night, they could add the Clerk's seal along as well. Ms. Myers reminded
766 them to correct the date. Ms. Myers asked whether “Board” in the third paragraph should be
767 capitalized since “Select” was capitalized. Members determined that the word should be
768 “Selectboard”. Mr. Safford confirmed that they would still date it March 15, 2006.

769

770 **THE MOTION PASSED 10-0.**

771

772 **Future Agenda Items**

773

774 Mr. Sweeney, in terms of future agenda items, he proposed continuing going through the Charter
775 next week. Ms. Myers suggested doing (a) and (c) from that night's Agenda, and Mr. Sweeney
776 agreed. Mr. Sweeney asked if there was anything else for next week? There were no additional
777 items. Mr. Sweeney confirmed that on March 29th, they would have an Executive Session to
778 discuss Personnel. Mr. Scheidel cautioned members that Executive Sessions had been looked at
779 with a “jaundice eye” in the past, but members were not concerned because they felt it was
780 necessary. Mr. Sweeney noted that they would be following the open meeting, and Mr. Scheidel
781 agreed. Mr. Sweeney reminded members that April 5th was the Village Meeting so that the Task
782 Force would not be meeting, and on April 19th, they would hold the Financial Discussion. Mr. Lajza
783 suggested reviewing the items on the Charge. Mr. Sweeney noted three things left to do from the

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784 Charge which were 1) Reduce the personnel services and service delivery contracts and systems
785 and make recommendations for a consolidated system, which related to the Personnel Discussion in
786 Executive Session with possible follow-up discussions. 2) Identify and recommend a plan for the
787 resolution of financial issues, which would be the Financial Discussion occurring on April 19th and
788 the last item 3) Prepare a recommended Charter for the consolidated community, during which
789 members would all sign the document. There was no future Agenda Items.

790

791 **Public Input-General Comments**

792

793 There was no public input.

794

795 **LINDA MYERS MOVED AND RENE BLANCHARD SECONDED A MOTION TO**
796 **ADJOURN AT 8:55 P.M.**

797

798 **THE MOTION PASSED 10-0.**

799

800 **Respectfully submitted,**

801 *Saramichelle Stultz*

802

803 *Saramichelle Stultz*

804 Recording Secretary

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807

808 (THESE MINUTES ARE SUBJECT TO CHANGE AT THE NEXT MERGER TASK FORCE
809 MEETING)

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**MERGER TASK FORCE
ESSEX/ESSEX JUNCTION
MEETING MINUTES
March 22, 2006**

MEMBERS PRESENT: Hans Mertens, Linda Myers, John Lajza, Deb Billado, Irene Wrenner, Rene Blanchard, Barbara Higgins.

STAFF PRESENT: Charles Safford, Village Manager, Todd Odit, Assistant Town Manager.

OTHERS PRESENT: Bob Marcotte, Chuck Lloyd.

BUSINESS AGENDA

Public Input on Agenda Items

There were no public inputs.

Approve Minutes of March 15, 2006

DEB BILLADO MOVED AND LINDA MYERS SECONDED A MOTION TO APPROVE THE MINUTES OF MARCH 15, 2006 WITH THE FOLLOWING CORRECTIONS:

Line 13: Replace “Welsh” with “Welch”. Line 71: After “Development” add “and”. Line 79: After “Estate” add “,”. Line 112: After “Treasurer” replace “/” with “,”, after “Estate” replace “/” with “,”. Line 131: Replace “VLCT” with “Vermont League of Cities and Towns”. Line 163: Replace “DRB” with “Development Review Board”. Line 434: Replace “populous” with “populace”. Line 487: Replace “council” with “counsel”. Line 498: Replace “council” with “counsel”. Line 702: Replace “choose another” with “propose a specific voting”. Line 708: Replace “2-3-0” with “3-2-0”. Line 719: Replace “represented proportionately” with “proportionately represented”, after “and” add “potentially”.

THE MOTION PASSED 7-0.

Old Business

Mr. Mertens reminded the Task Force that at the last Task Force meeting, the members had approved a resolution for Al Overton. He stated that he had the resolution ready to be signed by members.

Mr. Mertens informed the members that there was an article in the Essex Reporter recently in regards to the Prudential Committee and Recreation Department. He explained that Mr. Safford had a resolution to be reviewed by the Trustees in a few days. Mr. Safford circulated copies of the resolution to members. Mr. Mertens referred members to the final paragraph for discussion because it related to their decision to return the Recreation Department to the municipal government in the case of a merger. Mr. Safford referred members to page 3 and explained that the Prudential

48 Committee and the Trustees met and tentatively agreed to this agreement in a work session on
49 March 13, 2006. The Trustees were scheduled to approve the agreement at their March 28, 2006
50 meeting. He explained that the agreement indicated that if the schools and/or the municipalities
51 merged, the administration and operation of Recreation would be transferred to the municipal
52 government, along with the Recreation bonded debt. Mr. Safford felt the last paragraph of the
53 agreement brought closure to the work completed by the Task Force in regards to Recreation, and it
54 coincided with the Task Force's recommendations to the Legislative Bodies for a merged
55 Recreation Department. Mr. Mertens complimented Mr. Safford and Mr. Dan Overton for their
56 efforts in bringing this issue to resolution. Mr. Mertens noted that any questions or a further
57 discussion could take place if members wished that night or at another meeting.

58

59 **Review Draft Town of Essex Junction Charter**

60

61 Mr. Mertens asked members to refer to the March 8, 2006 draft Charter to review the open items
62 from the Agenda. Mr. Mertens pointed out that section 103(b), 204(c), 206(a) and 1001 were
63 editorial changes, and section Transitional Provisions (e) would begin their review.

64

65 With regards to section 103(b), Mr. Mertens confirmed with Mr. Odit that this paragraph was edited
66 from (c) to (b), which Mr. Odit agreed. There were no further comments on section 103(b).

67

68 With regards to section 204(c), Mr. Mertens confirmed that “four affirmative votes” were added to
69 this paragraph. Members had no further comments.

70

71 With regards to section 206(a), Mr. Mertens asked for clarification as to the changes that were
72 made. Mr. Odit clarified that it was to indent the (5) and change “L” to “l” in “library”. Mr.
73 Mertens confirmed with members that they would use a lower case “l” in “library”, and Mr. Odit
74 stated that it was decided to use a lower case “l”. Ms. Higgins reminded members that the decision
75 was based on the fact that “library trustees” was not an official title, and members agreed.

76

77 With regards to section 1001, Mr. Mertens reminded members that “including but not limited to
78 redistricting” was deleted due to redundancy of the language, and members had no further
79 comments.

80

81 With regards to Transitional Provisions, paragraph (e), Transition Committee, Mr. Mertens asked if
82 members agreed that this issue should be reviewed when all members were present. Ms. Myers
83 agreed because Mr. Sweeney was absent that night and he had raised this issue as a concern
84 originally. Mr. Mertens did not mind discussing it that night, but felt that they should wait for all
85 members to be present before a final decision. Mr. Lajza suggested moving forward with the
86 review of the Charter and perhaps returning to it that night or at another meeting.

87

88 With regards to paragraph (f), Zoning and Planning, Mr. Mertens asked Mr. Safford why “effective
89 date of merger” was added to the language? Mr. Safford confirmed that it was “after the effective
90 date of merger” because members were indicating that the process did not necessarily have to occur
91 prior to the effective date of merger. Mr. Mertens suggested that the language implied that the two
92 Boards would operate independently until they had a single set of regulations. Mr. Safford stated
93 that they would operate jointly, but it would depend on what set of documents were used. Mr.

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94 Mertens confirmed that the Village items would be under the purview of Village rules and that the
95 Town items would be under the purview of Town rules until they merged, and Mr. Safford agreed.
96 There were no further comments.
97
98 With regards to paragraph (g), Local Legislation, there were no comments.
99
100 With regards to paragraph (h), Personnel, there were no comments.
101
102 With regards to paragraph (i), Contracts, there were no comments.
103
104 With regards to paragraph (j), Finances, Ms. Myers asked why “village and” was deleted from the
105 language. Mr. Safford explained that it was the same property tax system for both the Town and the
106 Village.
107
108 With regards to paragraph (k), Intergovernmental Relations, there were no comments.
109
110 With regards to paragraph (l), Mr. Mertens asked Mr. Safford and Mr. Odit to provide a brief
111 summary of the intent in paragraph (l). Mr. Odit explained that (l) related to those Selectboard
112 members and Trustees' terms that were set to expire in March and April and would be extended
113 until June to avoid an election for a seat that would last only a few months. Mr. Mertens asked if
114 members had determined when the election would be held. Mr. Safford stated that he understood it
115 would occur at the Annual Meeting and that the terms would take effect July 1, the start of the
116 fiscal year and the effective date of merger. Ms. Myers confirmed that the members would be
117 elected in March, but not seated until July 1, and Mr. Safford agreed. Ms. Higgins understood this
118 to be the current method in the Town as members were seated on July 1st, and Ms. Myers disagreed.
119 Mr. Safford stated that members were seated immediately after the election. He explained that
120 paragraph (l) ensured that the current members' terms were extended until the start of the merged
121 corporation, and Mr. Mertens confirmed that afterwards there would begin an election cycle. There
122 were no further comments.
123
124 With regards to paragraph (m), Mr. Mertens asked for a brief summary. Mr. Safford explained that
125 this language related to Lincoln Hall being the first prospective location for the administrative seat
126 of government for the new community and that the voters had the opportunity to consider that
127 location first. If that was not acceptable, then they would explore the five corners area next. Ms.
128 Higgins stated that she was not entertaining the idea of changing this language, but wanted to
129 express her opinion that she was opposed to this plan. Even though ultimately the new Council
130 would make the decision on the location for the seat of government, Ms. Higgins did not believe
131 that the Task Force should predetermine that decision as it should be addressed in the future as a
132 part of the whole plan and what was the best solution for the community at that point in time. She
133 believed Lincoln Hall had a place in the new government as a public use, but not necessarily for the
134 seat of the new Town government.
135
136 With regards to paragraph (n), Ms. Myers suggested changing “Transitional” to “transition” to be
137 consistent throughout the document. Mr. Safford asked whether it would be the Transition
138 Committee or the Trustees initiating legal actions necessary to dissolve the perpetual Brownell
139 Trustees? Mr. Odit stated that it would be the Trustees that would have to initiate the action, as the

140 Transition Committee did not have the authority. Members agreed to change it from “the transition
141 committee” to “the Village of Essex Junction”.

142

143 With regards to Sect. 4. REPEAL, Mr. Mertens asked for clarification. Mr. Safford stated that it
144 was necessary to repeal the existing ordinances and put the new one in place. Mr. Mertens was
145 appreciative of the staff's knowledge, and Mr. Safford stated that it was their best guess and would
146 be reviewed by the Attorneys.

147

148 Mr. Mertens confirmed that other than paragraph (e) on page 15 of the Charter, there were no
149 further comments. Mr. Safford reminded Mr. Mertens about the proposed language from Mr. Lajza,
150 with regards to paragraph (h) Personnel, and that Ms. Myers was going to report the opinions of the
151 Selectboard in regards to that proposal. Ms. Myers stated that she was not prepared to address that
152 issue at that time. Mr. Safford suggested it be revisited as a future agenda item. Mr. Mertens
153 recalled that the members were going to enter Executive Session to discuss Personnel, and Mr.
154 Safford understood that to occur next meeting. Mr. Mertens asked Mr. Lajza to clarify his proposal
155 and where in the charter it would be located. Mr. Safford stated that it was in paragraph (h) of the
156 Transitional Provisions. Mr. Lajza reminded Mr. Mertens that his proposed language was modeled
157 after the Stowe Charter relating to full employment and benefits for staff.

158

159 **Discussion of Future Agenda Items**

160

161 Mr. Mertens summarized that there would be two items to revisit in the near future. Mr. Safford
162 reminded the members that on April 19th, there would be the Financial Discussion and suggested
163 that from that discussion there might possibly be additional language to add to the Transitional
164 Provisions related to water/sewer districts, debt, etc., but that it would be more clear after the
165 discussion on April 19th. Mr. Mertens confirmed that the April 19th discussion would be a
166 presentation by the Managers. He added that there would also be a follow-up on the Organizational
167 Charts, and Mr. Safford commented that the staff might need more time to prepare for the follow-
168 up. Mr. Mertens stated that there were two items in the Charter to review, which were paragraph
169 (e) and (h). He listed other Agenda Items as being the Finances, to occur on April 19th, and
170 Organizational Charts for next week or at a future meeting. He asked members whether there were
171 other open items to be addressed? He stated that next week's discussion was Personnel, and there
172 would be no Task Force meeting on April 5th due to the Village Meeting.

173

174 Mr. Mertens asked Mr. Odit if he recalled why the Task Force was to address a list of contracts as a
175 result of the merger? Mr. Safford explained that the discussion had been about whether there were
176 any contracts as part of the merger documents or plan of merger that should be addressed. He stated
177 that, in general, the staff had not seen anything of concern up to this point, but suggested they
178 address this issue after the Financial Discussions. He informed the Task Force that there had been
179 some minor issues such as having duplicate copiers for a couple of years into the merger. Mr.
180 Safford cautioned the members to consider the IBM agreement as there were some provisions that
181 might increase the tax levy above 10%, which would be a fairly high threshold to meet and might
182 become an obstacle to the success of the merger. He reassured members, however, that based on the
183 staff's understanding and conversations with IBM, the merger itself should not affect the agreement.
184 Mr. Mertens asked if Mr. Safford would suggest a date that the Task Force should discuss that
185 issue? Mr. Safford did not think there was more to the discussion, but that the staff would confirm

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186 that information. He added that the staff had not seen anything in their review of the contracts that
187 would be of concern to the merger process. Mr. Mertens commented that April 19th was a Finance
188 Discussion and that they could address that issue then, which Mr. Safford confirmed. Mr. Mertens
189 asked if the definition of Deputy Manager and Town Manager was part of the follow-up for the
190 Organizational Chart? Mr. Safford stated that the staff would need at least two weeks to meet with
191 each other and provide that information since Mr. Scheidel was not available next week. Mr.
192 Mertens suggested that the staff include the list of duties for the positions for the Organizational
193 Chart Discussion. Mr. Safford clarified that the members had theoretically approved the
194 organization chart and understood that a list of duties for the Deputy Town Manager and Assistant
195 Town Manager was requested as a result. He suggested that April 12th would be the meeting when
196 they could present the lists of duties. Mr. Safford reminded him that they approved the
197 Organization Chart, and Mr. Mertens agreed, but added that there were just some minor edits. He
198 asked the staff to bring the final version of the Organization Chart to present to the Task Force, and
199 Mr. Safford agreed.

200

201 Mr. Mertens stated that the second charge was related to the projected utility rates for a merged
202 community, which he presumed referred to water and sewer utility rates, and Mr. Safford agreed.
203 Mr. Mertens asked if that was being worked on? Mr. Safford stated yes and that they were
204 preparing as much as they could for April 19th. He informed the members that one meeting would
205 probably not be enough time to discuss the financial issues. Mr. Mertens confirmed that the second
206 charge, which was related to the projected utility rates, would be under the Finance Discussion on
207 April 19th. Ms. Myers pointed out Mr. Sweeney's list that included the April 19th meeting to discuss
208 the financial issues and utility rates, and Mr. Mertens thanked Ms. Myers. Mr. Mertens referred to
209 the third charge, which was related to long-term comparison of community taxes, and he asked Mr.
210 Safford if that would be included in the Financial Discussion, and Mr. Safford agreed. Mr. Mertens
211 confirmed with Mr. Safford and Mr. Odit that they understood what the Task Force needed for
212 information related to the third charge, which was the long-term comparison, for the April 19th
213 meeting. Mr. Safford felt that they were clear at this point in time, but that there may be more
214 questions from the Task Force to be explored after the discussion. Ms. Billado asked if Mr. Safford
215 could provide a broad overview of the impact of the IBM agreement during the April 19th meeting.
216 She understood that if the Village's tax rate went down more than 10%, they would have to share
217 the savings with IBM and renegotiate the agreement.

218

219 Mr. Mertens asked members if there were other items to address. He asked whether the plan of
220 merger was organized in a way that was acceptable to the members? Mr. Safford felt that the
221 members had discussed a cover letter to go to the Legislative Body that would outline the plan of
222 merger and provide some background on how some decisions were made. Mr. Mertens stated that
223 the at-large issue was an example and suggested providing an explanation as to how members
224 arrived at that conclusion and asked how other members felt about this issue. Ms. Myers asked for
225 clarification. Mr. Mertens stated that for those large issues where the Task Force was proposing
226 significant changes in the charter, such as the Recreation and Library Departments, the members
227 had discussed some time ago providing a paragraph to explain why the Task Force made certain
228 decisions. Ms. Myers asked whether this would be presented to the two Boards, and Mr. Mertens
229 agreed. Mr. Safford reminded members that even though it was not mandated, the members had
230 discussed having some form of document or cover letter. Mr. Mertens asked if that was a task that
231 the members felt they still needed to complete? He suggested that the cover letter would be a

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232 formality, as he understood that the members who were representatives on a Board would be able to
233 explain why they had made certain changes in the charter. He wondered if providing a cover letter
234 helped to finalize the merger document? Ms. Myers agreed with the idea, but preferred it be
235 succinct. She was in favor of a short paragraph on each specific item that would provide the
236 finishing touches to their document, which would then be the responsibility of the two Boards. Mr.
237 Mertens asked if there was any further discussion? Mr. Blanchard asked if that would be the end of
238 the Task Force members' roles? He stated that there might be some issues from the Trustees and the
239 Board that needed their assistance and that he favored an open-door policy to call any of the
240 members if necessary. Mr. Mertens suggested that the Chairs of the Task Force provide a
241 presentation on the charter to the Boards, invite comments and offer Task Force members' services
242 if needed. He was sure that the Task Force members that were on the Boards would probably be
243 able to remember the main issues that were discussed, but that the chairs could certainly offer an
244 open-door policy, even though he was not sure it was required.

245

246 Mr. Mertens asked who would complete the cover letter and how would it be accomplished? He
247 suggested each member be assigned five areas in the charter and draft an explanation for those
248 areas. Ms. Higgins believed that the Chairs should make that decision and delegate the work to the
249 staff if necessary, and Ms. Myers agreed. Mr. Safford agreed to prepare a basic draft cover letter,
250 addressing the main decisions and how they were reached, for review by the members. Mr.
251 Mertens felt that would be helpful and that the Task Force could then edit and approve it as
252 appropriate. Mr. Mertens did not think that the staff should provide a large document all at once to
253 the members. Mr. Safford understood that they should keep it brief. Mr. Mertens stated that he
254 expected that there would be some key items that deserved attention, which included any significant
255 changes from the 1999 Charter, and he asked if members agreed. Mr. Mertens confirmed with the
256 staff that they would prepare a draft cover letter and asked them to update the members as to the
257 progress of this task at the next meeting. He suggested receiving a couple of pages at a time to be
258 most effective. Ms. Higgins stated that she hoped that the letter would be no longer than a couple of
259 pages or they would be rewriting everything that was in the Charter, and Ms. Myers agreed. Ms.
260 Myers preferred to see the draft all at once, since it should hopefully be only a few pages. Mr.
261 Mertens felt the length was unknown at that time. Ms. Higgins felt that members should direct staff
262 that the cover letter should not be a twenty-page document because otherwise, they were just
263 regurgitating the information in the Charter. Mr. Lajza clarified with staff that they should only be
264 referring to areas in the charter that were significant changes and that minor changes should not be
265 addressed. Mr. Safford felt they had a good sense of what the members wanted and stated that after
266 they were done with the presentation of the Financial Discussion, they would present a draft for
267 them to consider if that seemed reasonable to the Task Force. Mr. Mertens stated that he would list
268 that item as an open item. He asked if there were other topics? Ms. Myers felt they should have
269 some closure celebration, and members agreed to discuss that after the final document was
270 completed. Mr. Mertens, in regards to the plan of merger, asked if there was any template for them
271 to follow? Mr. Safford stated that the staff would look at other plans of merger to see if there
272 needed to be anything interjected, but that at this point there were no obvious open items, other than
273 the water, sewer and debt. Ms. Myers confirmed that Mr. Mertens would not be present at the April
274 12th meeting. Mr. Safford, in regards to the plan of merger, commented that it could be whatever the
275 Task Force wanted it to be. Mr. Mertens suggested to Mr. Safford that the process would be to
276 present a draft document of the plan of merger to the Transition Committee, which would send it to
277 the Legislature. Mr. Safford clarified that the plan of merger would be given to the Legislative

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278 Bodies, which would review it and send it to the Transition Committee after the vote, with the
279 involvement of the Clerk. The Legislative counsels would review it and then the Town and Village
280 attorneys would review it, etc. Mr. Mertens felt that the Task Force was very close to finishing
281 their charge. He felt they had the next three or four weeks planned, which he hoped would bring
282 them to conclusion. Ms. Higgins recalled Mr. Safford cautioning the Task Force that the Financial
283 Discussion would take more than one meeting. Mr. Safford stated that the Financial Discussion
284 would probably take more than one meeting if there were something controversial and if from the
285 discussion, there developed any additional items to be addressed.

286

287 **Public Input-General Comments**

288

289 Mr. Marcotte reminded the members that he was in favor of having different district lines in order
290 to eliminate the old boundary lines and to redistribute the population more evenly, and he asked
291 members to consider his concern. Mr. Mertens invited any members to bring this issue up for
292 discussion at any future meeting if they wished.

293

294 **LINDA MYERS MOVED AND DEB BILLADO SECONDED A MOTION TO ADJOURN**
295 **AT 7:45 P.M.**

296

297 **THE MOTION PASSED 7-0.**

298

299 **Respectfully submitted,**

300 *Saramichelle Stultz*

301

302 *Saramichelle Stultz*

303 Recording Secretary

304

305

306

307 (THESE MINUTES ARE SUBJECT TO CHANGE AT THE NEXT MERGER TASK FORCE
308 MEETING)

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311