

Approved

**MERGER TASK FORCE
ESSEX/ESSEX JUNCTION
MEETING MINUTES
NOVEMBER 2, 2005**

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

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

OTHERS PRESENT: Debbie Evans, Penelope Pillsbury, Christine Packard, Paula Duke, Tim Jerman, Bob Marcotte, Chuck Lloyd, Joseph Casazza, Katherine Mertens, Elizabeth Tailer, Chris Halpin, Bernie Lemieux, Diane Clemens, Tuato Ratsebe, Susan Overfield.

Mr. Sweeney called the meeting to order at 7:02 p.m.

BUSINESS AGENDA

Public Input on Agenda Items

There was no input from the public.

Discussion of Follow-Up Items With Library Trustees and Directors

Mr. Sweeney suggested that because there were two sets of lengthy minutes to approve, and the Library Representatives were present, that the Committee move the Library discussion to before the approval of the minutes. Mr. Sweeney asked whether there were any objections. There were none.

Mr. Sweeney welcomed back the Library Representatives. Mr. Sweeney asked the Libraries to give a short overview of their findings, and then the Committee could ask questions.

Ms. Evans stated that she would represent the Essex Free Board of Trustees and would give a report from their last meeting, and that Ms. Packard would speak for the Brownell Library. Ms. Evans stated that the Essex Free Board discussed the issues thoroughly and although they had a very congenial working relationship with the Brownell Library, there was one issue in disagreement, which was the make-up of the new Board when it was formed. Ms. Evans explained that the Essex Free Board felt that since their Board had always been appointed, they supported the appointment of members. They had seen success with this format as it allowed for spontaneous participation of the library and eliminated the expense of running an election. The Essex Free Board of Trustees were concerned that the perception of the Library Board being elected could possibly give the idea that Board members were as powerful as the City Counselors as opposed to if they were appointed. The Essex Free Board would also like it to be consistent with other Boards in the Town and Village that are appointed. Ms. Evans explained that in the spirit of compromise, the Brownell library would be willing to have five members appointed, five members elected, however, the Essex Free Library felt strongly that it should be either all appointed or all elected. Mr. Sweeney explained

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48 that as he read it, it meant 9, 10 or 11 appointed members, and Ms. Evans agreed. Ms. Evans
49 restated that if the decision happened that the members should be elected, then the Essex Free
50 Board of Trustees were in the opinion that the members should all be elected, not five and five.
51

52 Ms. Packard, Chair of the Brownell Board, stated that the Brownell Trustees would prefer that the
53 Board be elected, but in the spirit of compromise and the fact that they had one Board that had been
54 appointed and one that had been elected, they suggested that they have a Board of 10 members, half
55 appointed, half elected. Therefore, the new Board would receive the benefits of both types of
56 members. However, if the Essex Free Board felt that it should be either all elected or all appointed,
57 then they supported all the members be elected, which was what they had experience with. Ms.
58 Packard expressed that the Brownell Trustees believed that it was important to have the members
59 be responsible to the community and that the people who run were very interested in being on the
60 Board and that the members being elected had worked very well for them. She stated that both
61 libraries were coming from their own perspective. Ms. Packard wanted to point out that both
62 libraries were in complete agreement that, if possible, the permanent Brownell Board be dissolved,
63 which was the five members that were established in 1926. This way there was a level and equal
64 playing field from the start without five members from the Brownell Library with set agendas. Mr.
65 Sweeney asked whether they had a suggestion of how to accomplish this. Ms. Packard referred this
66 issue to Mr. Overton.
67

68 Mr. Overton explained that he had a very brief discussion with Ms. Pillsbury, the Director of the
69 Brownell Library, that distressed him, as he never intended to say that applying a cy pres doctrine
70 and thus eliminating the Trust Board, was an easy process. Instead, he described this process as
71 being not easy at all and that there had to be good reason and proper grounds in order to be able to
72 get a doctrine of cy pres applied. Mr. Overton stated that the people in this community of Essex
73 Junction were delighted to accept the imposition of a Board by Mr. Brownell when he offered to
74 build the structure. Mr. Overton agreed that there was a way through the cy pres doctrine to
75 accomplish the elimination of the permanent Board, but that this path could be a difficult process.
76 He asked the libraries that assuming they did not get the cy pres doctrine to remove the five
77 permanent members, would they still think ten was the right number of members? Ms. Evans
78 replied, 10 or 11. Ms. Packard stated that the idea of eleven came about because if they did have
79 the five permanent members that remained, the concern was that there would be six other members
80 that were not part of the permanent Board, and if there were a tie, one person either appointed or
81 elected could break the tie. Mr. Overton asked what if they had five permanent members because
82 cy pres did not work and there were five Brownell members? He wanted to know if they were
83 saying that there should be five additional members or perhaps six. Ms. Evan and Ms. Packard
84 replied six, definitely. Ms. Evans felt this would be better representation. Mr. Sweeney asked Mr.
85 Overton if he could explain doctrine of cy pres. Mr. Overton replied that cy pres doctrine was an
86 avenue for change for a situation like this, when somebody in 1827 set up a trust, some of the
87 particulars of that trust may be badly outdated in 2006, so the courts had the ability to look at the
88 reason for the original appointment and the reason for the current need for change, as long as they
89 made a decision in conformance with the general wishes of the original creator. Mr. Overton asked
90 when Mr. Brownell created the permanent Board? Ms. Packard stated it was in 1926. Mr. Overton
91 stated that the cy pres doctrine allowed them to make changes and that it was recently applied at
92 Bellows Free Academy. Mr. Sweeney clarified that the cy pres doctrine was a court procedure.
93 Mr. Overton agreed and added that there was no guarantee of the end result.

94

95 Ms. Myers asked if the new Board kept the five permanent members, and had six other members,
96 would they be three from the Essex Free Library and three in general? Ms. Evans replied, in
97 general, and Ms. Myers understood. Mr. Sweeney asked whether there were any other questions
98 from the Board. Mr. Boucher asked whether the members would be part of the community or
99 outside of the community, and Ms. Evans replied, yes part of the community. Mr. Blanchard asked
100 if they went to five or six appointed, would the manager make the appointment? Ms. Evans did not
101 think they had reached that part of the decision-making process, and Ms. Overfield, Director of
102 Essex Free Library, felt it had been their experience. Mr. Blanchard clarified that this was the way
103 it was in the Town, and Ms. Evans stated yes. Mr. Mertens stated that the librarian would work and
104 report to the Manager in the merged proposal. Ms. Myers said no, that she meant what Essex did for
105 planning commissions and zoning Boards. Ms. Evans added, how they were selected. Mr. Mertens
106 commented to both Libraries that he had hoped their written input would be one document, but it
107 was not. He understood there were still some differences, but asked whether it was now possible to
108 reduce it to a joint document. The librarians replied that it could be either or. Ms. Packard stated
109 that they were not on the same page completely. Mr. Mertens clarified the difference was in respect
110 to elected versus appointed. Ms. Evans replied, yes that was a single issue. Mr. Mertens noted that
111 in the written input, there were two Directors versus one Director. Ms. Overfield responded that
112 they agreed on that, and Mr. Mertens asked for clarification. Ms. Packard explained that the
113 merged libraries would start out with two directors and then would hire a third person, with the two
114 directors remaining at each library, who would oversee both directors. Ms. Evans added, as an
115 umbrella.

116

117 Ms. Myers clarified that the answers to questions 3 and 4 were exactly the same for both libraries,
118 and Ms. Packard and Ms. Evans agreed. Mr. Mertens asked them whether they felt there was any
119 way they could make a joint recommendation in regards to elected versus appointed. Ms. Evans
120 and Ms. Packard replied that they had their reasons for supporting different opinions. Mr. Overton
121 asked the libraries why there was a need to superimpose a new position. He felt that the two
122 Directors did a wonderful job right now and that the libraries functioned very well and had
123 cooperated very well together. However, Mr. Overton had a hard time recommending a new
124 “super” position as he assumed that the new manager, who worked for the new Council, would be
125 willing to do what management was necessary and asked whether they could defend that
126 recommendation.

127

128 Ms. Overfield felt they had two institutions that worked wonderfully, had provided outstanding
129 services, and were well-respected in the library world, but did a lot of things very differently. She
130 felt when it came time to do budget, policy, etc., which were different between the libraries, she did
131 not want to be fighting with Ms. Pillsbury over nitpicky things and felt that the same thing would
132 happen with the Boards. Therefore, she felt that if they hired someone who was objective from the
133 outside who could find new ways to do things and who had no prior history or no set opinions,
134 change would be easier to facilitate. Ms. Overfield believed that the new position, that would be
135 responsible for the financial part of the responsibilities, such as delegating staffing, making
136 financial decisions and running a budget for a combined library system, would be huge. Mr.
137 Overton suggested that there were two committed Directors, who would continue as long as they
138 were willing to work but ultimately, one of them would leave for whatever reason and the one
139 remaining would move to become the sole overall Director of both libraries. He thought that was a

140 good economic way of approaching the issue and suggested that in maybe, at the most, five to ten
141 years, surely one of them would like to retire.

142

143 Ms. Pillsbury commented that her approach was a bit different than Ms. Overfield. Ms. Pillsbury
144 explained that she had helped work with the budget and enjoyed that part of the job. Ms. Pillsbury
145 stated that whoever was the Director of the Library system would need to have full credentials,
146 would have deep experience in Public Library, would have good abilities to work with staff, etc.
147 As a Director of a library, she would be very uncomfortable turning over the part of the job that had
148 her overseeing her own budget and making decisions on policy. She would have a harder time
149 relinquishing this part of her job. Ms. Pillsbury stated that she enjoyed administration and loved
150 ordering books. Mr. Mertens thought that Mr. Overton suggested that one would be the general, one
151 the colonel. Ms. Overfield expressed that she would not want to run two libraries and asked Ms.
152 Pillsbury if she would want to run two libraries. Ms. Pillsbury replied that she would as long as
153 there was somebody at the other library who had a point person who would report to her. Ms.
154 Pillsbury remarked that she would not necessarily apply, but if there was one library system, there
155 would need to be one Director with a point person at both libraries who would report to the
156 Director. She suggested that the Director be a grade nine and the people running both of the
157 libraries would perhaps be grade sevens. Therefore, they would not be charged with working with
158 the policy committees for overall policy, but they would perhaps do more of the day-to-day
159 operations, such as the reference desk, posters and press releases, etc. The Director, on the other
160 hand, would be more policy and administration based. Ms. Pillsbury stated she would feel
161 comfortable with someone who had the background to be Director of a whole. She thought it
162 would be hard if it remained two equal Directors as it would take awhile to figure out how to blend
163 their different styles and, even though they could do it, it would be challenging. Ultimately,
164 somebody needs to be in charge of the whole system. Ms. Overfield stated that she said something
165 at the last meeting that it was very much like a school, where you had a principal at each school and
166 the superintendent, and Ms. Pillsbury agreed somewhat, but stated that it did not have to mean that
167 they were both grade nine, but perhaps one could be a grade nine and two grade sevens. Ms.
168 Pillsbury suggested that the position at each library would have perhaps a masters degree with a
169 few years of experience whereas the supervisor above them would have deeper experience.

170

171 Mr. Boucher asked would the permanent Board on this new Board have voting status? Ms.
172 Pillsbury replied that they did now. Ms. Billado stated that they were talking about manpower and
173 wanted to talk conceptually for a moment on behalf of the entire community. She felt the
174 community was expecting, through this process, perhaps some “nip and tuck”, somewhere in the
175 process. Ms. Billado explained that one of the underlying premises of merger was economies of
176 scale and that the Committee did not know if that was true in this case. She did expect that the tax
177 payers were going to expect some sort of tax cut somewhere or at least not to exceed their existing
178 budgets. However, she was hearing, whether it was true or not, that the libraries might exceed their
179 current budgets. If they exceeded their budgets by 10%, she felt there were some implications as to
180 tax revenues for the entire community. If she read this correctly, Ms. Billado asked the Libraries
181 whether they were suggesting that their budgets would be greater under a merged community. Ms.
182 Evans and Ms. Packard said that at the beginning of that process, there would definitely be an
183 increase. Ms. Pillsbury explained that they would have to study issues such as pay equity, etc. Ms.
184 Evans stated that the budgets would not be reduced. Ms. Billado felt that it would be clearly
185 obvious if they had the existing budgets today and added the one supervisor then it would increase

186 their budget. Ms. Billado asked whether they had seen any savings possibilities as they had
187 reviewed the process. Ms. Pillsbury replied that the Head Librarian they suggested would not start
188 on day one of the merger. Ms. Pillsbury explained that at first, Ms. Overfield and she would work
189 together to come up with what jobs the “principals” would do compared to what jobs the “Head
190 Librarian” would do. She suggested that then, as they aged, the possibility to hire cheaper
191 professional librarians for the principal jobs might provide a savings in that area, but it might be
192 three or four years later because there needed to be some time to blend the policy, staffing, etc. Ms.
193 Evans stated that the two libraries felt that if they were going to merge the two libraries, there
194 needed to be one person in charge of both of them. She felt strongly that the Library Boards, at this
195 point, were not willing to eliminate both Directors, start all over and rehire to save money. She felt
196 this would make no sense because in the process, there would be a loss in experience and
197 everything that had been built up in two libraries that were really exceptional, and they were
198 unwilling to recommend that. Ms. Billado felt that the community recognized the libraries as being
199 exemplary but again, she asked whether they saw any savings in a merged library system. Ms.
200 Pillsbury stated that there were some ways they could ultimately save some money, as she recalled
201 what someone mentioned at the last meeting, that the catalog could be blended and they could save
202 some money on annual support and some economies of scale such as buying paper. In addition, she
203 stated there may be possibly some salary savings. Ms. Overfield noted that every year, there would
204 be cost of living increases. Ms. Billado stated that she was thinking less in terms of personnel and
205 more in terms of subscriptions, programs, duplicate programs, etc. Ms. Pillsbury stated that the two
206 libraries could do some programs the same, but explained that the Village and Essex had some of
207 the same population, which children would go to the Essex story hour because it was different than
208 the Village story hour or could go to both. Ms. Billado explained that it was somebody's
209 responsibility to present a budget that was palatable to the public and there was probably going to
210 be “nip and tuck” and that they were hoping for help along the way. Ms. Packard expressed that
211 they needed to understand their position in return in that the libraries could not in good conscience
212 recommend something that would compromise the services that the people in this community
213 expected.

214

215 Mr. Lajza asked Mr. Overton whether the Trust covered the operations of the library, the policies of
216 the library or real estate. Mr. Overton felt, as the Village Attorney for a long time and as having
217 interpreted that trust, that the permanent trustees had precisely the same power as the perpetual or
218 elected trustees even though that “waxed and waned” depending on the lawyer or the Manager. He
219 mentioned that there were some discussions of having perpetual members taking care of the
220 buildings and grounds, but he did not read the Trust that way. Mr. Overton read it as Sam Brownell
221 would appoint five trustees who would oversee the library, etc. Then as they left for whatever
222 reason, the remaining members would elect new people to replace them. Ms. Packard commented
223 that it was self-perpetuating, and there was no way to get rid of them. Mr. Overton replied that they
224 would have to apply the doctrine of cy pres to amend the trust. Ms. Packard added that once you
225 are a member of the permanent Board, you could not be dismissed unless you left on your own
226 accord or died. Mr. Packard asked whether Mr. Overton was a member of the permanent Board,
227 and Mr. Overton replied, yes he had been a permanent member. Mr. Packard felt this was a
228 powerful position and that in fact, they did not have to answer to anybody basically. Mr. Packard
229 suggested to Mr. Lajza that she read him the language, and Mr. Lajza replied that he had read it in
230 the past but could not remember it. Mr. Overton asked what it said, and Ms. Packard replied “The
231 powers are to act in concurrence with the library Trustees elected by said Village in all matters

232 pertaining to said building, its use, management, equipment or otherwise.” Mr. Overton stated that
233 to him that meant everything, and the libraries agreed. Ms. Pillsbury noted that that was the way
234 they had always served the last 19 years she had been there. Mr. Lajza was wondering if it would
235 be difficult to replace the permanent members. Ms. Packard responded that they appointed
236 themselves, and it was self-perpetuating. Mr. Overton added that as one left, the remaining four
237 elected a new person as a replacement, and the librarians agreed. Mr. Lajza wondered whether
238 there was a way to limit their policy-making abilities. No one responded. Mr. Mertens felt that Ms.
239 Evans and Ms. Packard had worked hard to respond to the questions given by the Committee and
240 wanted to clarify that they were unable to give them a final structure that included a clear
241 agreement on whether the members should be appointed or elected. By doing so, Mr. Mertens
242 suspected they knew that they were abdicating a very important opportunity to conclude and that
243 they were saying they could not decide, passing it to the Committee to decide, and Ms. Evans
244 agreed. Ms. Packard reminded Mr. Mertens that they were speaking for the Boards and stated that
245 they took these questions to their respective Boards, voted on it and then brought the results to the
246 Committee. Ms. Evans said that they were speaking for six to eight people, and Mr. Mertens
247 understood. Mr. Mertens wanted to clarify that they were relinquishing this decision, and Ms.
248 Evans responded that they were very well aware of that.

249

250 Mr. Mertens commented that assuming that the permanent Board was an issue, he wanted to clarify
251 their recommendation for the number of members would be five and six members. Ms. Packard
252 and Ms. Evans agreed to this, if the permanent Board remained, that they would like to see 11 and
253 that at the last meeting it was brought up as being preferable to have the six members to break a tie.
254 Mr. Mertens frankly stated that he could not see them hiring a third person to lead the libraries as he
255 felt both of them would be very capable, one as a general, one as a colonel, and he thought they
256 needed to step up and accept that responsibility. In doing a merger, Mr. Mertens did not believe the
257 Town was ready to fund an extra administrative position., Mr. Mertens felt the new management
258 relationship and other relationships, as a result from the merger, were very necessary and workable.
259 Mr. Sweeney reminded Mr. Mertens that the Committee was going to get input from all the Boards
260 and Committees, etc. and then ask the Town Managers for their recommendation. Mr. Sweeney
261 stated that he would be looking for the Managers' recommendations in this situation, whether they
262 would want to manage two people or would want to hire a third person. Ms. Myers disagreed with
263 Mr. Mertens in that she did not feel that the quality of either the two librarians right now should be
264 such that one should be the general and one should be the colonel. She felt that the Committee
265 should figure out some way to set up this library so that both of these women, who had been
266 exemplary in terms of their libraries, would continue in at least the immediate jobs that they had
267 been doing right now, not one above the other, but both in some way acting in concert. Mr.
268 Overton felt they could do that. Mr. Mertens felt Ms. Myers' statement captured his feelings as well,
269 but stated that somebody had to sign the papers at the end of the day. Ms. Myers replied that
270 perhaps it was another person, not necessarily a Head Librarian, but she was not ready for Ms.
271 Pillsbury or Ms. Overfield to suddenly be one over the other. Mr. Sweeney reminded Ms. Myers
272 there was the Manager as well.

273

274 Mr. Nye asked what if the new government decided to interpret the Brownell Trust differently,
275 and decided that maybe it was just a real property that the Board should be responsible for, could
276 the persons that felt harmed with respect to that, take that to court? Mr. Overton said he
277 envisioned the two libraries working in an equal way, with a transition process. He stated that a

278 Library Board, as long as there was a perpetual Board, would have six other members, which would
279 be appointed or elected, which the Committee had to decide, and it would give them the number
280 they wanted. Mr. Overton believed in the meantime, that the Committee should recommend as part
281 of the transition, that the new Council look very carefully into the application of cy pres to do away
282 with the permanent Board, and if that happened, then the entire Board would be appointed or
283 elected. The cy pres would require an examination by Council to see if the Doctrine could be used
284 and what the chances of it being successful were, and then the Council would have to decide if they
285 wanted to go forward with it after a long process, possibly two years. Mr. Nye did not think that
286 his question was answered and Mr. Overton asked what the question was. Mr. Mertens answered
287 Mr. Nye that the court would have to decide. Mr. Nye repeated his question. He asked if the
288 permanent Board remained, but their duties and responsibilities were literally interpreted by the
289 government in process who directed them that the only thing that they would be involved with was
290 the management, maintenance, upkeep of the structure and the physical plant of the building, and
291 one of the Trustees felt uneasy about that could they bring it to court? Mr. Overton responded that
292 one of the perpetual Trustees could then bring an action that under the Samuel Brownell Trust, they
293 were supposed to have broader powers than a particular Selectboard gave them, and they could ask
294 for the court to rule on the terms of the Trust. Mr. Lajza commented that in reference to both
295 Directors, he heard that they both had parts to the job that they really liked or disliked. Therefore,
296 Mr. Lajza suggested that if the Directors lined up all the tasks and said which ones they liked, then
297 the job could be done between the two people successfully, and he wondered if that was a
298 possibility. Mr. Sweeney questioned whether there was the time to enter into that discussion and
299 asked whether there were any more questions, but there were none.

300

301 **Approve Minutes of October 19, 2005**

302

303 **LINDA MYERS MOVED AND AL OVERTON SECONDED A MOTION TO APPROVE**
304 **THE MINUTES OF OCTOBER 19, 2005 WITH THE FOLLOWING CORRECTIONS:**

305

306 **Line 149: After “Council” add “,”. After “a” strike “a”. Line 150: After “Village” add “,”.**
307 **After “Village” strike “and”. Line 177: Replace “delt” with “dealt”.Line 267: Replace “their”**
308 **with “there”. Line 331: Replace “would” with “could”. Line 445: Replace “to be asking was”**
309 **with “was asking”. Line 468: After “Recreation” add “Department”. Line 582: Replace**
310 **“would” with “may”. Line 632: After “information” add “meeting”. Line 732: Replace**
311 **“community” with “committee”. Line 746: Replace “open” with “closed”.**

312

313 **MOTION PASSED 8-0 (Deb Billado and John Lajza abstained)**

314

315 **MR. NYE MOVED AND MS. BILLADO SECONDED A MOTION TO APPROVE THE**
316 **MINUTES OF OCTOBER 26, 2005 WITH THE FOLLOWING CORRECTIONS:**

317

318 **Approve Minutes of October 26, 2005**

319

320 **Line 15: Replace “Werner” with “Wermer”. Line 23: Replace “Kemmemyr” with**
321 **“Kemmerer”. Line 24: Add “Jeff Carr”, “Tom James”, “Charles Kehler”, “Gwen Pastel”,**
322 **“Marilyn James”. Line: 8: Replace “Lazja” with “Lajza”. Line 32: Replace “president” with**
323 **“Chair”. Line 33: After “,” strike “and”, Strike “John”. Replace “Lazja” with “Lajza”. After**

324 “Lazja,” add “and”. Line 34: Strike “Mr. Overton”. Replace “Trustees.” with “Trustees, and
 325 Mr. Nye and Mr. Torti from the Selectboard.” Line 46: Replace “isle” with “aisle”. Line 50:
 326 Replace “unit” with “unity”. Line 51: Replace “successful to date” with “better today”. Line
 327 159: Replace “Village” with “Town”. Line 161: Replace “burrows” with “burroughs”. Line
 328 164: Replace “burrows” with “burroughs”. Line 384: Replace “tt” with “it”. Line 621:
 329 Replace “Charters” with “charge”. Line 707: Replace “retired” with “died”. Line 719:
 330 Replace “Post” with “Norten”. Line 728: Replace “Hall” with “Inn”. Line 760: Replace
 331 “architectures” with “architects”. Line 788: Replace “Mill” with “Hill”. Line 910: Replace
 332 “blocks with “miles”. Line: 929: Replace “Laurie” with “Lori”. Line 1086: Replace “the vote
 333 to go one way or the other.” with “one to vote against the Charter?” Add “No one voiced an
 334 opinion.”. Line 1096: Replace “breath” with “breadth”. Line 1104: Replace “there” with
 335 “their”.

336

337 **MOTION PASSED 10-0**

338

339 **Committee Discussion and Action On Name**

340

341 **MR. OVERTON MOVED AND MR. BLANCHARD SECONDED A MOTION THAT THE**
 342 **NAME OF THE NEW COMMUNITY BE THE TOWN OF ESSEX JUCTION.**

343

344 Mr. Overton wanted to discuss why he made the motion. Based on the meeting from October 26,
 345 Mr. Overton felt that the community was comfortable with the Town of Essex and with Essex
 346 Junction, and he felt there was a strong favor for incorporating the words Essex Junction. He stated
 347 that people who were interested in the history of the community would like Town of Essex in the
 348 name, and he felt the people in Essex Junction desperately want Essex Junction in the name for all
 349 the reasons that were eloquently stated. Mr. Overton felt that an appropriate compromise was to
 350 name the new community, the Town of Essex Junction, thereby the Town would be remembered
 351 and Essex Junction would be noted. He did not mean to do everything by way of appeasement, but
 352 he had asked this question at the end of the meeting and did not hear anyone comment that if they
 353 called it the Borough, that anyone would vote against the merger, so he thought the people, at least
 354 the majority of people, did not feel that this was a make or break issue. Mr. Overton felt that they
 355 could ameliorate and accommodate the strongest feelings about people who wanted to see Town of
 356 Essex and the strongest feelings about people who want to see Essex Junction by calling it the
 357 Town of Essex Junction. He felt it ultimately would be called Essex Junction, or Town of Essex or
 358 Town of Essex Junction, but mostly just Essex Junction because it was the short version of it. Mr.
 359 Overton felt it also incorporated all the good reasons that were proposed such as saying the name,
 360 Essex, Essex Junction, and he noted that the addresses would not have to be changed on the
 361 stationary, which would work well with the postal office.

362

363 In reference to the straw poll taken and recorded on the poster at the public meeting, Mr. Lajza
 364 wanted to know the results. Ms. Myers responded that it was 20 for the Town of Essex Junction,
 365 which was the most. Mr. Overton had not known this. Mr. Odit stated that when he counted it up
 366 and left off Town or City and just focused on Essex or Essex Junction, there were 19 for Essex and
 367 53 for Essex Junction, which resulted in 53 out of the 80 people roughly who were at the meeting.
 368 Mr. Overton, without having known previously, remarked that the strongest vote was for Town of
 369 Essex Junction. Ms. Billado stated that there were 21 marks for the Town of Essex Junction, 39

370 were for Essex Junction “Something”, either Town, City or nothing, 13 went to the Town of Essex
371 and 1 for the City of Essex. She was not casting a vote at this moment, but wanted to continue the
372 discussion. She felt something Essex Junction incorporated both names as it included Essex and
373 Junction, and she thought it would satisfy on some level the majority of people. She questioned
374 that since they were hopefully going through a metamorphosis of a community and they would
375 emerge as some mutation of the coming together, whether there could be councilors under a Town.
376 Mr. Overton said, yes, but it would need to be put in the Charter. Ms. Billado explained her
377 reasoning for this question as being that in her experience as a Village Trustee, she felt that the
378 terminology Trustee or Selectboard did not carry the promising connotations that it should in the
379 community. She felt those words had become “lightning rods” amongst the communities, and she
380 would like to see them replaced with Council Members.

381
382 Mr. Boucher commented that many people would like to eliminate the borders between the Village
383 and the Town. In Mr. Boucher's opinion, City would eliminate the Selectboard, the Trustees, the
384 Village and the Town and would become a city, where the Council Members would be the leaders.
385 It would eliminate the whole controversy of Trustee, Selectboard, Town, Village. Ms. Billado
386 argued that they just determined that if for some reason, the majority agreed upon Town, they could
387 have counselors as well as under a city. Mr. Boucher explained that the Village of Essex Junction
388 started in 1892 and within ten years, they had water, sewage, etc. and through the Village Charter,
389 they were a thriving community with electricity, trolleys, library, etc. By 1900, they had water
390 available in Essex Junction, which did not happen in the Town until 1960. Mr. Boucher stated that
391 when the Town was Chartered in 1739, the first census in 1860 showed there were 1403 people.
392 Then, in 1960, two hundred years later, there were only 1739 people, and he referred to this as
393 “dead in the water”. Mr. Boucher continued by saying that then IBM came and began many
394 changes for the entire state including property value and population. There were big differences in
395 the two communities, where Essex Junction owned 75% of all assets in both communities, and he
396 felt that was why the new community should be called City of Essex Junction.

397
398 Ms. Myers, in response to Mr. Boucher's comments, argued that when the Town of Essex was
399 formed and chartered, it was a viable community, whether there were two people living in it or 15
400 or a thousand people living in it. The fact of the matter was that the Town of Essex was formed in
401 the 1700s, therefore, it was not “dead in the water”, it was a community.

402
403 Mr. Boucher argued that he meant population-wise as it gained 333 people from 1763 all the way to
404 1960, and Ms. Myers stated it was still a community. Mr. Blanchard noted that he did not think
405 that some of the comments that he was hearing were germane to the subject matter. Mr. Sweeney
406 understood and commented that they should try to keep the discussion on the name of the
407 community.

408
409 Mr. Nye felt it was great to have public hearings, but we should not make all the decisions based on
410 public hearings, and he felt that there was other input from the public via phone calls at home from
411 constituents who did not feel comfortable going to public meetings. He stated that the vote on the
412 wall did not mean too much to him. He felt very strongly that the Town of Essex existed long
413 before the Junction did and that even though the name did not hold much value to him, he had a
414 number of people call him and tell him that if they had Essex Junction in the name, whether it was
415 Town or City, it would be known as Essex Junction. He did call the post office and verified that

416 everybody would not have to keep their street address, and they could change their mailing
417 addresses if their community name changed from Essex to Essex Junction. It was not an issue with
418 the Post office, they knew where 05452 was located. Mr. Nye personally would follow Mr.
419 Overton's lead, but stated that that was not the desires of a lot of people who had spoken to him. In
420 addition, he believed that based on the last week's meeting, the name was something that was
421 probably significant enough to the community to allow the 1800 or 2200 people in the community
422 who vote to vote on this issue. Ms. Billado reiterated that eight out of nine people voted for the title
423 the City of Essex Junction in 1999 without a conflict given to the name. Mr. Nye argued that there
424 were not any choices then. Ms. Billado did not remember hearing any objections to that name and
425 was suggesting that people had already rested with that name. She felt that it was good to keep the
426 Town term involved in the name of the community as she felt she could go either way, but she was
427 seeing Essex Junction was the majority opinion.

428
429 Mr. Sweeney asked if there was anyone who had not spoken yet to speak. Mr. Blanchard believed
430 that after last week's meeting, he felt strongly that the Town of Essex Junction would be a good
431 compromise. Mr. Blanchard stated that many comments were from people against living in a city
432 as they moved here to get away from the city, so city disappeared for him quickly as his first
433 choice. But all the years that he had lived here as a Villager, he had been told that he was part of the
434 Town and to him, this would prove that he wanted to be part of the Town.

435
436 Ms. Wrenner stated that there were three reasons why she saw keeping the name Essex rather than
437 Essex Junction. One would be minimizing the amount of change that would be forced upon people,
438 they could keep the postal zip and Essex Junction address even if they became Essex Town. Ms.
439 Wrenner said for example, the majority of people in this area now had an Essex address in the
440 Town, but they had an Essex Junction mailing address, so she felt that struck a compromise for
441 everyone. If they wanted to say they lived in Essex Junction, it was on the envelopes and return
442 address and letterhead. If they wanted to say they lived in the Town of Essex, they still lived in the
443 Town of Essex, because the Town of Essex incorporated all of them. She saw this as the perfect
444 compromise. They would become the Town of Essex, but their mailing address stayed Essex
445 Junction, so whatever community someone wanted to say they lived in, they did, however someone
446 wanted to phrase it, they could. Ms. Wrenner saw that the type of town did not have to change.
447 They were a town, they had been a town, so they could continue to be a town and that there was no
448 reason to change to a city as they had not exploded in growth yet. The second point would be the
449 history, with 242 years of being the Town of Essex, she did not see a reason to change history at
450 this point and change a name, which had stood them well for so long. Thirdly, they were now
451 folding in a Village that once separated. Traditionally, when that happened the folding in became
452 part of the larger town, and she did not see any reason again for this to be any different. It was a
453 standard thing that happened in many communities, the Village became part of the Town and took
454 the name of the Town. Mr. Sweeney asked if anyone else who had not spoken yet wanted to speak.

455
456 Mr. Lajza wanted to express his appreciation to Mr. Overton and the Committee who handled the
457 process in 1999. He explained that the Trustees reviewed that document thoroughly last December
458 and made an offer which did not become accepted, but would like to compliment them on their
459 work and thanked them. The only difference now was that everyone from both Towns was at the
460 table as opposed to 1999 and that was why there was differences of opinion of whether they needed
461 a Transition or not. In regards to the name, Mr. Lajza believed each member of the Committee

462 needed to search their sole to determine what they wanted to happen in the exercise in what they
463 were trying to do as a Committee. He felt that if they all would like to become a merged community
464 and bring themselves together, if that was the assumption, then they wanted to make it easier for
465 people to accept it. Mr. Lajza reminded the Committee that at the 1999 vote, 90% of the people in
466 the Town voted for the City of Essex Junction. In the Village, he believed it was 5 to 3 against. So
467 if they wanted to bring everybody into the fold, then the point of least resistance was to keep the
468 name Essex Junction. He could live with the Town, and felt that Mr. Marcotte made a very
469 admirable suggestion to just call it Essex Junction, neither a Town or City, although he felt they
470 could call it the municipality in the Charter and leave the other part out. However, Mr. Lajza felt
471 that the choice was what direction they thought was going to make the whole community come
472 together and blend itself. He urged the members to take a look at what the risk of failure would be if
473 they made a particular choice and asked each and every member to think about that.

474

475 Mr. Mertens stated that he supported Mr. Overton's suggestion in the beginning of the discussion,
476 which was to take a little bit from each, and he particularly appreciated Mr. Nye's comments as they
477 were all getting feedback from a lot of different sources. However, he stated that reliving history
478 about what happened etc., would not be productive, and Mr. Lajza's points were well taken as to
479 what the Committee was trying to accomplish at these meetings and what he believed the goal that
480 they were trying to accomplish was some healing and coming together. Mr. Mertens stated that as
481 they took the vote, when the Chairman called for it, he hoped that everyone remembered that the
482 Committee's objective was to try to get as close to an unanimous vote as possible. This would not
483 in his judgment rise to the point of making a protest vote and as they discussed, where was that
484 middle ground? Mr. Mertens was convinced by Mr. Overton's remarks that he had certainly struck
485 the middle ground.

486

487 Mr. Sweeney felt that he did not have a sense that they had a consensus on the Committee, and he
488 did not sense that the other night at the Public Hearing either. He agreed that they did not want to
489 base all their actions on a public hearing of 50 people, but he thought there was a good cross-
490 section present that night. He did not think they were going to reach consensus, but he would like
491 to see the merger pass. He was worried about passing something to the Selectboard and Trustees
492 that could cause conflict at that level. His feeling was that the Committee should put it to a
493 community vote. Mr. Sweeney stated that there was Democracy in this country and he read
494 something about the history of Essex today that it was the vote of the people who named Essex 242
495 years ago, and he believed that they should put this issue to a vote and let the people decide, which
496 would eliminate the contention. Mr. Sweeney expressed that in his mind, he would like the people
497 to decide, as was voiced by the public last week. He did not think the Committee should
498 recommend any of the names discussed, as he felt it would pose conflict at the next step. Mr.
499 Blanchard asked Mr. Sweeney if he had a suggestion that would not cause conflict, and Mr.
500 Sweeney responded, to put the question to vote and let the people decide. Mr. Overton felt that was
501 passing the buck, and Mr. Sweeney argued that it was not, but returned to the idea of democracy
502 and to let the people decide. Mr. Sweeney explained that he was looking on the Internet that day
503 about various towns and villages and that most websites had a good section of history of the Town.
504 Mr. Sweeney was curious about what Mr. Norton mentioned last week about Cambridge in
505 Jeffersonville and Island Pond in Brighton and one other. Mr. Safford answered, White River
506 Junction. Mr. Sweeney mentioned that it turned out that all those are still Villages in those Towns.
507 Mr. Safford stated that the Village of White River Junction was no longer incorporated. Mr.

508 Sweeney stated that he read on the Hartford website that they had five Villages in their border,
509 White River, Hartford, Quechee and two others. Mr. Safford explained that it was not from a legal
510 standpoint, but just from a layout standpoint. Mr. Sweeney reiterated that this was the information
511 he read from the website, but explained that Mr. Norton stated that the names still existed, and he
512 was curious why they still existed as it seemed like from what he read, they existed because they
513 were recognized on some level as still villages. Mr. Mertens asked Mr. Sweeney to clarify the
514 relevance of his statement. Mr. Sweeney explained that Mr. Norton spoke last week at the public
515 input and talked about the fact that they had several examples where the Town was named one
516 thing and at the same time, Mr. Norton implied that the Village retained its identity. Mr. Sweeney
517 was curious as to why and to the fact that they had not merged into the Town according to the
518 website. Mr. Sweeney explained that it was a comment, and that he was curious as to what was the
519 mechanism by which Mr. Norton recognized those places because Mr. Sweeney had always
520 wondered what the difference was between Cambridge and Jeffersonville was, as he guessed he
521 never really knew.

522

523 Mr. Overton, in response to Ms. Wrenner, mentioned that he had absolutely no objection if
524 eventually the Selectboard and Trustees decided to put the name to a vote, but they had sat here as a
525 Committee and had heard and discussed so much that it seemed to him that they should be able to
526 make a recommendation. He saw this Committee doing two things: one was putting forth a good
527 Charter and stated that they were very close to that accomplishment. He personally thought that
528 what he wanted to do was to produce a Charter which they could be excited and enthusiastic about.
529 Second, was to set forth a merger plan before the public that would entice them to vote in favor of
530 it. In other words, Mr. Overton was worried about the vote and whether in fact they would vote to
531 accept this, and he thought by incorporating the Town, the name of the Town and Essex Junction
532 was a wonderful compromise to do that. He understood the historical position of the Town of
533 Essex, and he understood the most recent historical position of Essex Junction. Mr. Overton
534 mentioned to Mr. Boucher that what he left out was that all the people who grew in the Village
535 were also residents of the Town and that every year they voted in the Town. Mr. Overton felt
536 strongly that they should put forth a recommendation, but if the Selectboard and Trustees felt that
537 there was some controversy surrounding it then he was not opposed to putting it to a vote as he
538 would like nothing better, as a merger proponent, than to see as the major issue what shall we call
539 the new municipality, because that assumed that the merger would occur and that the only issue was
540 what to name it. He thought, however, that the Committee should make a recommendation as they
541 had been discussing this issue enough. Ms. Billado agreed with Mr. Overton. She felt the
542 Committee with the number and intensity of times they were meeting and the level of discussion
543 that they have had, in addition with the level of advertising for the last meeting, could only base it
544 on who showed up because 12,000 people could have showed up or two people could of showed
545 up. She believed that they had heard from the majority of the community so far that had vocalized
546 their opinion, and they had heard two words in the title, as Mr. Overton stated, but she would like to
547 talk about process. Ms. Billado asked if they were going to "cafeteria" style, where did it end? If
548 they were going to put the name out to the voters, then why not put out to the voters the decisions
549 of the Library, the Fire Department or anything? She believed that it was the Committee's
550 responsibility to make some decisions and that the tough ones should be made by this Committee.
551 Ms. Billado felt the Trustees and the Selectboard had given that responsibility to the Committee and
552 that the community was waiting for them to come up with some of these answers, and she did not
553 think it was fair for them to lob the decisions back over to the public. Mr. Sweeney did not feel in

554 this particular case that they were lobbying it to anybody. Ms. Billado stated that they were lobbying
555 it back to the community. Mr. Sweeney reiterated that Democracy should rule and that the people
556 should decide on this question only. He was not saying that there were ten other questions that they
557 should give to the voters or pass to the community, just this one question. Therefore, all the other
558 things that they had discussed were not germane to the discussion, that they were talking about the
559 name at this point in time. Ms. Billado felt that the Committee would have other tough issues, and
560 Mr. Sweeney responded that maybe they would. Mr. Sweeney stated that when the Committee had
561 those tough decisions, they had to decide what to do if they did not reach consensus. He had the
562 feeling there were a couple coming up after they decided on this issue, but he did not want to
563 predispose where a decision should be made based on this one. Therefore, he viewed these as being
564 separate decisions. Mr. Overton added that the Committee did understand what they were doing
565 and they needed to reemphasize that as an Ad Hoc Charter Committee they made recommendations
566 to the Selectboard and Trustees, and it was anticipated that the Selectboard and Trustees would
567 “tinker” with their recommendations as they deemed appropriate and this was within their right
568 under the statute. Mr. Sweeney responded that he felt the Committee all understood that. Mr.
569 Overton suggested that the members remind themselves of this. Mr. Mertens stated to Mr.
570 Sweeney that he heard the same comments from the public at the last meeting that this issue be put
571 on the ballot and believed it was a somewhat compelling argument for awhile until he realized that
572 the first time someone suggested it be put on the ballot and then that same person stood up and
573 stated to put the other issue on the ballot and then again, that same person stood up and stated to put
574 the other issue on the ballot, and he felt the very quick sense that it would be a “cafeteria” agenda
575 and in that person's opinion, it was not their job to make decisions. He agreed with the consent
576 comment that Members had made, which was to let the Committee decide the name and if the next
577 group that looked at it chose to add to it in some fashion, he was equally comfortable with that. Mr.
578 Mertens stated that the Committee had heard from the Library tonight who had a similar challenge
579 and decided to pass along the decision to the Committee, which was fine. We had asked them to
580 make a very hard decision, they could not, but he did not want to give the Trustees and Selectboard
581 the same kind of feedback if they could avoid it and stated that he wanted the Task Force to try to
582 make the decisions. Then if it was really impossible, then it was impossible.

583

584 One member asked Chair Sweeney whether they could vote. Mr. Sweeney asked whether there was
585 any other discussion. One member stated, vote. Mr. Sweeney stated that he had a motion and
586 asked if they wanted to repeat the motion. Mr. Overton stated that he moved the question. Mr.
587 Sweeney responded that they did not have to move it, they could vote. Mr. Overton expressed that
588 he thought the way they should vote was to individually state what each member was in favor of,
589 and he offered to keep track of who was in favor of what. Mr. Mertens and Mr. Sweeney suggested
590 just voting by raise of hands. Mr. Overton stated he was referring to the question of whether they
591 vote, and Mr. Sweeney stated, no they would vote now. Mr. Sweeney asked those who were in
592 favor of the motion to please signify by saying aye, then suggested doing it in a different way. Ms.
593 Billado asked if the motion could be restated. Mr. Sweeney stated that the motion was to
594 recommend the name the Town of Essex Junction as he understood it. Mr. Overton responded, no,
595 that his motion was to have a vote, stop discussion and have a vote. Mr. Sweeney reminded Mr.
596 Overton that he said they did not have to move it, but agreed.

597 **MR. AL OVERTON MOVED AND MR. JOHN LAJZA SECONDED A MOTION TO**
598 **MOVE THE QUESTION.**

599

600

601 **MOTION PASSED 10-0.**

602

603 Mr. Overton stated that the question was a recommendation to name the new community the Town
604 of Essex Junction. Mr. Overton stated that since some people wanted the name Town of Essex,
605 some wanted it Town of Essex Junction and some wanted it City of Essex Junction, he suggested
606 going around the table and hearing from everybody what they wanted to call the new community.
607 Mr. Sweeney stated that he thought that they did that already and that he moved the question so that
608 there was not any discussion except to clarify the motion. He clarified that the motion was to make
609 a recommendation to name the new community the Town of Essex Junction, and Mr. Overton and
610 Mr. Lajza agreed.

611

612 **MR. AL OVERTON MOVED AND MR. RENE BLANCHARD SECONDED A MOTION**
613 **TO NAME THE NEW COMMUNITY THE TOWN OF ESSEX JUNCTION.**

614

615 **MOTION FAILED 5-5. In favor: Al Overton, Rene Blanchard, John Lajza, Hans Mertens,**
616 **Deb Billado. Opposed: Hugh Sweeney, George Boucher, Alan Nye, Irene Wrenner, Linda**
617 **Myers.**

618

619 Mr. Sweeney stated that the motion did not carry, and Mr. Overton agreed. Mr. Sweeney asked Mr.
620 Overton what he would like to do now. Mr. Overton said that he would like to hear what each
621 member would choose for the name of the new community. Mr. Sweeney felt they had already
622 done this a couple of times, and Mr. Overton said he had not kept track at that time. Mr. Boucher
623 added that some members would like a different name, and Mr. Sweeney felt that was his point as
624 well. Mr. Boucher stated he wanted the City of Essex Junction. Mr. Overton suggested that each
625 member state the name they would like and at least the Committee could present that information to
626 the Trustees and asked what was wrong with doing that, and Mr. Boucher added that the majority
627 ruled. Ms. Myers and Ms. Wrenner stated that consensus ruled. Mr. Sweeney stated that the
628 Committee was aiming for consensus and they offered it by motions. Mr. Overton asked Mr.
629 Sweeney why each member could not state what name they wanted and take note of it? Mr.
630 Sweeney responded that there was nothing wrong with that. Mr. Blanchard agreed they should do
631 what Mr. Overton suggested. Mr. Sweeney stated he wanted to keep it simple and asked Mr.
632 Boucher what name he would like. Mr. Boucher responded, City of Essex Junction, which was
633 what he voted for. Mr. Blanchard stated he wanted the Town of Essex Junction. Mr. Overton
634 stated he wanted the Town of Essex Junction. Mr. Lajza wanted the City of Essex Junction. Mr.
635 Sweeney stated he wanted a vote. Mr. Mertens stated he wanted Blank Essex Junction. Mr.
636 Sweeney remarked that these were the same answers they had a month ago. Mr. Nye stated he was
637 in favor of a vote. Ms. Myers wanted the Town of Essex. Ms. Billado stated that a moment ago
638 she had voted for the Town of Essex Junction, but now was in favor of Blank Essex Junction. Ms.
639 Billado stated that she had voted the Town of Essex Junction because she thought that would have
640 been the majority of voters in the room, which she hoped was going to be a solution the problem.
641 Mr. Overton asked what she was in favor of now, and Ms. Billado stated she agreed with Mr.
642 Mertens with Blank Essex Junction. Ms. Wrenner stated she was in favor of the Town of Essex.
643 Mr. Overton stated that the results were two, two, two and one. Mr. Sweeney asked Mr. Overton
644 what he would like to do now? Mr. Overton asked how they should present this to the Selectboard
645 and Trustees, whether they should say they could not resolve it and tell them what the results were.

646 Mr. Sweeney restated his opinion that they did not have consensus on this Committee, did not have
647 consensus at the public meeting, and therefore, it should be a vote of the community. Mr.
648 Blanchard asked what the choices would be? Mr. Sweeney said that if they could get through the
649 first question, then they could address the question about the choices. Mr. Sweeney would not have
650 a problem with all of them put out to a vote, and Ms. Myers, Ms. Wrenner and others disagreed and
651 stated it should be two names. Mr. Sweeney reminded the public that they were not taking public
652 input at this time. Mr. Overton commented that there should be City of Essex Junction, Town of
653 Essex Junction, Town of Essex.

654

655 Mr. Mertens stated that he was not ready to propose a vote yet. He restated his reasons that to start
656 making a cafeteria style vote of the Charter. Mr. Sweeney made an objection to that statement as it
657 was the second time he had said that and that he had made it clear that this was for one question
658 only, not cafeteria style. Mr. Mertens suggested that others could make a case to put other
659 questions to a vote so the fact that Mr. Sweeney believed they should vote on this question did not
660 mean to him that that was the only question that would be put up to vote. Mr. Sweeney responded
661 that they would deal with that when they came to it. Mr. Mertens stated that was the point, that
662 they were speculating, and Mr. Sweeney disagreed. Ms. Billado asked Mr. Sweeney if she could
663 offer a suggestion, and Mr. Overton stated that he wanted a solution, and Ms. Billado responded
664 that she wanted a solution, too. Ms. Billado suggested that they have a show of hands as to how
665 many people on this Committee believed it should go out to the voters and how many people
666 believed it should be resolved during this meeting. Mr. Sweeney told her to make a motion. Mr.
667 Nye said to Ms. Billado that it was an unfair question, because he believed it should be resolved
668 with the Committee, but did not believe it was going to get resolved with the Committee, and
669 therefore that was why he wanted it to go out to the community. Ms. Billado commented that if
670 they were all on the payroll for a corporation and their boss told them to put their critical thinking
671 hats on and come up with an answer, they would. She thought it was possible to come up with an
672 answer, she just thought that they were all “dancing real fancy” and that they were not really
673 coming to a conclusion. Mr. Lajza stated that he voted for the City of Essex Junction, but he was
674 willing to make a compromise.

675

676 Mr. Overton stated that given that there were two, two, two, two and two, was anyone else willing
677 to, for purposes of getting resolution, alter their previous vote to get it to work? Mr. Mertens felt
678 that in saying Blank Essex Junction, he could go either way and stated that that it was not two, two,
679 two, two, and two, but that it was more like four, four and two. Mr. Overton understood. Mr.
680 Boucher stated he would go blank, too. Ms. Billado remarked that then they had four blanks. Mr.
681 Overton clarified with Mr. Boucher that he would compromise with blank Essex Junction and asked
682 Mr. Boucher and Mr. Lajza what could go in front of Essex Junction that would make any sense.
683 Mr. Lajza commented that Mr. Marcotte at the very first meeting suggested calling the new
684 community Essex Junction, and he felt that they could do that in the Charter. Mr. Boucher argued
685 that Essex Junction included both Essex and Junction and that it was the original name that the train
686 company gave it when they pulled into the Village. Mr. Safford said to name it Hubble's Falls, and
687 Mr. Sweeney said he liked Hubble's Falls or Painesville. Ms. Myers disagreed that Blank Essex
688 Junction took care of everything because it still gave the connotation that it was the Village of
689 Essex Junction. Mr. Mertens explained that when he said blank, he meant that it could be Village,
690 Town, City and it did not much matter, and he asked whether that was the way she had understood.
691 Ms. Myers agreed that was what she understood, but that was not what Mr. Boucher was saying.

692 Mr. Boucher stated that when the railroad came in to the Village, to the Junction, that it was a
693 junction, where six railroad tracks merged that were going into the Town of Essex, but they would
694 say Essex Junction, long before Painesville or anything else and that was 1853 when the second
695 railroad tracks were here. Ms. Myers felt they were off the track, and Mr. Overton repeated they
696 were off the track. Ms. Billado clarified that when Mr. Boucher referred to blank Essex Junction, he
697 was saying he could go with the City or Town of Essex Junction. Mr. Boucher responded that he
698 could agree with City or Town of Essex Junction. Ms. Billado repeated, City or Town. Mr.
699 Overton clarified that any of the three would be all right with Mr. Boucher, and Mr. Boucher
700 agreed. Ms. Billado said that she counted six something of Essex Junction, probably Town. Mr.
701 Overton stated he had four Blank Essex Junctions, two with Town of Essex and two with Town of
702 Essex Junction. Mr. Blanchard could not perceive of any other two words that described what the
703 community was presently better than the Town of Essex Junction. He asked how could they merge
704 without having either one of the names as part of the new name? Mr. Mertens wanted to make a
705 motion to re-vote the question based on the discussion thus far. Mr. Overton clarified that Mr.
706 Mertens suggested re-voting on the question of the Town of Essex Junction. Ms. Billado requested
707 that the question be asked again.

708

709 **MR. AL OVERTON MOVED AND MR. RENE BLANCHARD SECONDED A MOTION**
710 **TO NAME THE NEW COMMUNITY THE TOWN OF ESSEX JUNCTION.**

711

712 Mr. Sweeney asked Ms. Myers whether there could be a motion, and Ms. Myers stated that it could
713 because it was a 5-5 vote, whereas ordinarily there would have to be a recall of votes by someone
714 who voted against it.

715

716 Ms. Wrenner responded to Mr. Blanchard and stated that they could become Essex and not Essex
717 Junction because they were already the Town of Essex and that was how they would become one.
718 She believed they were already one and would therefore, still remain the Town of Essex with an
719 Essex Junction postal address. Mr. Overton began to respond, and Mr. Wrenner reiterated that she
720 was clarifying this point with Mr. Blanchard because he asked the question, how do they become
721 one? She stated they were one. Mr. Blanchard said they had to become one to the people who
722 were going to vote on this in their mind, not physically, that it was a psychological issue. Mr.
723 Overton said to Ms. Wrenner that the point was that this issue had been here for a long time and
724 that some of them had dealt with this for 40+ years and longer. He stated that there had been
725 suggestions all along to withdraw the Charter and that the Village residents disagreed as they did
726 not want to subsume into the Town of Essex. The Villagers did not want that and he knew they
727 would vote against that. Ms. Wrenner responded that this was the reason they put their Charter and
728 the Essex Charter together. Mr. Boucher stated that they were going to vote against it. Mr.
729 Overton did not understand what was wrong with the Town of Essex Junction. Ms. Wrenner
730 responded that they already were the Town put together and they were incorporating the Village
731 Charter and the Essex Charter into a new one. Mr. Overton responded that Ms. Wrenner was not
732 hearing the plea of those people who resided in Essex Junction, and Ms. Wrenner disagreed, but she
733 also noted that the Village also broke away at one point and now they were folding them back in.
734 Mr. Boucher stated they broke away for a reason. Ms. Wrenner replied that they were obviously
735 coming back for a reason. Mr. Boucher said they were not coming back for a reason, they were
736 forced back. Ms. Wrenner stated that nobody was forcing anybody to come back, if they did not
737 want to. Mr. Sweeney asked if there was any more discussion on the motion. Mr. Boucher stated

738 that they were being taxed to death. Mr. Sweeney reiterated whether there was any more discussion
739 on the motion. Mr. Overton counted 8 in favor, and Ms. Myers added that the chips would fall in
740 the ballot booth or with the Selectboard and Trustees. Mr. Sweeney stated in the spirit of reaching
741 consensus, he would switch his vote to in favor of the Town of Essex Junction.

742

743 **MOTION PASSED 9-1. Opposed: Irene Wrenner**

744

745 Ms. Myers suggested, due to the time, that the Committee postpone the discussion on the next two
746 items, which could be as long and give the people in the audience the opportunity to comment.

747

748 **Discussion of Future Agenda Items**

749

750 Mr. Sweeney asked whether there was any objections, and Ms. Billado asked Chair Sweeney
751 whether she could ask the audience a question. Mr. Sweeney wanted to discuss the items for next
752 meeting first. He believed the Fire Department was returning. Mr. Safford clarified this and said
753 that the Fire Departments were in consensus, but that only the Essex Fire Chief could make the
754 meeting next week. Mr. Sweeney stated that they expected just a very short discussion and then
755 they would move on to the other two items that they had not discussed that evening and then if
756 there was time left, they would go on to discuss the remaining items on the Charter. He asked if
757 there were any objections. Ms. Wrenner stated that she received an anonymous feedback letter to
758 the Task Force which she passed around earlier, but she got too many copies back, and therefore
759 wondered if somebody did not take their copy. Members confirmed that they had all received that
760 letter in the mail. Mr. Sweeney asked whether there were any other items for them to discuss
761 tonight. Mr. Mertens explained that Mr. Brad Luck sent an e-mail that day to the Committee to ask
762 Merger Task Force Representatives to attend a monthly meeting this Tuesday morning at 7:00 a.m.,
763 where usually 50 parents and kids were present. Mr. Luck asked them to give an update and answer
764 questions, and Mr. Mertens suspected that the discussion would include how these kids benefited
765 from the current Teen Center and how they wanted to make sure the Committee understood the
766 importance of it. He asked, having understood such short notice, whether they should accept his
767 invitation for this Tuesday morning, alternatively shall the Committee ask them to put us on his
768 agenda in a month from now. Mr. Overton felt they should attend and send the Chairs. Mr.
769 Blanchard stated he could not make the meeting. Ms. Myers could not attend, either. Mr. Mertens
770 clarified with Ms. Myers that she could not make this Tuesday or any Tuesday, and Ms. Myers
771 replied, just this Tuesday. Mr. Overton, in referring to the Chairs, suggested they had two
772 volunteers and added that he would do it at any other time, but not so early. Mr. Sweeney and Mr.
773 Mertens agreed to go to the Teen Center breakfast.

774

775 Mr. Boucher stated that he would not be at the meeting next Wednesday as he would be hunting in
776 Maine and stated that he would like to put his answers in writing and the reasons why. Mr.
777 Sweeney clarified that he would like to leave a proxy. Mr. Boucher said he would not change his
778 mind and that the Committee was lucky tonight that he did. Mr. Sweeney asked Mr. Safford and
779 Mr. Scheidel whether there were any state laws which apply to proxies. Mr. Scheidel said they
780 would check, but if they did not hear, then to proceed. Mr. Overton asked about Mr. Sweeney's
781 question, and Mr. Sweeney reiterated his question as being he wanted to know if there was a state
782 law that spoke about proxies either allowing them or not and the answer he received was that there
783 was no law, and Mr. Overton agreed and stated that if Mr. Boucher wanted to give the Committee a

784 proxy, the Committee should accept this. Mr. Sweeney asked whether the Selectboard or Trustees
785 allowed proxy votes, and the Town Managers replied no. Mr. Safford stated that they were a
786 legislative body and were making laws and that the Committee was a Committee, which he felt
787 was a little more flexible. Mr. Sweeney clarified Mr. Safford's comment that there was a state law
788 which talked about proxy. Mr. Safford stated that one could not vote by proxy, but that it was just a
789 common understanding which if you referred to the Secretary of State, she would confirm that. Mr.
790 Safford felt this Committee could accept a proxy. Mr. Sweeney stated to Mr. Boucher that there
791 were different kinds of proxies such as giving somebody the permission to vote in place of him and
792 asked whether he intended to do that or write out his answers. Mr. Boucher stated that he was going
793 to write out his opinion on the districts and the location and why he was choosing that decision. Mr.
794 Sweeney stated that other motions might come up at the meeting, but Mr. Boucher felt the issue of
795 the districts and the location were the main topics and he would give the reason for his choices.
796 Mr. Mertens confirmed with Mr. Boucher that he was going to find a member to give the proxy to
797 and educate them about his beliefs, and Mr. Sweeney asked whether everyone was comfortable
798 with that. Mr. Sweeney noted that this was going to set the process for everyone. Mr. Boucher
799 stated either that, or he would put it in writing and state what his vote should be and the reasons
800 why. Mr. Mertens felt Mr. Boucher should do that anyways in the interest of moving things
801 forward. Mr. Sweeney wanted to be clear if he was giving a person the authority to vote for him on
802 any motion or just on those two questions and what the answers would be. Mr. Boucher stated he
803 was going to make his opinion on the question of two, six, three etc. and give a reason why and the
804 same thing with the location, and Mr. Sweeney asked if everyone was comfortable with that and
805 whether there was any other business to discuss. There were no objections. Mr. Sweeney asked Ms.
806 Billado if she wanted to ask her question, and Ms. Billado said that she wanted to sleep on it.

807

808 **Public Input-General Comments**

809

810 Ms. Duke said she gave the Committee a letter because at the last meeting, this was encouraged by
811 the Committee if there were other things to say and it was her intention that it be shared with the
812 Committee, and Mr. Sweeney confirmed this. She stated that last week, Ms. Stannard spoke about
813 a marriage and related it to this community merging and that in a marriage there required
814 compromise and not everybody got their way on everything. It seemed to her that the Town was
815 being asked to increase their taxes, to accept the name Essex Junction, to have the municipal offices
816 in the Village and she thought at some point, the people in Essex Town were going to say, "You
817 know what, we are not getting what we want", and she felt the Committee should take this into
818 consideration. Mr. Sweeney thanked Ms. Duke.

819

820 Mr. Marcotte would like to add to that a vote and would like to know what the citizens think about
821 the name of this community and asked whether there could be a show of hands of the audience as to
822 who was in favor of the Town of Essex Junction and there were two. Mr. Sweeney asked whether
823 Mr. Marcotte was going to ask them about all the name options and he stated no.

824

825 Ms. Tailer was a member of this community for 15 years. She taught negotiations to High School
826 students and negotiations took hours and hours and hours and after hours and hours of negotiating
827 and trying to come up with a page of rules, they finally said "you make the rules". She was not
828 saying this Committee needed to do this, but this was the only night she could make the meeting
829 because this night was not a good night for herself and her husband and that they would have

830 spoken up a lot sooner if they could have. She thought Essex Town had a lot of history behind it,
831 and she agreed with Ms. Wrenner. She thought that they needed to continue with a lot of the
832 projects they had been doing as they had a lot of projects that were going on in the Town, and she
833 was concerned that this would be disrupted if they became the Junction. She stated that the
834 libraries worked, the school systems worked, and if they weren't broken, don't try and fix them and
835 change them. She felt one thing the Committee should look at is if they had a system that worked,
836 don't try and change it. The last thing she commented on was in regards to Burlington as a large
837 city, people who lived in the New North End, called it something different, even though they lived
838 in Burlington. She wanted to know why it could not be the Town of Essex, with people who lived
839 in the Junction. If people asked me where she lived, she would respond that she actually lived in the
840 Center, not the Town, in the Center and had a mailing address that had always been in the Junction,
841 but she did not live there. She thought that there did needed to be a lot of compromise, and she felt
842 that a lot of people who lived in the Town, didn't live in the Junction and did not want to live in the
843 Junction.

844

845 Mr. Lemieux asked the Committee whether at some point, they were going to discuss the financial
846 aspects of the merger, and Mr. Sweeney said yes, but that they were trying to get through the
847 Charter and then at some point, they would take up the financial questions as that was one of their
848 charges from the Boards.

849

850 Mr. Lloyd stated that he attended the meeting last Wednesday night and made a suggestion on the
851 name after talking about what the post office did and used the term KISS, Keep It Simple Stupid.
852 Another person harped in later and corrected him on that in that Essex was shorter than Essex
853 Junction, which fits KISS. He wanted to respond to this and stated that the best name to have for
854 Essex Junction was "a".

855

856 Mr. Jerman, a member of the Trustees, wanted to end the evening on a light note, for those
857 members who were not Trustees or Selectboard, and welcomed them to their world. They now
858 understood how difficult it was, and he felt they did a good job with it tonight as it was very
859 difficult issues and had been and stated that it was not going to get any easier.

860

861 Mr. Lemieux thought that within the general area of a ten mile radius from the Junction, any sign he
862 had noticed always said Essex Junction and had never seen a sign that said Town of Essex, that it
863 was Essex Junction. Some members disagreed. Mr. Lemieux clarified that beyond the immediate
864 area, whether it be Johnson or the new border, the signs said Essex Junction.

865

866 **MR. ALAN NYE MADE A MOTION AND MR. HANS MERTENS SECONDED A**
867 **MOTION TO ADJOURN. MOTION PASSED 10-0.**

868

869 **Respectfully submitted,**

870

871 *SARAMICHELE STULTZ*

872

873 Saramichelle Stultz

874 Recording Secretary

875

MERGER TASK FORCE

November 2, 2005

876

877 (THESE MINUTES ARE SUBJECT TO CHANGE AT THE NEXT MERGER TASK FORCE

878 MEETING)

Approved November 16, 2005

**MERGER TASK FORCE
ESSEX/ESSEX JUNCTION
MEETING MINUTES
NOVEMBER 9, 2005**

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MEMBERS PRESENT: Hugh Sweeney, Chairperson, Deb Billado, Irene Wrenner, Linda Myers, Rene Blanchard, Alan Nye, George Boucher, Alan Overton.

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

OTHERS PRESENT: Norm Faunce, Tim Jerman, Chris Halpin, Mary Post, Thomas and Elizabeth Tailer, Bob Marcotte, Bernie Lemieux, Jeffrey Harton, Howard Rice, Jr., Chuck Lloyd.

Mr. Sweeney called the meeting to order at 7:04 p.m.

BUSINESS AGENDA

Public Input on Agenda Items

There was no input from the public.

Mr. Sweeney asked members if there was any objection to meeting with the Fire Department before approval of the minutes. There was no objection.

Discussion of Follow-up Items With Town Fire Chief

Mr. Sweeney asked Mr. Rice to join them. Mr. Sweeney remarked that Mr. Rice would be representing both the Town and the Village that evening. Mr. Rice confirmed that the Village Fire Chief was out of town for business, but that he and the Village Fire Chief had met a couple of weeks ago and created a joint document to handout for the Task Force. Mr. Sweeney explained that the intent was to find out from the Fire Departments, in the case of a merger, how they would see a Transition Plan for the new Fire Department and asked for a summary of their response.

Mr. Rice referred to the document he had written with the Village Fire Chief and began with the first part, which was Key Elements. Mr. Rice explained that the Fire Chiefs brainstormed on main differences between the two Fire Departments and discovered three areas that would need to be addressed. The first one was their Standard Operating Procedures/Guidelines, which was how they operated the Departments. The second one was the Database/IT Management and the third was Pay Structure.

The first element, Standard Operating Procedures, covered areas such as training, records and policies; such as how many trainings they had in a year. It included apparatus qualifications, training requirements, certification requirements, licensing requirements, the application/interview process and uniform policy. Mr. Rice explained that, basically, the Standard Operating Procedures/Guidelines(SOP/G) were policies and items that the Fire Safety members could use for

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48 organization of the department. Mr. Rice stated that SOP/G covered areas such as equipment
49 policy, such as the use of equipment and how often they provided routine maintenance, the use of
50 the station policy and the types of call responses. Other standard guidelines included policies to
51 manage motor vehicle crashes, such as what trucks will go, who goes, what they do when they get
52 there and what the order of operation would be when they reached their destination. Mr. Rice
53 informed the Task Force that there were not many differences between the two Fire Departments in
54 regards to their SOP/G, but discussion needed to occur during the Transition to merge the SOP/Gs.
55 Mr. Rice asked the Task Force members if there were any questions.

56
57 Ms. Myers asked what Fireground Operations were. Mr. Rice replied that Fireground Operations
58 related to a fire, such as what they did for operations, how they set it up and which truck they used
59 so that when firefighters arrived at the scene, they would know proper procedures. Mr. Rice said,
60 for example, if the firefighters were on the first truck one night and the third truck tomorrow night,
61 they would have an idea of what their role would be based on the set protocol for Fireground
62 Operations of the SOP/G.

63
64 In regards to the second key element, Database and IT Management, Mr. Rice explained that the
65 Fire Departments each used a different system for tracking their calls and tracking their equipment,
66 listing inventory, and naming certain procedures such as Red Alert versus Firehouse. Mr. Rice
67 stated that the Fire Departments recommended looking at both systems to decide which one would
68 be better and added that there would then need to be a process to integrate the information from one
69 Department to another Department. Mr. Rice mentioned that the Town had a new server that they
70 purchased through a grant that was different from the Village. One transition issue would be how to
71 integrate the Server Internet and Computer Access to merge both stations electronically. Another
72 transition involved Department Accounts to determine who had access to what, such as inputting
73 call volume or running reports.

74
75 The third element was Pay Structure and Mr. Rice stated that the Departments were a little bit
76 different. He recommended that the Transition Board create one pay structure that would fit both
77 stations and become standardized.

78
79 Mr. Rice stated that the Fire Chiefs envisioned a Transition Team for each one of the Key
80 Elements. He felt the IT professionals on staff in both departments would make a great Transition
81 Team, which consisted of 6-8 people, who, in the Town, have worked together in a similar capacity
82 in the past. The Transition Teams for each key element could then look at the best case scenario
83 and best practices and could decide what to keep from each to create the best system. In general,
84 Mr. Rice stated that he and the Village Fire Chief recommended that the Transition Teams consist
85 of members from each of the departments. If the Transition Teams could not reach consensus on
86 certain items, then the Fire Chiefs would get involved to move the process along. Mr. Rice felt this
87 would not create any problems since the Fire Chiefs were already in agreement with a lot of the
88 issues.

89
90 Mr. Rice spoke about the final issue the Task Force had asked them to address, which was Timing.
91 He stated that after a voter approval to merge, the Fire Departments would want to get the three
92 Transition Teams established to formalize plans and to implement the plans within a 3-6 month
93 time frame. The plans would help to establish one documented structure that both departments

94 would operate under. Then, with these three plans in place, the Chief of the merged community
95 would be appointed and the operating structure of the new department would be established and
96 functioning. At this time, the Chief would need to appoint the subordinate chief officers and the line
97 officers and establish the Department roles and responsibilities. Mr. Rice expressed that he and the
98 Village Fire Chief did not want to layout groundwork for a merged department but would provide a
99 document with best practice to the Chief of the merged community along with the flexibility to
100 change anything as needed. Mr. Sweeney thanked Mr. Rice and stated that the plan the Fire
101 Department presented appeared to be a very thorough plan. There were no questions from the
102 Board. Mr. Rice mentioned that they did get the Task Force's request on the plotting on the maps,
103 but they were still working on this.

104

105 Ms. Billado asked if Mr. Rice envisioned the budget as increasing or staying the same. Mr. Rice
106 felt it would stay as it was now. Mr. Rice stated that the Fire Chiefs believed that the Chief of the
107 merged community should be a full time position with salary and benefits, based on the amount of
108 work it would involve. However, for the most part, the two Departments made the same amount of
109 calls, needed the same training and needed the same amount of employees/volunteers, so Mr. Rice
110 felt the budget would stay the same without any additional staff needed. Ms. Billado asked if he
111 foresaw in the next five, ten, or fifteen years that their needs would increase. Mr. Rice responded
112 yes, during the day, if they kept growing the way they were growing in the last five years. Mr. Rice
113 added that currently both Fire Chiefs were barely getting by during the day and had to use
114 departments from other communities and that even now, it was a full-time job. Mr. Blanchard
115 asked if the St. Michael's Fire Station was involved with the Town. Mr. Rice said absolutely, if the
116 Fire Department got a call for the Fort or Woodside, St. Michael's would arrive there very quickly.
117 Mr. Rice explained that Colchester covered areas from the bottom of the Circumferential Highway
118 2A to Colchester Village and automatically received every call because they could get there
119 quickly. Mr. Rice concluded that Underhill would respond to a call at Sandhill Road and nearby
120 areas because they would get there more quickly.

121

122 Mr. Nye asked if in the process of being merged, whether there would be a savings in equipment
123 with combined equipment. Mr. Rice stated that, at first, both Departments had trucks that needed to
124 be replaced, but in a couple of years, he and the Village Fire Chief thought there might be savings
125 in regards to trucks.

126

127 **Approve Minutes of November 2, 2005**

128

129 **ALAN NYE MOVED AND LINDA MYERS SECONDED A MOTION TO APPROVE THE**
130 **MINUTES OF 11/2/05 WITH THE FOLLOWING CORRECTIONS.**

131

132 **Line 74: Replace “vote on” with “build”. Line 184: Replace “it” with “it”. Line 210: Replace**
133 **“conscious” with “conscience” Line 230: Replace “set” with “said”. Line 291: Replace “the**
134 **a” with “than a”. Line 390: Replace “1700” with “1739”. Replace “303” with “333”. Replace**
135 **“1763” with “1739”. Line 407: Replace “that they did” with “we should”. Line 414: Replace**
136 **“would not have to” with “could”. Line 471: Replace “mad” with “made”. Line 485: Delete**
137 **“that that would be seen and commented that”. Line 491: After “a” insert “community”. Line**
138 **508: Replace “the” with “that”. Line 577: Move “very hard” after “a”. Line 579: Replace**
139 **“them” with “the Task Force”. Line 595: Replace “HUGH SWEENEY” with “AL**

140 **VERTON**". Add a space between Line 595 and Line 596. Line 612: After "5-5" add "In
141 favor: Al Overton, Rene Blanchard, John Lajza, Hans Mertens, Deb Billado". Add
142 "Opposed: Hugh Sweeney, George Boucher, Alan Nye, Irene Wrenner, Linda Myers". Line
143 682: Replace "Painsville" with "Painesville". Line 689: Replace "Painsville" with
144 "Painesville". Line 710: After "Essex" add ", not". Line 737: After "9-1" add "Opposed:
145 Irene Wrenner". Line 757: After "Luck" add "asked". Line 850: Replace "member" with
146 "members". Line 862: Add "MOTION PASSED 10-0."

147

148 **MOTION PASSED 9-0.**

149

150 **Committee Discussion and Action on Districts and Office Location**

151

152 Mr. Sweeney wanted to discuss the issue of proxies that was discussed at the last meeting, before
153 continuing to the next item for discussion. He noted that there was one member asking for a proxy.
154 Mr. Sweeney stated that he did get some input from Mr. Odit and reminded members that he had
155 asked last meeting if there were any State rules one way or the other regarding proxies, and the
156 answer was that they did not know and would look into it. He stated that he thought all members
157 received an e-mail about this. Mr. Sweeney reported that Mr. Odit discovered that the input from
158 the Vermont Leagues for Cities and Towns indicated that because the Task Force was subject to the
159 Open Meeting Law, that proxies should not be used. Mr. Sweeney asked if there was any
160 discussion about this. Mr. Boucher asked whether that pertained to Committees and Mr. Sweeney
161 confirmed that it did. Mr. Sweeney stated that it would be allowable to have members participate
162 via a phone conference such as when someone was out of town, but available during the meeting
163 hours, they could conference via the phone. Mr. Overton stated that he read the statute as saying
164 "All meeting of a public body are declared to be open to the public" "No resolution, rule, regulation
165 or formal action should be considered binding except as taken or made at such open meeting,
166 except the meeting may be conducted by audio conference or other electronic means", and he did
167 not know whether that actually precluded a proxy vote. Mr. Overton added that if that was the
168 interpretation, then he did not want to give Mr. Mertens a vote or take that risk at this meeting. Mr.
169 Overton asked Mr. Sweeney if he was considering not allowing the use of Mr. Merten's proxy at
170 that meeting. Mr. Sweeney clarified that he was thinking about it because of what was discussed
171 last week and what had been discussed in the past, and he stated that he was in favor of not having
172 votes on these two issues tonight. Mr. Sweeney suggested that they could discuss the issues if they
173 liked, but that he did not think voting on the this issue was fair to Mr. Mertens because Mr. Mertens
174 believed that his proxy would be allowable that night based on last week's discussion.

175

176 Mr. Overton agreed that at last week's meeting, they had discussed the use of proxies based on the
177 premise that Mr. Boucher would not be in attendance that evening. Mr. Sweeney said he wanted to
178 be fair to everybody and he did not think it would be fair to take votes on these issues that night, as
179 Mr. Mertens was not present, and they were not able to use his proxy. Mr. Boucher informed the
180 members that he would not be present at the next meeting. Mr. Overton felt Mr. Boucher could
181 certainly make his opinion known if they discussed the matter. Mr. Sweeney stated that these
182 issues seemed to be very critical, and in his opinion, all members should be present to vote on them.
183 Mr. Overton agreed, even though he did not think the statute actually precluded a proxy vote. Mr.
184 Overton commented that the law did not state that someone could not vote by proxy. However, Mr.
185 Overton felt he would rather, in this matter, stay on the side of being fair to everybody, so that their

186 vote was counted. Mr. Sweeney added that he did not want to do anything that could be challenged
187 later and Mr. Overton agreed.

188

189 Mr. Lajza pointed out that it looked like this could be a problem for the next three to four weeks as
190 several members would be absent at each of the future meetings. Ms. Billado thought Mr. Mertens
191 was very clear about his opinions, so that his input was included. Mr. Sweeney asked Mr. Odit if
192 he had received any input from the Secretary of State, and Mr. Odit stated that the Secretary of
193 State never responded. Ms. Billado was in favor of discussing the issues and holding off the vote,
194 and she was in support of all members being present at the meetings to vote. However, she felt it
195 did not preclude them from having the conversations. Mr. Sweeney stated that if the Task Force
196 were at the end of the process and had to decide, it would be a different case, but at this point in
197 time, the Task Force had a lot more work, even though the public would like them to hurry and
198 decide. However, Mr. Sweeney wanted to be fair to all the members. Mr. Overton reassured Mr.
199 Sweeney that members supported him.

200

201 **DEB BILLADO MOVED AND RENE BLANCHARD SECONDED A MOTION TO HOLD**
202 **DISCUSSIONS REGARDING DISTRICTS AND OFFICE LOCATION WITHOUT**
203 **HOLDING A FORMAL VOTE.**
204 **THE MOTION PASSED 9-0.**

205

206 Mr. Sweeney asked whether they should add to the motion that they wanted everyone there to vote
207 on those issues.

208 Mr. Blanchard did not agree with the addition to the motion because he felt that it was possible
209 there was always going to be someone missing until crunch time. Mr. Overton asked for
210 clarification on the issue. Ms. Billado responded that nothing had been added to the motion yet
211 because Mr. Blanchard opposed it. Mr. Sweeney stated that the motion was to not vote tonight on
212 these two issues, and he had asked if it would be appropriate to include that they should not vote if
213 everyone was not present for these two issues. Mr. Overton stated that he was a little worried about
214 adding to the motion as well. Mr. Overton supported the original motion and was afraid that if the
215 Task Force was at crunch time, they would be forced to vote with or without all the members.
216 However, he stated that they may have a 9-0 vote at that time. Mr. Sweeney stated that there was a
217 motion seconded and asked if there was any discussion on that motion.

218

219 Mr. Odit wanted to state that he did not have a lot of time to look at this question, but it was
220 possible that with some further research in to the words "binding action" because they might not be
221 applicable to the Task Force since they were making recommendations to the Trustees and
222 Selectboard. Mr. Sweeney suggested that if a member was going to be absent at a meeting but were
223 free during the time of the meeting, a speaker phone could be provided to allow participation via
224 the phone. Mr. Boucher asked about videotaping, and Mr. Lajza stated that videos were available.
225 Mr. Sweeney clarified that he was referring to interactive voting, and Ms. Myers stated that speaker
226 phones were use at the legislature all the time when they were taking testimony. Mr. Sweeney
227 stated, for example, that if a member was absent, such as Mr. Mertens being in Baltimore, and that
228 member was available, the member could call in for an hour, listen to the discussion and then vote.
229 Mr. Sweeney felt that this process would at least comply with the law that Mr. Overton just shared.
230 Mr. Blanchard suggested that Mr. Odit research more about this issue if he wanted, but nothing had
231 to keep them from voting as long as they had a quorum. Mr. Overton clarified that the question was

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232 simply whether a member could vote by proxy, and he questioned whether the statute was as
233 positive of that issue as he did not read it that way.

234

235 Mr. Lajza asked if the Task Force would define a quorum. Mr. Overton stated that a quorum was a
236 majority of the Task Force Committee. Mr. Lajza stated that the Task Force could make a quorum
237 six. Ms. Myers responded that the Task Force needed to check on that because it was decided on
238 the very first meeting that it would be everybody for a quorum. Mr. Lajza asked whether Ms.
239 Myer's comment defined a quorum, and Ms. Myers thought it would. Mr. Safford stated a quorum
240 was a majority. Mr. Sweeney wondered in regards to a quorum, which would be seven people, he
241 would assume the majority of those voting members who were present could pass a motion. Mr.
242 Overton warned him to refer to the Statutes for Zoning and Planning, and Mr. Sweeney and Mr.
243 Safford agreed, that in Zoning, they had five people and needed three votes to take action and in the
244 Planning Commission, they needed four and members confirmed that number. Mr. Sweeney
245 thought that Robert's Rules mandated that the majority of those present could vote. Mr. Lajza asked
246 whether they wanted to discuss how many they wanted for a quorum and stated that the Task Force
247 should make it part of the record so there was no question. Mr. Sweeney asked for clarification and
248 Mr. Lajza stated that he was talking about the number they wanted for a quorum. Ms. Myers stated
249 that it was the majority of those presently voting. Mr. Overton stated that they had never been close
250 to that number. Mr. Sweeney asked whether there was any more discussion on Ms. Billado's motion
251 and verified that the motion was to not make a decision on these issues tonight.

252

253

254 Mr. Sweeney asked which item would they like to discuss first and one member said probably the
255 districts, and Ms. Billado agreed. Mr. Blanchard stated he would rather discuss the Town center,
256 and Ms. Myers confirmed that he meant the Office. Mr. Blanchard then raised a concern that the
257 members would not have time to discuss the districts, and Mr. Overton said it would be fine to
258 begin with the Town if he liked. Mr. Blanchard stated he could go either way and stated he had
259 more thoughts about the districts than he did about the Office. Mr. Sweeney suggested Mr.
260 Blanchard begin the conversation. Mr. Blanchard's commented that as he had believed from the
261 beginning, he was opposed to two districts with the same boundary lines that they had now. Mr.
262 Blanchard explained that it had been in his mind set to change this. He listened to Mr. Marcotte's
263 proposed six districts, but he finally settled for three. Mr. Blanchard explained that the reason he
264 settled for three districts was because there would be two representatives from each district and if
265 they shared some common interest within their district, then at a meeting, they would have one
266 fewer vote to convince of their opinions. Mr. Blanchard liked the idea that two people who form a
267 common ground could go to a meeting and serve their particular district, rather than just one or at
268 large.

269

270 Ms. Myers confirmed that Mr. Blanchard wanted three districts, two members each and one
271 member at large. Mr. Overton clarified two, two, two and one, and Ms. Myers and Mr. Blanchard
272 agreed. Mr. Sweeney asked who would like to speak next? Ms. Myers stated that she was still
273 basically still in favor of one district. She stated that she felt the communities would become the
274 Town of Essex Junction, and she saw no reason to divide them up in any way. At this point in time,
275 Ms. Myers was in favor of one district. Mr. Sweeney confirmed that she was in favor of seven
276 members at large, and Ms. Myers agreed. Mr. Nye, as he stated at the first or second meeting,
277 explained that he moved out of the City of Burlington after he graduated from College because he

278 did not like the political set-up in the City of Burlington with the ward system. He felt it did not
279 create the strongest governmental organization as not all of the interests of the community were
280 represented and that the ward system created less knowledgeable, capable and informed people as
281 well as a fewer number of people running from a specific area. On the other hand, one community
282 at large created a significant diversity on the Board and therefore, he was in favor of seven
283 members at large. However, through discussions with Mr. Scheidel and others, Mr. Nye believed
284 that at the start of the one-district system, there needed to be some mechanism in place during the
285 initial development of the government to ensure that the varying interests of the community were
286 addressed. He recommended that at the outset, the representatives of the New Council should
287 represent the interests of the Town of Essex and the interests of the Village of Essex Junction as it
288 sits today because the New Council would be addressing issues with respect to zoning and planning
289 and second-year budget issues, etc. He felt this recommendation would receive more support and
290 provide a comfort level for the voters if from the initial development of one district, a provision was
291 provided that somehow a split representation could exist for a few years as a sunset condition. Mr.
292 Nye added that he was aware that in some Towns a sunset condition was not supported because the
293 governing body became a self-perpetuating organization that was looking out for just their own
294 interests, but he still believed that a sunset provision was necessary.

295

296 Mr. Sweeney stated that he heard two different issues. Mr. Nye confirmed that he supported, in the
297 end, one-district with seven members at large, but he also supported, for the first two or three years,
298 a mechanism that should exist so that the interests of the Village of Essex Junction and the interests
299 of the Town of Essex were represented. Mr. Overton clarified that Mr. Nye supported one district,
300 with, at the start, at least three members from the Village and at least three members from the Town
301 and one member at large, or two members from the Village, two members from the Town and three
302 members at large, but that whatever the combination, it would be occur at the initial development of
303 one district. Mr. Overton confirmed that Mr. Nye thought this would ameliorate or satisfy the
304 varying individual concerns from the two communities, which would then assure representation.
305 Ms. Myers and Mr. Nye added with a sunset. Mr. Overton agreed that the system could set up a
306 sunset properly. Mr. Nye explained that there were communities that had tried to use a sunset, but
307 because members realized they could quickly loose their positions, the government put off voting
308 on it from year to year and stayed separate as opposed to one community with seven members at
309 large.

310

311 Mr. Boucher stated that once the public voted for the merger, he did not think the borders would be
312 a significant issue. He would like to see three members and three members and one member at
313 large. He supported two districts in the beginning and then perhaps changing it in the future. Mr.
314 Boucher expressed that he wanted the merger to pass, but had heard from a lot of citizens who were
315 very nervous about the merger. He argued that one district was too widespread and that the citizens
316 would not feel proper representation. As a result, he thought it would weaken a passing vote for the
317 merger. Mr. Sweeney noted that there were two proposals for two districts and asked Mr. Boucher
318 if there was one he favored. Mr. Boucher stated that he favored the map that had additional Village
319 lands to the Village borders. Mr. Sweeney suggested he was referring to the Town/Village map,
320 and Mr. Boucher agreed. Mr. Sweeney stated there were two, two-district maps, one was called the
321 Town/Village map, and the other was called the East/West map. The Village/Town map more
322 closely followed the old Town borders. Mr. Boucher agreed and confirmed that it was the map with
323 Susie Wilson Road, which Mr. Overton confirmed, and Mr. Boucher felt the proposed

324 Village/Town map would be adequate.

325

326 Mr. Lajza favored multiple districts. He explained that the 1999 Charter proposed this also and in
327 his opinion, multiple districts would be optimal because both communities needed to agree and if
328 they could succeed in writing the Charter and a plan of merger to satisfy both communities, then the
329 confrontational nature would be minimal and everybody would be happy, which would be the ideal
330 situation. Mr. Lajza added that he could agree with three or four or six districts, but he stated that he
331 was not in favor of one district. Ms. Myers confirmed that Mr. Lajza favored multi-districts, but
332 not one, and Mr. Lajza agreed. Mr. Overton asked Mr. Lajza if he would be in favor of two or
333 three, etc.? Mr. Lajza stated that his favorite was the Village/Town two-district map. Mr. Overton
334 asked if he could defer the district question to Ms. Wrenner, and Mr. Sweeney stated that he
335 certainly could and asked Ms. Wrenner if she would like to speak.

336

337 Ms. Wrenner summarized that what she had heard through all of these meetings was to keep it
338 simple and to keep cost to a minimum and that in her opinion, the single district came most closely
339 aligned to the concept of simplicity as there would be one place to vote. She seconded Mr. Nye's
340 opinion with a sunset to satisfy people upfront that they would have their representation and then
341 when the new government received everyone's trust, the community could elect everyone at large.
342 Mr. Overton confirmed with Ms. Wrenner that she was in favor of one district from the start. Ms.
343 Myers did not think so. Ms. Wrenner stated that she believed in eventually one district, and Mr.
344 Overton confirmed eventually one district. Ms. Wrenner explained that she thought they should
345 start out at first with some number of representatives from each community. Mr. Overton
346 suggested her opinion was similar to Mr. Nye's opinion, and Ms. Myers clarified that Ms. Wrenner
347 had already stated that, and Mr. Overton understood. Mr. Overton explained that his initial position
348 was two districts, mainly because there needed to be representation from both communities, which
349 was similar to Mr. Lajza's comment. Mr. Overton explained that he had been a little persuaded by
350 those members who argued that the old boundaries perpetuated the separation issue, which was
351 what the Task Force was trying to do away with. Therefore, Mr. Overton stated that he then became
352 enamored by either six districts or three districts. In his mind, Mr. Overton eliminated the six-
353 district concept because he thought it was too complicated, even though he appreciated the hard
354 work from Mr. Marcotte. He pointed out that three districts almost guaranteed that there would be
355 two, two, two and one. Mr. Sweeney stated not necessarily, and Mr. Overton agreed and said it
356 could be one, one, one, and three at large. Ms. Myers stated that was four districts, and Mr.
357 Overton clarified it would be one, one, one and four at large. Mr. Overton remarked that with the
358 three district idea, he focused on each communities' representation, which in his opinion, would be
359 clearly two from the Village in two of those districts and the other green shaded part of the map
360 would guarantee two from the town. He concluded that this perhaps had the potential of
361 shortchanging the Town, which he did not like either. Therefore, these realizations forced him back
362 to two districts or to one district. He initially did not like the one because it ignored precisely what
363 Mr. Nye had addressed. If there was one district with seven members at large, he would vote for
364 that if there was a provision in the Transition Plan, such that Mr. Nye spoke of. Mr. Overton
365 explained that he first heard of this idea in a casual sidewalk conversation with Mr. Scheidel on the
366 way to a rotary meeting one day. Mr. Overton commented that Mr. Scheidel had suggested that
367 whatever the districts, in the beginning it could be three from the Village and three from the Town,
368 which was what Mr. Overton felt both communities wanted to be sure that they were represented
369 well from the very beginning. Mr. Overton stated that Mr. Nye pointed out that the group in the

370 beginning would be the Transitional Committee, which Mr. Overton believed needed good
371 representation from both communities and suggested that the Task Force be specific about that. He
372 concluded that he was in favor of one or two districts with the condition that there would be three
373 members from the Village and three members from the Town, which would sunset after three years.
374 Mr. Boucher suggested a sunset could be added if they chose the two-district map and then the map
375 could be changed later if necessary. Mr. Overton suggested that initially the districts would be two
376 districts with a sunset for three years and then become one district. Mr. Overton stated that he was
377 getting close to Mr. Nye's' opinion. Mr. Boucher felt that he expressed a similar opinion and that in
378 a few years, it could be changed, but based on the concerns from the voters and their feelings on
379 this matter, he still supported two districts at the beginning. Mr. Overton asked Mr. Boucher, since
380 Mr. Boucher had an idea of what some of the voters were thinking, whether he felt the voters would
381 support the plan if they were guaranteed three representatives from their community "out of the
382 gate", regardless of the number of districts. Mr. Boucher felt it was necessary to have fair
383 representation "out of the gate", and Mr. Overton asked if he was comfortable with an at-large
384 situation, and Mr. Boucher thought it was not going to matter after "you get the ball rolling". He
385 added that as far as the boundaries were concerned, if the vote passed for a merger, they would be
386 merged and the boundaries would not be significant. Mr. Boucher reminded the Task Force that he
387 was referring to the mindset of the voters based on the history of this issue and the concern from
388 voters about the actual merger. Mr. Overton confirmed that Mr. Boucher felt that he would support
389 whatever plan it was as long as there were three representatives from each community for a period
390 of three years. Mr. Overton added that he did not know how the Task Force would set it up, and
391 Mr. Sweeney felt they needed to finish up this discussion first. Mr. Sweeney stated that the Task
392 Force had a concept up for discussion and wanted to hear from everybody first and if it turned out
393 the Task Force had a consensus, then they could discuss the next step. Mr. Sweeney thought he
394 understood what Mr. Nye presented and that he thought Ms. Wrenner and Mr. Overton had agreed
395 with Mr. Nye.

396

397 Ms. Billado stated that initially she had been in favor of two districts based on the principle of fair
398 representation, for the ease of transition to minimize the confusion of multiple districts and the fact
399 that in 2010, there would be redistricting, which would make that day's decisions part of history.
400 Ms. Billado felt she was flexible and could even support seven districts if members were interested
401 in that and that would provide a district for each representative. Her concern with seven people at
402 large was whether there would be global representation of the entire community. Ms. Billado
403 questioned whether most of the members would come from a pocket because there was aggressive
404 voting in that area and she stated that she did not know. She wanted to make sure that there was
405 full representation across the entire community. Ms. Billado stated that she could support three
406 districts, although she did not like the "spaghetti" strips. Mr. Blanchard stated that he had not
407 agreed to that particular map. In reference to the three-district map, Ms. Billado did not think at
408 any level that the districts had a lot in common other than being in the Town of Essex Junction.
409 And suggested that perhaps some other formula for three districts would work. She liked two
410 districts, but she was flexible. Mr. Blanchard wanted to know what was meant by "fair
411 representation" if they were creating districts based on one-man, one-vote. Mr. Sweeney was not
412 sure how to answer that question and deferred to Mr. Odit. Mr. Odit thought that, at least for the
413 State districts, which he assumed would translate to the local districts, there could not be more than
414 a 19% variation in the population of three districts. Mr. Sweeney asked whether that was at the
415 start, and Mr. Odit, replied yes. Mr. Blanchard's point was that they already agreed it would be

416 based one one-man, one-vote so if they knew that there was a percentage that they could not go
417 beyond or below, then why were they talking about fair representation? Mr. Sweeney felt they were
418 talking about it in terms of did they have to comply with that law? Mr. Sweeney interjected and
419 suggested that the concept was Town versus Village and members agreed. Mr. Blanchard did not
420 see it as an argument for creating the districts.

421

422 Mr. Sweeney explained that initially he had voted for the two district Town/Village map but since
423 then has had a lot of input on the district issue and may have possibly changed his opinion. Mr.
424 Sweeney now understood that the Task Force did not want to perpetuate the split with the merge,
425 but at the same time, he was also sensitive to the representation question. Mr. Sweeney looked at
426 the six districts and thought it was interesting, but he agreed with the comments made that it was
427 complicated. Mr. Sweeney commented that perhaps Burlington needed six districts, but he did not
428 think Essex did, even though it drove representation down to a street level, and Mr. Sweeney
429 questioned what would happen if there was not anyone to represent the 3,000 people in each one of
430 those districts. He wondered what would happen if nobody would wanted to be a counselor, which
431 he thought could be a real possibility. Mr. Sweeney explained that he was initially fixed on two
432 districts, but after listening to everything said that night, he liked the idea of guaranteeing, for a
433 three-year period, representation to each community in the new Board, which he felt would make
434 most of the critical decisions during those first three years, consequently protecting different areas
435 in the community. After three, four, or five years of that Board working together, Mr. Sweeney
436 wanted the boundary lines to disappear and wanted the counselors to be doing the best job for the
437 whole community as opposed to one particular area. Therefore, Mr. Sweeney stated he was leaning
438 towards the recommendation of however many districts and the initial guarantee of a certain
439 number of representatives from each community, which was now the Town and the Village, which
440 would continue for a certain length of time, but then the new council would decide what to do at
441 that point, which may be after the census in 2010. Ms. Myers stated that she disagreed with “let the
442 new Council decide”. She felt that if they were going to set it up, then they should set it up
443 regardless of the number of districts, with the understanding that after three years, it would sunset.
444 Mr. Sweeney replied that the way they had defined the Charter at that point in time, the Task Force
445 would put in a provision that would allow the Town Council the right to redistrict no matter what
446 the Task Force decided or recommended, but that he did like the idea of guaranteeing
447 representation through some mechanism and he was not sure what mechanism they would use. Mr.
448 Sweeney suggested that perhaps a certain number of people should be elected or appointed from
449 these districts and then the time period laid out. Mr. Overton stated that if the concept was to have
450 three from what they had known from the Village and Town and one at large and if it was a set
451 premise “out of the gate” then he thought they could decide on any number of districts and that
452 personally he had been persuaded now that one district worked best. Mr. Overton suggested a straw
453 vote for the number of districts. Ms. Myers asked, eventually? Mr. Overton clarified just a straw
454 vote and Ms. Myers stated that she meant in favor of one eventually, and Mr. Overton stated yes,
455 supporting one district after three years.

456

457 In reference to the meeting of October 26, Mr. Lajza stated that there was a young lady who lived
458 close to the Underhill border who was worried her community would get left out and he was very
459 sensitive to that because he thought that they had the same concerns where she lived that they had
460 in the Village. Mr. Lajza was nervous about that, which was why he favored multiple districts
461 because he did not want anybody to be left out and stated that if you looked at the peripheral world,

462 it could be a very difficult situation. Mr. Nye responded that he thought about that over the last
463 couple of weeks and explained that the communities had one service that was across the entire
464 community and that was the police. Mr. Nye commented that when he first came on the
465 Selectboard, nine, ten years ago, there were a couple of issues near the Underhill border which the
466 Trustees and the Selectboard resolved, but in the last six, seven years, he was not aware of any
467 significant negative comment with respect to the service that was being provided within the
468 Junction from the Police Force that was being managed by the Selectboard. This was in Mr. Nye's
469 opinion the reason that he really favored one district in the end, because there would be members
470 that would have the whole community and constituency in mind as opposed to members just
471 representing one area and one particular interest. In addition, Mr. Nye added that if a council
472 member only supported one particular area, then that member would get voted out. He felt that the
473 system in Burlington was so ugly and broken and that everyone was after their own goal. Mr. Nye
474 said it became so divided that people only cared about directing money towards their district and he
475 did not think that was what members wanted for a future community. However, Mr. Nye felt they
476 should provide separate representation at the start so that people in each community felt
477 comfortable. Mr. Blanchard said he grew up in Burlington, too, but felt that the problem with
478 Burlington was not that it was divided, but that there were too many political parties fighting over
479 every issue and that the people who were from the "third party" were really hungry and made it
480 difficult for everybody else as they gained more and more support. Another reason Mr. Blanchard
481 liked the three districts was in regards to campaigning. He stated that after having campaigned nine
482 times just in the Village, he thought it was very, very difficult to get people who would go out and
483 campaign a very large area. Ms. Billado had a similar concern, but also noted that the Village was
484 extremely concentrated in terms of taxpayers and voters and if there was a half of dozen people in
485 Village that really rallied up the voters, there might be six people in the Village on the Board not
486 representing areas outside of the Village. She was equally concerned with the Town as she was with
487 the concentrated area of the community and wanted to make sure that there was representation for
488 everybody on the Board and not just a core group of people. Ms. Myers stated that after a certain
489 period of time, they were going to be one community and after a certain period of time, the idea of
490 the Village and Town communities was going to disappear. She stated that fact of the matter was
491 that eventually if they had one district, the people who were going to campaign for the Town of
492 Essex Junction would not be affected by where they lived or where they campaigned. She stated
493 that for the Town of Essex historically, the Selectboard members had been at large and that Mr.
494 Boucher may argue that most of them had been from the Town of Essex, which may have been so,
495 but the fact of the matter was that the Selectboard had also had people on that Board who had
496 represented the Village, such as Mr. Parizo, Mr. Couture, Mr. Workman, Mr. Donahue. Ms. Myers
497 explained that for many years, there had always been a representative from the Village on the
498 Selectboard, but not at the moment. After three years or so, the merged community would be one
499 community and she did not anticipate that the people in the Village, which would not be the Village
500 anymore, would get together and put up six candidates because there would no longer be the
501 Village. There would be people living in the Village, but she felt that the mindset over a period of
502 time would, once they did away with the Village of Essex Junction and the Town of Essex outside
503 the Village of Essex Junction, come together. There were several comments to the Task Force
504 members who believe that these discussions were silly because they felt that this community was
505 already one and therefore, Ms. Myers felt that with the eventuality of one district, the community
506 would become one and did not think what Mr. Blanchard and Ms. Billado said would matter. She
507 noted that three of the members on the Village Trustees lived on the same street. Mr. Lajza said

508 this did not make him comfortable, but Ms. Myers felt it was a “throw of the dice” and stated that
509 they did not just represent those people on the street, they represented the entire Village
510 community, and Ms. Wrenner agreed. Mr. Lajza also agreed and stated that the members try to
511 represent the whole community, however, he had to admit having lived in both communities, the
512 focus and needs from each was slightly different and if a member was not from the area of
513 representation and there was no input from that area, then even if the member thought they were
514 doing a good job, they could possibly be doing a better job if there was the representation. He
515 supported having available to the new council all the issues and ideas from the different parts of the
516 community so the new Board could prioritize them in a manner that the whole community felt their
517 needs were being met in a timely fashion. He supported everyone being involved and making their
518 needs know. Ms. Myers did not disagree with Mr. Lajza, but she did disagree with Ms. Billado in
519 that, at some point in one district, there could be six people from the Village, which she believed
520 would no longer be the Village. Ms. Billado agreed, but suggested Ms. Myers misunderstood her
521 point and excused herself if she did not speak clearly as she could on her opinion. She agreed that
522 the communities would be one and stated that was not an issue, but globally, her concern was that
523 there was such a concentration of people in the Village who could be more easily canvased than
524 those people on Old Stage Road. She suggested that the denser the population, the easier it was for
525 people to rally the voters to vote, and stated that there could be a possibility of six people from the
526 Village and no representation for the Eastern Northern section of the community. Ms. Myers was
527 very concerned about the use of “canvassing” in the discussion in regards to the Town Council of the
528 Town of Essex Junction because traditionally aside from signs, the Town of Essex did not canvas
529 for those positions as they did for the legislature. Mr. Lajza, Mr. Blanchard, and Mr. Overton
530 stated that in the Village, they did canvas and go door-to-door, and Ms. Myers understood.

531
532 Mr. Sweeney wanted to hear from Mr. Scheidel and Mr. Safford, who were non-voting members,
533 whether they had an opinion. Mr. Scheidel believed that he had heard in the first two meetings of
534 the Task Force, that they wanted to make sure they had representation from the entire community
535 and that the only way to do that was through the installation of districts for a long period of time
536 and it seemed to him that that that would be almost institutionalizing some form of separation. He
537 agreed there was a quick conversation with Mr. Overton about this issue on the way to Rotary that
538 there was a way of guaranteeing or allaying those fears in the very beginning of the new community
539 by writing in somehow a three-three, then one scenario where you had three people representing
540 what used to be one district and three for what used to be the other district and one getting elected
541 at large and avoid districting all-together, by starting off as one district with two entities. The way
542 to do that could be figured out and it seemed to him that it was a win-win in that the representation
543 was guaranteed without institutionalizing separation. Mr. Safford added that he thought it was a
544 preference of the community and that he thought there was wisdom in what all of the members said
545 and in working off of Mr. Scheidel's model was essentially what they had in the 1999 Charter
546 where it basically said, take the Village and Town, meeting the one-man, one-vote system and then
547 sunset it out as of the certain date. In transition, a plan of merger was recognized, but the initial
548 decisions as Mr. Nye stated, would start with both communities so they felt comfortable and in this
549 process he suggested including a sunset out or leaving it as the Council at that time would decide
550 how to redistrict with consent of the voters.

551
552 Mr. Overton summarized that perhaps the Task Force settled on the fact that they would like three
553 and three and one at large and get rid of the old boundary lines eventually. The way to do it was to

554 pay attention to the number 1 plan as it gave one-person, one-vote in the two districts, then sunset
555 that district, which he suggested three years, and finally, after three years, the community became
556 one district with members at large. He presumed that initially there would be a member for one
557 year, one for two years and one for three years and that when that one year ran out, Mr. Overton
558 continued with suggesting certain scenarios of the possible re-election process. Mr. Safford felt that
559 in the Transitional period, the Board would appoint two members which would speak to the
560 institutional knowledge issue, which was essentially structured in the 1999 Charter. Mr. Overton
561 thought that it was three Selectman and three Trustees or two, two and one elected. He felt they
562 could discuss that, but that the members needed to get by the fundamental idea that there would be
563 three, three and at the end of three years, one district. Mr. Overton stated that it was important how
564 the provisions were worded in regards redistricting and informed the members that he drafted from
565 all the Charters, a redistricting proposal and would have it typed and ready for the next meeting. He
566 added that that he did not mean to impose, but wanted them to consider it as it was very important
567 how to allow the Councils to redistrict in the future. Mr. Sweeney could see the combination for
568 some sort of a consensus that night. He asked if members were agreeable to ending the discussion
569 on districts, so they could have a twenty-minute discussion on the Municipal Office Building. There
570 were no objections.

571

572 Mr. Sweeney asked members whether the location of the Municipal Building was in the Task Force'
573 purview to discuss. He noted that it was not in the charge from the Trustees and Selectman,
574 however that the charge did have a statement that showed seven specific objectives, not limited to
575 those seven and wanted to know how they felt about discussing this. Mr. Boucher felt it was
576 necessary. Mr. Overton felt they ought to discuss it. Mr. Lajza felt the input they had was in favor
577 of discussing it. Ms. Myers stated that they could discuss it and that they should discuss it, and she
578 stated that the input from the public was not to put it in the Charter but that the Task Force should
579 "deal" with it, so she felt they could not abdicate that responsibility, which would then engender
580 healthy debate. Mr. Sweeney commented that he did not notice Mr. Nye having expressed his
581 opinion. Mr. Nye thought that the discussion on a location was something the Task Force could do
582 and should do, but was not in favor of designing the details to which he thought should depend on
583 management and the new government body. He was committed to having governmental
584 representation at Lincoln Hall and stood up at Town Meeting and made that statement when they
585 were quizzed on it, so he thought it was appropriate to have some sort of direction with the Plan of
586 Merger. Ms. Wrenner seconded Mr. Nye's opinion. Ms. Billado believed that this topic was one of
587 the cornerstone issues of the entire process, which she personally was hoping would be successful.
588 She thought from the start that it should be addressed by the Task Force, but did not think it
589 belonged in the Charter, but definitely in the Plan of Merger. She also felt the Task Force did not
590 need to address the nuts and bolts or the details related to municipal building, but should give some
591 clear direction for the community when they voted. Mr. Sweeney agreed and felt they had a
592 consensus on this procedure. Mr. Lajza added that he would like to see them participate a little bit
593 further, after the Task Force identified what they wanted, and felt the members needed to provide
594 recommendations for space, how to do it and what the costs might be for the voters to better
595 understand the issue. Mr. Sweeney understood Mr. Lajza's comments as being the scope of the
596 issue, which was the next discussion and agreed with all the sentiment that had been discussed.

597

598 Mr. Overton brought up the e-mail from Mr. Mertens and that they all had received it, and Mr.
599 Blanchard asked whether that was that day and then he thought he did receive it. Mr. Overton felt

600 that Mr. Merten's argument was concise, articulate, well-reasoned and he supported it 100% except
601 for one word, which was at the end in the last paragraph when he stated," Please join me in
602 supporting a Committee resolution to address the issue of Town Offices in our plan and
603 simultaneously direct the Manages to assemble information to develop a plan that would help us",
604 which was the one word he disagreed with, "of transforming the wonderful asset they owned". He
605 noted that he strongly supported and would always support, just as Mr. Merten did, the location of
606 the municipal government in the Five Corners area. However, he thought it was well beyond the
607 scope of the Task Force Committee to suggest that they should articulate a plan, architect a plan,
608 submit the plan out for bid and get feedback on how it would be done. On the contrary, he felt that
609 was something that was exactly what the three-year Transition Committee should address. He had
610 no trouble with saying that the managers should begin the process, but he strongly felt that the Task
611 Force had no business or authority and no charge to develop specific plans to what should happen
612 to Lincoln Hall, etc and it was way beyond their scope. He reminded the members that they were
613 just making a recommendation to the Trustees and Selectboard as they could change it substantially
614 and get voted down and then it would have been a waste of time. Ms. Myers interjected, "and
615 money". Mr Overton agreed, and money, if they tried to build a structure with the Task Force
616 Committee and added that the Task Force Committee was not answerable to the public, it was
617 appointed by the Selectboard and Trustees. Somebody who was answerable to the public like the
618 Trustees and Selectboard or councilmen should be the group that made the decision about where
619 something should go and how it should be architecturally altered, which did not have anything to
620 do with the Task Force's charge and what they needed to do. Mr. Overton did not have any interest
621 with anything to do with those details, but did not have any problem with broadly speaking that the
622 Municipal Center should be located at the Five Corners and felt there was nobody in their right
623 mind who would think differently.

624

625 Mr. Sweeney asked who else would like to speak on this issue. Mr. Boucher felt it was a "no-
626 brainer" as they owned the land and building, and that it was a historical building. The commitment
627 from the members and community should be towards the Downtown to put the money to renovate
628 it. Mr. Boucher stated that 2 million dollars was much less than the proposed 4 million dollars last
629 year to build a whole new office building on leased land, which got voted down. They owned the
630 land and the building and felt it would save the community a lot of money and improve the
631 aesthetics of the downtown district. Ms. Myers had no problem with the commitment that the seat
632 of government initially should be at Lincoln Hall, however she agreed with Mr. Overton that it was
633 beyond their purview to address the cost, size and space details. Ms. Myers referred to the
634 previously proposed building in the Center, and stated that the size was strictly for the Town of
635 Essex prior to merger so they had no idea what a merged office space would look like, and she did
636 not think it was the Task Force's decision to make. She thought that their charge was to recommend
637 that a new Town Council study the situation and would be the ones to have the finances to elicit an
638 architect and get the information. She stated that the Task Force at the time had no finances to do
639 this, whether it was volunteered or not, and she thought if they were going to address this issue,
640 they should do it the right way for the new Board.

641

642 Mr. Lajza would personally like to see Lincoln Hall being the municipal governing site as he
643 thought it was a spectacular site and thought that the Fire Department complex and parking lot
644 could serve the community for many many years. He suspected that the Lincoln Hall building with
645 modifications could probably serve the Town very well for the next 20-30 years and felt historically

MERGER TASK FORCE

November 9, 2005

646 it should be developed. Mr. Lajza referred to Mr. Norton's comments at the Public Hearing that the
647 new municipal building location at Five Corners was a beautiful task with development potential.
648 Mr. Lajza would like to see that happen and he did not know whether the Task Force wanted to
649 research the nuts and bolts of the project, but he wanted to get an idea about the space so that when
650 they voted for a merger, they could vote for a bond do get something going with a building ready
651 for the new Town Offices. Mr. Lajza asked whether there was something that could be done in this
652 area. Mr. Sweeney wanted to see if others wanted to speak because of limited time. Mr. Blanchard
653 supported that the seat of government should be in the Village Center and did not feel he had
654 expertise in the details and did not want to participate with those issues, but he felt if the merger
655 passed, he would be concerned that there was no seat of government for the new councils. He stated
656 that the public wanted a complete package and that he had been asked questions such as, where
657 were they going to save money or was it going to cost money? Another statement Mr. Blanchard
658 had received was that the Task Force was doing a good job.

659
660 Mr. Nye agreed with Mr. Lajza that the Task Force should create a statement in the charge where
661 they believed the seat of government should be located, but that the layout and design and the
662 idiosyncrasies of where departments needed to be co-located were all decisions that needed to be
663 part of the management team and governmental organization at that point in time. He did have the
664 same concerns that Mr. Blanchard had, as to what did they present to the public the day that the
665 transition occurred, but he stated that the last thing he wanted to do was to tie a budget issue and a
666 budget expense to the merger vote that could affect a number of people voting on the issue one way
667 or the other. He was concerned that if they weren't going to approve the budget vote, then they
668 would not approve the merger. He felt that during the first transition year, both governments would
669 search their budgets and look for something that would allow for that first year to start to
670 consolidate the different parts and how it ought to work, etc. Ms. Wrenner was in favor of a general
671 statement that suggested that it should be in whatever Town location that was researched by a
672 future group. Ms. Billado thought that they should put in the Plan of Merger the location of the
673 government seat and that Lincoln Hall should be speculated out in the Plan of Merger. She believed
674 Lincoln Hall was the nucleus of where the government offices should be and suggested campus-
675 style development or connecting departments such as the police, which were decisions that could
676 happen in the transition period. She thought that the recommendations from the Task Force needed
677 to be specified in the Plan of Merger where the nucleus of their government office would be and
678 she believed it should be Lincoln Hall for all of the reasons stated already.

679
680 Mr. Sweeney, as having formal training in engineering, wanted to make sure they had a solid set of
681 needs for the merged community. He did not think they had that right now. Therefore, he believed
682 that a needs assessment was the question to address first, then there would have to be a deciding
683 discussion, a design discussion and a cost discussion because he did not think the numbers he had
684 heard, such as 4 million for the proposed office and 1.5 million for the renovation, were an accurate
685 assessment of what the merged needs would be. He believed that if the Town was going to spend
686 that amount of money, they should do it right and they should do it to last 50 years. He had
687 confidence in the new Town Council to do the right thing and had heard maybe one person at the
688 Public Hearing say that members might consider Essex Center along with the Village as a location
689 for the new government seat. Mr. Sweeney concluded that the overriding sentiment among
690 members was that they wanted to preserve the historic elements in Essex Junction, and provide a
691 solid plan, but he did not think it was their job to enforce that upon the new Town Council. His

692 opinion was to recommend that during the interim period of about one year, the Transition
693 Committee, defined as the Selectboard and Trustees, should meet and make decisions at Lincoln
694 Hall. Mr. Sweeney also suggested that there were decisions such as what the new town building
695 should look like and what it should be comprised of, such as Public Works, the Fire Departments,
696 etc. and other decisions which he felt the Task Force had not analyzed yet. Therefore, he stated that
697 it was premature to say that the Task Force knew what they needed and that they should start
698 renovating Lincoln Hall. He thought they should go through the whole assessment before making
699 any decision, and he thought it should be the new Town Council to make the decision after the
700 assessment findings as he trusted that they would do the best thing for the new community. On the
701 other hand, he felt that they could make a very strong statement about where they believe the new
702 location should be and he would be prepared to do that.

703

704 Mr. Lajza was concerned because the Village seemed to be extremely sensitive to their historic
705 buildings, such as Park Street School and that the Task Force needed to make a strong statement
706 that Lincoln Hall would be an anchor to the new government.

707

708 Mr. Sweeney felt that the key point was what the Task Force thought their recommendation should
709 be. Ms. Myers noted that she felt members agreed on the issue that the seat of government should
710 be at Lincoln Hall. Mr. Overton added that it could be campus-style. Ms. Myers stated that the fact
711 of the matter was how that comes about was not the Task Force's decision and had to be the
712 decision of the new government. Mr. Overton felt that the Plan could state that, initially, the
713 Transition Committee should meet at Lincoln Hall and suggested that the Transition period would
714 be three years and during that period of time, they should set up and design the best make-up of the
715 merged system. Ms. Myers clarified that Mr. Overton spoke of the new Transition Government.
716 Mr. Overton agreed and added that perhaps the counselors a few years after would also as they
717 would be very busy making these decisions. Mr. Overton agreed with Mr. Mertens' reasoning and
718 supported Lincoln Hall ultimately. Mr. Overton stated that Lincoln Hall had served as the seat of
719 government for the Town of Essex and the Village of Essex Junction from the start and referred to
720 the picture of Mildred Barnes and Alan Martin sitting right in the front of the room they were
721 sitting in. He argued that Lincoln Hall had a long and traditional history and although he recognized
722 there had been Town Meetings in the Town, the Town government for centuries was located at
723 Lincoln Hall. Mr. Sweeney asked if there were any other comments in a minute or two as time was
724 running short. There were no additional comments.

725

726 **Discussion of Future Agenda Items**

727

728 Mr. Sweeney mentioned that he thought members agreed a few weeks ago to not meet during
729 Thanksgiving week and Members agreed. Mr. Lajza stated that he planned on being at next week's
730 meeting, but then he would be out and would return the week of December 7th. Mr. Sweeney asked
731 if Mr. Boucher was going to be out next meeting and how he wanted to handle that. Ms. Billado
732 asked when the Managers were scheduled to present to the Task Force. Mr. Sweeney asked what
733 they would present. Ms. Billado thought that the Managers were on their agenda to discuss
734 finances. Mr. Sweeney responded that they were not on the Agenda officially, but would talk about
735 it generally and that they had not asked the Managers to make a formal presentation. Mr. Sweeney
736 noted that next week they had to address the Transition section in the Charter and they had not
737 talked about the "Transition Plan". Ms. Myers asked if Mr. Odit could revise the Charter to read

738 “The Town of Essex Junction” and “Town Council” now that they had made those decisions.
739 Members agreed. Mr. Sweeney suggested “Town Counselors”, and Ms. Myers agreed. Mr.
740 Sweeney asked about any updates, and Ms. Myers did not think they had had any updates, but it
741 needed to be updated as to the “Town of Essex Junction” and “Town Council” and “Town
742 Counselors” so that in reading, the members new where they were so far in the Charter. Ms.
743 Myers wanted to earmark how far they had gone so they could continue, and Mr. Sweeney stated
744 that he knew where they were in the Charter. Mr. Sweeney informed the members that Mr. Scheidel
745 had volunteered to get the availability from everybody in the next month or two so they could
746 schedule a meeting when they thought everybody could be there and suggested everyone e-mail Mr.
747 Scheidel and Mr. Safford with their availability for the next two months. Mr. Scheidel agreed, and
748 Mr. Overton clarified that they were not going to have a meeting during Thanksgiving Week, and
749 Mr. Sweeney noted that it was two weeks from the ninth of November. Ms. Myers supported not
750 meeting during the week of Christmas and New Year's either. Mr. Sweeney noted that Christmas
751 was on a Monday. Mr. Scheidel informed the members that this was the busiest time for their
752 finance department and if they were looking for a presentation from the Managers about a detailed
753 numbers, etc., it might be difficult. Mr. Sweeney pointed out that at some point in time, they
754 wanted an analysis of a merged community, what the budget might be and what the taxes might be.
755 Mr. Scheidel was concerned with the amount of workload and the timing that it would be difficult.
756 Ms. Myers confirmed that they meet on December 21st but not on December 28th. Mr. Sweeney
757 thought this might be fine and asked for other opinions. Ms. Myers suggested to the members that
758 the Task Force meet on December 21st but not on December 28th between Christmas and New
759 Year's as people spend time with families. Mr. Sweeney concluded that they would not meet
760 during the week of Thanksgiving and between Christmas and New Year's.

761
762 Mr. Nye asked Mr. Safford how the Village addressed their budget, and Mr. Sweeney stated that
763 they were running late and asked if they could stop the discussion. Mr. Nye stated that it was
764 important because in January and February, the Selectboard started meeting sometimes two nights a
765 week in regards to the budget, and Mr. Sweeney suggested that they put this on the Agenda for next
766 week. Members agreed, and Mr. Sweeney said they would ask Mr. Safford about his availability
767 and members agreed.

768
769 **Public Input-General Comments**

770
771 Mr. Norm Faunce stated he had a slightly biased approach because he was the residing officer for
772 Elections. He was concerned with the district proposal. In a merger, he raised concern for the
773 Town Clerk who would be challenged with the great task of generating multiple voting lists. Mr.
774 Faunce stated that he did not hear anything mentioned about voting as far as districts during their
775 discussion. He reminded the members to pay attention to the details involved with the task related
776 to voting booths. He would appreciate it if the Task Force discussed how they would set up the
777 voting for elections, etc. and how they would address the difficult issue of finding presiding
778 officers, as they were currently having trouble filling one vacancy for the Town. He pointed out that
779 if there were three or four districts, it would be extremely difficult to find presiding officers and
780 there would need to be additional voting equipment. In conclusion, Mr. Faunce asked them to
781 address election issues related to the voter checklist, the generating of the list, getting people to
782 work at the polls and the extra cost. Mr. Sweeney thanked him for his input and stated that it was a
783 good point.

784

785 Mr. Tim Jerman felt the district discussion raised a lot of good points and that there were comments
786 from a number of people who had run in congressional races at the State and local level. His
787 concern about a single district down the road was the practical aspects of running for election. If it
788 had not been practice to go door-to-door, he worried that with one district in such a big geographic
789 area, it would be difficult to run for office if there were ten or 20 candidates. There had to be some
790 way to differentiate them, which would probably equate to paid advertisements in the Essex
791 Reporter as the main route for campaigning. Mr. Jerman noted that these positions were essentially
792 unpaid positions, with perhaps \$1000.00-\$2000.00 a year, so to expect people to go out house to
793 house canvassing, would not happen. He stated that canvassing should not happen, but as those who
794 had run for election knew, to advertise in the Reporter could get very expensive very quickly. This
795 was a concern for him and he would not want to see a situation where only people who had a lot of
796 money felt that they could participate in local government. He wanted the members to think about
797 how they would encourage participation. Mr. Jerman stated that Wards would help, but that there
798 were downsides to having Wards. Mr. Overton asked Mr. Jerman if he preferred one plan over the
799 other over the long hall, and Mr. Jerman did not like the Bob Marcotte wards for a whole bunch of
800 reasons, but he wanted to make this concern public. He was not sure and was very open-minded,
801 but if they came to a situation where people felt like they could not participate then that would be a
802 problem. Mr. Nye stated that he had participated in many elections and had canvased both in the
803 Town and Village where he would gain support and felt it was something that was just done. Mr.
804 Jerman responded that his argument would exclude the more distant tiers of the community like the
805 norther tier. Mr. Nye added that there were phones and other techniques to reach those
806 constituents.

807

808 Mr. Chris Halpin asked the members to consider that Chittenden County had six senators from
809 Montpelier, which was easily the most expensive races for Senate in the State of Vermont and the
810 most expensive candidates who ran for those positions. The Town of Essex Junction would have
811 seven counselors, the largest community in the State of Vermont to have at-large representation.
812 Mr. Halpin asked members, would that make them the most expensive municipal race in the State
813 of Vermont?

814

815 Mr. Lemieux stated that he thought the representation issue was a make or break for him. He
816 thought that it should be a minimum of three and if it was less than that, he would probably not vote
817 in favor of the merger because although he had known there were two representatives on the same
818 street, he did not know there were three. He had lived in the Village for 35 years and did not like
819 the idea of a token representation of the Village in the Town. If broken into districts, he felt there
820 would be greater representation and did not think that the Town would be at a disadvantage, and he
821 felt there should be three at a minimum. Mr. Sweeney mentioned that there were four minutes left
822 and asked if there were any other concerns from the public that night.

823

824 Ms. Mary Post from Essex stated that she felt the Task Force was doing very hard work and
825 addressing hard issues, but when they looked at the bigger picture, she was hearing that there was a
826 potential problem in that they were supposed to be coming together in the spirit of coming together
827 and starting a family and living together, but she did not see what the Town was getting out of this.
828 She stated that the Town had lost their name for instance, and pointed out that for those that had
829 said historically they needed Lincoln Hall, historically, so was the name Essex, but that now it was

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830 to be the Town of Essex Junction. Secondly, if the seat of government should be in the Village, the
831 Essex residents needed to come down five corners, so to Ms. Post, it seemed that Essex lost on
832 these issues and asked what they were getting out of the merger and she added that that Essex Town
833 residents' taxes would go up, not the Junction. Therefore, she concluded that the Village would get
834 the Town of Essex Junction and get the municipal office and the Town would get increased taxes.
835 She wondered what kind of cooperation that was and asked the Task Force to think about that.

836

837 Ms. Tailer seconded what Ms. Post stated and Mr. Lemieux commented that the Village had been
838 subsidizing the Town for quite a few years.

839

840 Ms. Elizabeth Tailer from the Center agreed very closely with what Ms. Post stated, and she felt
841 that IBM had given Essex Junction a really wonderful amount of money, but that IBM was not
842 going to be there forever and that the Town was giving up so much when IBM would not be around
843 forever to subsidize everything for the Village. She stated that she supposed she was not really in
844 support of the merger anymore.

845

846 Mr. Marcotte stated two things. He felt the members needed to be sure that if the seven counselor
847 idea was only developed because of having six districts and the Task Force chose two or three
848 districts, then he felt they should consider a five member council because that was what would
849 work best down the road. Secondly, he reminded the members that they wanted to get the support
850 from both the Town and Village and the way they had talked tonight spoke of separate communities
851 for two to three years which did not sound to him like a merger. He stated that this was why the
852 proposal was made for six districts for five or six years because then there was a guarantee that the
853 boundaries disappeared. Mr. Marcotte did not feel they were accomplishing a merger with two or
854 three districts and three representatives from both and cautioned the members to revisit this as they
855 could be perpetuating the problem and that the future government could refuse to become one
856 district.

857

858 Mr. Sweeney asked if anyone else from the public wanted to make a comment. There were no
859 further comments.

860

861 **LINDA MYERS MADE A MOTION AND RENE BLANCHARD SECONDED A MOTION**
862 **TO ADJOURN.**

863

864 **MOTION PASSED 9-0.**

865

866

867 **Respectfully submitted,**

868 **Saramichelle Stultz**

869

870 *Saramichelle Stultz*

871 Recording Secretary

872

873

874

875 (THESE MINUTES ARE SUBJECT TO CHANGE AT THE NEXT MERGER TASK FORCE

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876 MEETING)
877

APPROVED

**MERGER TASK FORCE
ESSEX/ESSEX JUNCTION
MEETING MINUTES
NOVEMBER 16, 2005**

MEMBERS PRESENT: Hugh Sweeney, Chairperson, Hans Mertens, Deb Billado, Irene Wrenner, Linda Myers, Alan Nye, Al Overton, John Lajza, Rene Blanchard.

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

OTHERS PRESENT: Bob Marcotte, Chuck Lloyd, Bernie Lemieux, Tim Jerman, Chris Halpin, Jeff Harton.

Mr. Sweeney called the meeting to order at 7:03 p.m.

BUSINESS AGENDA

Public Input on Agenda Items

There was no public input.

Approve Minutes of November 9, 2005

DEB BILLADO MOVED AND RENE BLANCHARD SECONDED A MOTION TO APPROVE THE MINUTES OF NOVEMBER 9, 2005 WITH THE FOLLOWING CORRECTIONS:

Line 13: Replace “Elizabeth Tailer” with “Thomas and Elizabeth Tailer”. Line 110: Replace “without” with “with”. Line 173: Replace “it was” with “voting on this issue”. Line 177: Replace “no” to “not”. Line 322: Replace “Suzie” with “Susie”. Line 337: After “ simple”, add “and to keep cost to a minimum” Line 421: Replace “possible” with “possibly”. Line 427: Delete “only”. Line 704-705: Delete.

THE MOTION PASSED 7-0 (Alan Nye and Hans Mertens abstained)

Charter Review-Using updated 1999 Charter as based-Transition Provisions

Mr. Sweeney noted that in the packet the members received that week, there was an updated Charter with some changes in regards to “Town of Essex Junction” and “Council”. Mr. Sweeney opened the discussion on Section 3. Transitional Provisions. Mr. Overton introduced a proposal that he drafted, which he had mentioned at last week's meeting, that related to redistricting provisions belonging in the Charter. He recommended that it be distributed to members for comments. Mr. Sweeney asked whether the draft was relative to the number of districts. Mr. Overton explained that his draft discussed four paragraphs that related to redistricting and read, “Every Ten years, commencing with 2010, a Districting Commission shall be appointed. The

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48 Commission shall consist of five members appointed by the Town Council within two months
49 following the report of the Federal Decennial-Census.” Mr. Sweeney confirmed that the proposal
50 was not in regards to the number of districts, but rather it related to the powers of the new Council
51 to redistrict every ten years. Mr. Overton agreed and added that this provision would be a
52 permanent part in the Charter. Mr. Sweeney asked whether the Task Force wanted to discuss the
53 proposal now or later. Mr. Overton suggested redistributing the proposal to members for future
54 discussion. Mr. Mertens asked where the proposal would go in the Charter. Mr. Overton replied
55 that it belonged towards the end of the Charter. Mr. Nye stated that there was already an established
56 process with respect to the Board of Civil Authority for identifying districts for the legislative
57 bodies. He was not sure why the Task Force could not “dove tail” Mr. Overton’s proposal at that
58 point in the Charter. Mr. Overton agreed, but mentioned that the Task Force had not discussed
59 using the legislative districts. Mr. Nye said he was not talking about using the legislative districts
60 nor was he saying that the legislative districts had been determined, but he was referring to the fact
61 that there was a process with redistricting every ten years, once the Secretary of State's office
62 identified the population. Mr. Overton felt that his proposal supported the Board of Civil Authority
63 quite easily. He expressed that his intent was to develop a streamline method of looking at the
64 districts right after the Decennial Report was distributed and then inform the Board of Civil
65 Authority the number of districts. Mr. Nye informed Mr. Overton that the Board of Civil Authority
66 would include any Justice of the Peace as well as the governing body. Mr. Overton felt that was
67 logical and since there were five members, they may act more hastily. Mr. Nye had not seen any
68 problem for the last 15 years. Mr. Overton said to substitute that if that was what Mr. Nye had in
69 mind.

70

71 Mr. Safford stated he was confused because the language that he injected from Montpelier for
72 Section 209 (6) was the method of establishing districts. He explained that at the last meeting,
73 however, Mr. Overton spoke of going to an at-large over time and deferring the discussion of
74 districts to a future meeting. Mr. Safford asked Mr. Overton what prompted the need to develop
75 more elaborate language prior to the date of deciding how and how many districts. Mr. Overton
76 responded that his proposal had nothing to do with establishing districts, but that it had to do with
77 the Charter that allowed, no matter what the Task Force or the Town Council did, the districts could
78 be changed from time to time and his proposal provided a process for that. Mr. Safford asked
79 whether the 1999 Charter already stated this in Section 209 (6), having added language from the
80 Montpelier Charter, which stated, “Designate or eliminate the boundaries of voting districts. The
81 Town Council may make changes from time to time in the number and boundaries of the districts as
82 it may deem proper, having regard, so far as practicable and convenient to an equal division of
83 population among them.”, etc. Therefore, Mr. Safford felt that this process had already been
84 established in the Charter. Mr. Overton understood that future redistricting was under the purview
85 of the new Council and mentioned that when he drafted the proposal, he had wondered whether it
86 should be a governing body outside the Council, whereas the Council could be part of that body,
87 which it would be if it supported the Board of Civil Authority. Mr. Safford recalled the
88 conversation in regards to Section 209 (6) as being that members were in support of the Council
89 and the voters having to approve the districts, but he stated that there were different methods to
90 accomplish that. If an at-large district was approved, Mr. Safford stated that the Council would not
91 necessarily need to redistrict. Mr. Overton responded that if the Council approved an at-large
92 district, his proposal would allow, as time changed, for a regular review for whether at-large was
93 the best model or whether two or three districts would be better, and he stated that his proposal

94 allowed that process. Mr. Overton thought the redistricting decision should not be under the
95 purview of the Selectman and Council because that set up a situation where they could gerrymander
96 for themselves, whether or not they would, and he felt the council members did not want to be
97 accused of doing that. Mr. Overton suggested giving the members time to consider his proposal
98 versus Section 209 6 to then be discussed next week and asked the members if they agreed. Mr.
99 Sweeney did not know if there would be time next week, and Mr. Overton asked, why not? One
100 member reminded Mr. Overton that the Task Force was not going to be meeting next week due to
101 the holiday, and Mr. Overton stated that he had forgotten. Mr. Overton felt that his proposal was
102 another combination of language that he had taken from two or three ordinances given to him by
103 the Managers, but said he would still accept what was currently written in Section 209 6. Mr.
104 Safford agreed and wanted to make sure that everyone recalled what had been discussed to date.
105 Mr. Overton argued that his proposal was a good variant. Mr. Sweeney asked whether there were
106 any more comments on the proposal and summarized that Mr. Overton suggested the members take
107 some time to think about the proposal. Ms. Billado wanted to know whether there was a difference
108 between legislative representative districts and council member districts. Mr. Overton asked
109 whether he used both words and apologized. Ms. Billado did not think so, but was clarifying what
110 the community consisted of. Mr. Overton did not know what Ms. Billado was referring to and Mr.
111 Blanchard asked Mr. Overton whether he was referring to legislative and council? Ms. Billado
112 stated there were legislative districts and council member districts, and Mr. Overton stated, yes. Ms.
113 Billado asked whether Mr. Overton was referring to legislative districts or council member districts,
114 and Mr. Overton said his proposal referred to Council districts and the Charter for the Town of
115 Essex Junction. Ms. Billado understood, but stated that she was confused because every ten years,
116 there was legislative redistricting. Mr. Overton responded that he began with that item in his
117 proposal because there was a census every ten years and that a census was needed in order to
118 properly comprise districts. Mr. Overton did not want the members to think he implied they should
119 have any particular number of districts. He explained that his proposal allowed them to have any
120 number of districts.

121
122 Mr. Mertens asked Mr. Nye whether what Mr. Safford had read from the Charter was what Mr. Nye
123 had in mind. Mr. Nye responded that he thought that Section 209 6 was complete, but if there was
124 a concern about the process, then it should be addressed. Mr. Nye's stated that his opinion was
125 similar to Mr. Overton in that the Council should probably not be the ultimate body with respect to
126 the redistricting. He thought that the process with the legislative redistricting was that the Board of
127 Civil Authority made a recommendation to the governing bodies and then the governing bodies
128 either concurred or not and then it was forwarded to Montpelier. Mr. Sweeney asked Mr. Nye
129 where that language was. Mr. Nye stated that it had to be in statutes, and Mr. Sweeney clarified the
130 Vermont Statutes, and Mr. Nye agreed. Mr. Sweeney suggested that the statute defined how the
131 legislative districts were. Mr. Nye agreed, and Mr. Sweeney asked whether the local governing
132 bodies did that as well. Ms. Myers responded that it was the Board of Civil Authority. Mr. Nye
133 repeated the Board of Civil Authority which included all the Justices of the Peace, in addition to the
134 governmental entities within the community. Mr. Sweeney asked how the process worked when
135 there were districts that crossed Town lines and asked whether Essex and Essex Junction had such a
136 scenario, and Ms. Myers confirmed this. Mr. Nye responded that Essex had to negotiate with the
137 adjoining community. Mr. Sweeney asked if someone oversaw that process, and Mr. Nye
138 responded that it was the Board of Civil Authority, and Mr. Sweeney clarified that this took place
139 between the Town of Essex and Westford, and Mr. Nye agreed. Mr. Sweeney asked whether the

140 legislature got involved, and Mr. Nye replied, no. Mr. Sweeney asked if it was by chance that the
141 two communities had to share the district, and Ms. Myers disagreed and stated that it was not
142 chance, but that Essex met with Westford. Mr. Sweeney suggested that one town may reason that
143 they did not have an even number of people and needed to share a district, and Ms. Myers agreed.
144 Mr. Nye stated that it was only when there were significant changes in population that this
145 occurred. Mr. Sweeney clarified that the Board of Civil Authority did the negotiation and made a
146 recommendation. Mr. Nye stated that a Committee of the Board of Civil Authority met with a
147 Committee from Westford which then made a recommendation to the local governmental bodies.
148 Then the negotiation was sent to the legislature which, during the first few days of the session,
149 agreed or disagreed with the negotiation. He noted that he had never had experience in Montpelier
150 with such a process but he had always had concern about the shared district with Westford. Each
151 community had been concerned with whether they had half the power and Mr. Nye agreed that the
152 Board of Civil Authority was the best governing body to address this kind of issue.

153
154 Mr. Overton stated that the Task Force had discussed the legislative districts in a way that did not
155 have anything to do with the Task Force as it did not make sense, and Ms. Myers agreed. Mr.
156 Overton stated that the Task Force had to do it on their own and asked whether the members
157 wanted to do it the way it read in his proposal or in 209 (6)? Mr. Blanchard mentioned to Mr. Nye
158 that the Board of Civil Authority had a political aspect to it, and Mr. Nye agreed. Mr. Blanchard
159 wondered whether they wanted to put a political aspect on this in regards to the powers that be,
160 whether they were democratic or republican, as that could have an effect on the districts somehow.
161 Mr. Nye, based on his experience, had never seen political party politics other than a little bit of
162 gerrymandering that was basically due to representation in Montpelier, but stated that it had more to
163 do with who knew who in the neighborhood to get re-elected. He stated that currently on the Board
164 of Civil Authority, there were seven people from the democratic party and five people from the
165 republican party and for the next election, it depended on who got really active in the nominating
166 committee, etc. However, Mr. Nye stated that he did not see Town government, at the present point
167 in time, being a political entity. Mr. Blanchard argued that in order to get on the Board of Civil
168 Authority, you had to pick a political party, and Mr. Nye agreed. Mr. Sweeney asked if that was
169 true, and members agreed. Mr. Sweeney asked Ms. Myers if she was on as a Selectman and she
170 said, yes, but that she was also elected. Mr. Sweeney clarified that the Selectman were members of
171 the Board of Civil Authority, and Mr. Nye agreed. Mr. Sweeney concluded that all members of the
172 Board of Civil Authority did not have to have party affiliation. Mr. Nye stated that he was a federal
173 employee and could not have party affiliation. Mr. Overton said that was on the ballot and many
174 voters picked who they knew and the name they recognized. Mr. Blanchard mentioned that 90% of
175 the people running for the State, who put their name on the ballot because of name recognition,
176 were chosen for the Board of Civil Authority. Ms. Myers noted that theoretically, there were only
177 five people in the Town of Essex running for a legislative seat and that there were many more
178 candidates who were also on the ballot, nominated by the respective caucuses. Mr. Blanchard stated
179 that he believed that five members were taking away an opportunity for other citizens to serve and
180 would be happy if the Task Force kept the Charter from Montpelier until it was time for approval.
181 Mr. Sweeney stated that he heard three suggestions. The first suggestion was written in the Charter
182 in Section 209 (6) that the Town Council would make changes to be approved by voters. The
183 second suggestions was Mr. Overton's, which said that the Town Council appointed a commission
184 which made recommendations to be approved by the Town Council and Mr. Overton added,
185 eventually by the voters, but Mr. Sweeney questioned that. Members clarified whether it did or did

186 not have voter approval. Mr. Nye pointed out it read “warned special meeting to be held within 45
187 days”, and Ms. Myers stated that it did not say vote. Mr. Overton agreed that in his proposal, it
188 was written that the Town Council could make changes and approve those changes, but that there
189 was no public vote. Mr. Sweeney confirmed that the third suggestion, given by Mr. Nye, was that
190 changes could be made similarly to the legislative district process where changes are recommended
191 by the Board of Civil Authority to the Council which then approved it, and Mr. Nye agreed. Mr.
192 Sweeney concluded that these were three different suggestions. Mr. Overton felt that Mr. Nye's
193 suggestion was to follow either what was in the Charter or his proposal and substitute Board of
194 Civil Authority in the language and stated that he was agreeable to that suggestion. Mr. Sweeney
195 stated that he was still looking at three different variations, and Mr. Overton agreed. Mr. Sweeney
196 asked whether the members wanted to discuss it that night or return to it later, and members felt the
197 later would be preferable.

198

199 Mr. Sweeney referred to Transition Provisions, page 13 of the latest updated draft of the Charter
200 with changes as of 11/09/05. Mr. Sweeney noted that the Task Force already made some changes
201 to subparagraph D at a previous meeting, but suggested they begin with the first item and review
202 them all.

203

204 Mr. Safford stated that it would help him to understand what Mr. Overton saw as the Transition and
205 Merger process in the 1999 Charter as it may help the discussion and decision process. Mr. Safford
206 asked Mr. Overton what was the intent for the Transition period in 1999? Mr. Overton replied that
207 he thought the former Committee contemplated that during the Transition period, the two Boards,
208 the Trustees and the Selectman would still be in place. Mr. Overton mentioned that recently the
209 Task Force discussed making the Transition Committee the Trustees and the Selectman and having
210 the Transition Committee be in place to help address merger issues. He stated that the overall
211 intent in 1999 was to have the Transition Committee oversee and encourage the Planning and
212 Zoning Boards to finish the process of merging, to develop a uniform zoning ordinance and Town
213 Plan for both areas as one Town, and to complete any other transitional issues that occurred.

214

215 Mr. Sweeney asked members if they could return to the Transition Committee changes that the
216 Task Force had made. He referred to subparagraph (d), being Mr. Lajza's suggestion, where the
217 Transition Committee should be made up not of three members, but the entire five members of both
218 the Selectboard and Trustees. Members agreed. Mr. Safford recommended that additional language
219 be added so that the Transition Committee would have no authority to act other than to prepare a
220 budget to go the voters at the first annual meeting and to appoint members for the new Council.
221 Mr. Overton agreed. Mr. Overton commented that the Task Force had already heard from the
222 Library and Fire Departments who seemed to be able to finish their merger work within a short
223 period of time via the Transition and then could present merged departments to the new Council.
224 The Transition Committee would have to do the budget work for the first year. Mr. Overton stated
225 that the Transition period would be a minimum of one year and read Section 3. A in the Charter,
226 “The transition period shall begin not later than July 1, following the approval of the charter by the
227 Legislature” and added that by that time, the local populous would have already approved the
228 Charter and it would have gone to the legislature and approved. He repeated, “begin not later than
229 July 1, following the approval”, and stated that the Transition period ended on the following June
230 30, so that the ordinance anticipated a one-year life. Mr. Overton read, “At the end of the transition
231 period, the charter will become effective and the Town” and he defined this as saying that the Town

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232 councils would be appointed with the help of the Transition Committee in terms of the initial
233 election, etc. He asked members whether that sequence of explanation made sense. Mr. Overton
234 continued by saying that therefore, the Charter would be passed by the legislature, then the
235 Transition period would begin the following July and then the next July the new government under
236 the new Charter would begin.

237

238 Mr. Sweeney in reference to Sec. 3 A asked if members had any comments. Mr. Safford suggested
239 that the members assume the approval of the Charter by the legislature at a given legislative session
240 and have an effective date of merger. He noted that there was discussion about the Transition
241 Committee overseeing the process of merging and stated that he was in support of having a
242 deadline to get the job done. He suggested strategically picking a date that was after the expiration
243 of the union or association agreements or a date that allowed a budget cycle before arriving at the
244 merger date. Mr. Overton agreed, but argued that the paragraph already assumed a date certain,
245 which was the year after the approval of the Charter on July 1 with completion by the next June 30.
246 Mr. Safford clarified a minimum of one year long, but questioned what a minimum was, when
247 would it be and when would the Transition Committee decide that? Mr. Safford pointed out that
248 the Transition Committee was not going to have a lot of authority to act during that transition, other
249 than during that budget cycle. Mr. Nye stated that there would not be a government organization of
250 authority, and Mr. Safford agreed. Mr. Nye stated that he would not mind deleting “minimum” and
251 substituting “a year long”, and Mr. Sweeney agreed. Mr. Nye thought “minimum” was used to
252 allow for some flexibility because there may be some issues that would arise during the transition.
253 Mr. Safford agreed that a year long would be preferable so that it coincided with the start of the
254 fiscal year. Mr. Nye agreed, but stated that having a date certain with respect to contracts might
255 cause concern in Montpelier and might delay approval, which would put off approval for another
256 year and he did not want to put it off to 2008 or 2009. He stated that in February or March when the
257 legislature approved the Charter, the Transition period would occur until June 30th and at that point
258 in time would begin the new government. Mr. Overton felt that it was worded in that way, so that it
259 anticipated any fluctuation and anticipated a one-year transition period. He stated that the
260 representatives that were running the government during that year were not the Transition
261 Committee, even though it was comprised of the Selectboard and Trustees and that the Transition
262 Committee would be overseeing what had to be done in the Charter.

263

264 Mr. Mertens asked for clarification on the discussion and asked whether the Task Force meant that
265 the Transition Committee would be in place up to one year or at least one year. Ms. Myers
266 responded, at least, because the Charter stated a minimum of one year. Mr. Mertens agreed, but
267 then pointed out that the next line said, “and it would be done by June 30”, so he suggested it was
268 redundant in some ways. Ms. Billado disagreed and suggested a scenario where the legislature
269 approved their Charter in March of 2006 allowing the transition period to begin July 1, 2006 and
270 end June 30, 2007. Ms. Billado asked whether, in that case, the budget would be prepared for the
271 populous in March, 2008. Mr. Nye said no, it would be March, 2007. Mr. Overton told Ms. Billado
272 to refer to section 3. B. Ms. Billado asked whether the budget would be completed before the end
273 of the first transition, clarified that it would be 2007, and members agreed. Mr. Mertens did not
274 think a year was too long, but began to ask if the Transition Committee were to get it done in eight
275 months, and Mr. Safford corrected Mr. Mertens that the Transition period would be a fiscal year to
276 coincide with the State. Mr. Sweeney reminded the members that the Transition work could begin
277 earlier than July 1st. Mr. Nye stated that as soon as the Legislature approved it, the governmental

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278 bodies could begin the Transition. Mr. Sweeney confirmed the reason for the use of “minimum” in
279 the language of Sec. 3 A was that it allowed for the Transition period to possibly begin earlier, but
280 confirmed it would have to end on June 30 to line up with the fiscal year and budget process, etc.
281 Ms. Billado asked whether the budget process would begin the third quarter of 2006 and members
282 agreed. Mr. Sweeney told Ms. Billado that the timing was similar to getting ready for a March
283 Town Meeting as they were now, and Ms. Billado agreed.

284

285 Mr. Overton clarified two legitimate questions that had been asked. He stated that one question was
286 asked by Mr. Scheidel who asked, “What if you are not done? And what if there was something that
287 the Transition Committee had to finish?”, and Mr. Overton felt this was a possibility even though
288 he could not imagine what that could be based on all the information the Task Force had received.
289 However, he suggested that in the case of Recreation as they could not seem to agree, there may be
290 delays, and Mr. Scheidel agreed. Mr. Overton supposed that it was perfectly possible for the
291 Transition Committee, the Trustees and Selectboard, to provide a plan to be voted on with an area
292 such as Recreation that members of the public would understand needed more attention and time to
293 merge. Mr. Overton asked members whether that scenario made sense. Mr. Blanchard asked
294 whether that was allowed. Mr. Overton felt it could be allowed and suggested writing something in
295 the Charter to allow it. Mr. Overton stated that the only place Recreation was going to be appear in
296 the Charter was about three words, who appointed who, and that the Charter would not explain the
297 whole recreation process in detail. Mr. Safford stated that the Recreation issue could be dealt with
298 at any time because the Town operated the Recreation Department as authority by state law and
299 stated that there did not need to be anything in the Charter, except that the Manager appointed all
300 the employees, which included the Recreation Department. At any point, the school could divest
301 itself of Recreation if they chose, so it was not in the purview of the Charter, but rather under the
302 control of the Boards at the given point in time. Mr. Overton mentioned that Mr. Odit pointed out to
303 him that when the legislature passed a law, such as this Charter, that it need not be in effect
304 immediately. Mr. Overton stated that the legislature could pass the Charter according to the terms
305 of the Charter, and Mr. Safford agreed. Mr. Safford said that typically an ordinance would be in
306 effect as of midnight of x,y or z, and Mr. Overton agreed, but also thought it could also read,
307 “effective pursuant to the Charter”. Mr. Nye mentioned the change of the drinking law to limiting
308 the number of drinks in front of a customer, which did not occur until January 1 of the next year.
309 He felt the Task Force could set whatever date they chose in the law which would be the effective
310 date, even though it was passed on a different date. Mr. Overton said that if they passed the Charter
311 in its current condition, the result would be a transition of one year, which was one year and a few
312 months, and he felt this was acceptable to the Task Force.

313

314 Mr. Safford stated that a discussion had occurred in the past in regards to a minimum point in time
315 to merge. One option was to allow the Essex Junction Employee's Association Agreement to expire
316 for legal reasons, so they were not working with two different union agreements. Another option
317 was to try to merge them and instead of a minimum of a year, pick a specific date in the future so
318 that they were relatively assured to meet that deadline. Additionally, Mr. Safford recommended that
319 the Task Force may want the Transition Committee to develop a physical plant plan and to hold a
320 budget cycle in between where the whole community was taxed so that there was funding to
321 implement some renovations to move forward with the effective date of merger and have a location
322 for the new administration and departments. In summary, Mr. Safford stated that the Task Force
323 Committee might want to pick a date in the future for the Transition to end that allowed a budget

324 cycle and/or certain contracts to expire. Mr. Nye asked Mr. Safford whether the process of
325 allowing contracts to expire violated the intent of fair and equitable negotiation process. Mr.
326 Safford felt that at some point, it would have to happen if they were going to bring employees
327 within the same departments under the same agreement, hopefully prior to the effective date of
328 merger. He felt it would be difficult to pass the merger and to work with Public Works employees
329 under two different unions and/or sets of personnel regulations.

330

331 Mr. Scheidel explained that there were some traditional hot points that were the main focus of
332 unions, not the least of which would be seniority and whether or not the seniority was determined
333 by length of employment with an entity or length of employment in a certain job description. The
334 big problem was going to be, hypothetically speaking, if there was a foreman in Public Works who
335 had been working with the Village for 15 years and a foreman who had been working for the Town
336 for five years. In this new entity with two employees, which foreman would be senior? It would
337 not be a matter of job knowledge or skill, so how do you negotiate these kinds of difficulties? Mr.
338 Mertens mentioned that typically, the surviving union would want the seniority to count in their
339 positions. Mr. Scheidel concluded that if the members wait until 07/01/08 as he thought Mr.
340 Safford suggested, then they might skirt that issue altogether because then there would not be an
341 agreement by and between an employee group and a former employer and perhaps "all bets were
342 off". Mr. Sweeney asked whether they had a description of all the contracts in the Village and
343 Town and when they would expire. Mr. Scheidel replied, yes for the union contracts, and stated that
344 the Town would be negotiating them next month. Mr. Sweeney knew that one expired in 2008 and
345 asked about the others. Mr. Scheidel responded that the others expired in June 30, 2006. Mr.
346 Sweeney asked how long would the new contracts be negotiated for? Mr. Scheidel stated that he
347 would be looking for a three-year contract as it is the most cost effective. If we had to negotiate
348 one-year contracts, the question would be how much would the Towns be willing to pay for the
349 one-year contract so that they could continue on with the merger discussions?

350

351 Mr. Sweeney thought that Mr. Safford was suggesting that the Task Force pick a certain date to line
352 up with the contract expirations, and Mr. Scheidel agreed with Mr. Safford a thousand percent. Mr.
353 Sweeney felt that it still may not line up with the other contracts, but Mr. Scheidel stated that it
354 could. Mr. Scheidel stated that he could negotiate a two-year deal if the unions agreed, and Mr.
355 Sweeney said that was why he asked that question. Mr. Scheidel explained that if the Task Force
356 agreed that 07/01/08 was going to be the date and they were not going to revisit it again during
357 negotiations, then he had a start point which he thought would be a good start date. If the vote was
358 not passed in April or November, whenever the vote would be, it would not hurt the negotiations.
359 He believed 07/01/08 was a very good date. Mr. Sweeney confirmed that if it was 2007, and all the
360 contracts expired in 2008, he asked about the pluses and minuses for that arrangement. Mr.
361 Scheidel felt it would be a problem to get the unions to agree to that because hypothetically
362 speaking, by a sheer 51% vote, a group of people could vote to disaffiliate from a bargaining unit,
363 and he did not think the unions would like to see that prospect happen. In the same way, 51% was
364 necessary by a group of people to enter into a bargaining unit, as long as the Labor Board had
365 approved the positions. All the positions that are currently in a bargaining unit covered right now
366 had been approved by the Labor Board and the unions were going to want to preserve their
367 financial interest, which were the dues that were paid by the members they are currently serving.
368 Therefore, there would be an incentive for the unions to make sure there was a two or three-year
369 contract or two-year contract with a wage re-opener in year three or a wage and seniority re-opener

370 in year three to cover the contingencies of what happened when two groups merge into one, and the
371 only common denominator was the union agreement. Mr. Sweeney was not sure he understood the
372 answer, and Mr. Scheidel responded that he may not have understood the question and suggested
373 starting over. Mr. Sweeney, as an example, suggested they assumed that the contracts would expire
374 in 2008. Mr. Mertens asked Mr. Safford if the Village contracts expired in 2008. Mr. Safford
375 informed the members that the Village contracts expired December 31, 2007, so there was a six
376 month period. Mr. Sweeney was trying to understand the pluses and minuses of the language that
377 they had, as he stated that he would prefer not to have language in there that said, July 2008 or June
378 2008 when they could do it in 2007 if things worked out. Mr. Safford did not think they would
379 expunge the Village Association, and Mr. Sweeney stated that he was trying to understand it. Mr.
380 Scheidel explained that the contract with the longest term of existence right now was the Union
381 called the Association in the Village of Essex Junction. The two unions in the Town had expiration
382 dates of June 30, 2006, and Mr. Sweeney understood. Mr. Sweeney clarified that the Village
383 contracts expired December 31, 2007, and Mr. Scheidel responded, correct.

384

385 Mr. Safford suggested another way was to have a survivor agreement that became the agreement.
386 Mr. Sweeney, as an example suggested that they assume the Managers negotiated a three-year
387 extension to the contracts this year to 2009 and to assume the timing worked out and everything for
388 the merger was approved and they wanted to start the Transition Committee in July of 2006 with an
389 end date of 2007. Based on this scenario, Mr. Sweeney asked what the problems would be as they
390 would have the three unions with existing contracts, Mr. Mertens stated there would be two with
391 2009 and one with 2007, and asked what would be the down side to that? Mr. Nye felt that the
392 Task Force needed a legal interpretation because of the change of one body to another. Mr.
393 Scheidel had a legal opinion, and he knew that just because there would be a governance change,
394 there would be no way out of an existing contract. Mr. Sweeney noted that those contracts would be
395 assigned to the new community, and Mr. Scheidel stated, correct. Mr. Sweeney wanted to know the
396 downside to that scenario. Mr. Scheidel stated that he would have to negotiate with two plans of
397 action for the Town union that would absorb all the members in the Village when they merged and
398 he would have to put a provision in the negotiation that called for a re-opener to bring them in and
399 would have terms and conditions of employment that would be negotiated during that period of
400 bringing them in. He noted that there were differences in the two contracts, with pluses and
401 minuses. Mr. Sweeney asked why they could not just live with the two contracts until they
402 expired? Mr. Scheidel explained that the entity goes away and one member added that two entities
403 going away and then there would have to be a vote by the union members.

404

405 Mr. Mertens understood Mr. Scheidel's comment as a good point in that there were two unions in
406 the Town now that worked, but wanted to assume that it was one Town and there were three
407 unions. Ms. Myers noted that two of the three unions were from the same employer. Mr. Scheidel
408 stated that there would be people in one contract right now, with same job titles and the same jobs,
409 etc. with some differences. Mr. Sweeney asked if it would be a manageable situation, and Mr.
410 Scheidel responded that it would be negotiated. Mr. Safford stated that the Town had a police union
411 and one under AFCSME, and Mr. Scheidel said that was a police association and that they had
412 ASME for the clerical workers that were comparable to the clerical workers in the Village and to
413 the highway Department employees who were comparable to the Water and Sewer and Highway
414 Department in the Village. Mr. Sweeney confirmed that in the Village they were all under one
415 contract, and Mr. Scheidel agreed and explained that there was an Employee Association. Mr.

416 Sweeney confirmed that the Town was under two contracts, and Mr. Scheidel replied yes, but there
417 was one contract with two different groups. Ms. Billado thought that Mr. Merten's question was
418 whether the Village Association contract was transferable. She asked, could it be transferred to the
419 new community, could it expire and could those employees fold into the union contract? One
420 member said no. Mr. Safford stated that everyone could vote to get out of the union in the Town
421 and not affiliate with a national union, which was essentially what the Village employees did.
422 Either town could decide to represent themselves or they could all fall under the Village
423 Association Agreement if they decided that was an option. Mr. Safford explained that another
424 option would to have the Town unions remain, the Village contracts expire and the Village
425 employees in those respective areas fold into the Town union. The third option, which the Union
426 may frown upon, would be for all unions to go away and then start a new union agreement, and Mr.
427 Scheidel did not feel that was an option. Mr. Scheidel explained that the stumbling block was in the
428 sequence of negotiations and what may or may not be able to be negotiated by him at this round to
429 allow for the contingency for the Village Association agreement, but he did not know. Mr. Sweeney
430 suggested they assume they did not get any of those agreements, but just renegotiated the same
431 contracts they had now without any assumptions in terms of merger and then they would go to
432 merge. Mr. Scheidel stated that all the contracts that were in full force and effect were assignable to
433 the new entity, so that would not be a problem. Mr. Sweeney thought the problem would be if they
434 merged in 2007, the unions in the Town and the unions in the Village would be assumed by the new
435 community, and Mr. Scheidel said that the problem was with the Village agreement that expired in
436 December 31, 2007 and to figure out what to do with those employees. Mr. Overton and Mr.
437 Sweeney responded that those employees could be folded into the new union. Mr. Safford stated
438 that was with the assumption that you were going to let the Village Association contract expire.
439 Mr. Scheidel stated that assumed there was a re-opener in the new union contract with a provision
440 to allow that to happen within the parameters of labor law. He repeated that when he negotiated the
441 contract, he had to be successful in getting the provisions to bring them in at some point in the
442 future or at least have a re-opener in the contract that allowed for that negotiation process to
443 happen. Mr. Sweeney stated that Mr. Safford suggested an alternative was to pick a date certain,
444 and Mr. Scheidel agreed with that a thousand percent. Mr. Sweeney asked what that date would be,
445 and Mr. Safford replied, July 1, 2008 for the effective date of merger. Mr. Sweeney stated that the
446 Village contract expired December 31, 2007. Mr. Safford replied that their agreement could be
447 extended for six months. Mr. Sweeney clarified that Mr. Safford said to extend the period for six
448 months, and members agreed. Mr. Sweeney stated that under that premise, Mr. Scheidel would
449 negotiate a two-year contract. Mr. Nye felt it would be better to negotiate a three-year agreement
450 and then they just fold into that agreement. Mr. Sweeney asked why they could not do that in 2007
451 as well as 2008, and one member stated because that agreement did not go away. Mr. Sweeney
452 stated that the agreement was in existence for a year and then when it expired in six months then
453 you do whatever they would do on July 1, and he felt it was the same thing. Mr. Safford noted that
454 theoretically they could do that, but there might be employees operating under two different sets of
455 rules. Mr. Overton felt it would be for just a short time. Mr. Scheidel stated that they did not want
456 any injunctive actions taken in the process by an employee. Mr. Sweeney understood the
457 differences in the two approaches. He thought they were suggesting June 30, 2008 because that
458 would be six months after the Village contract expired. Mr. Nye stated that they wanted a contract
459 in existence that they blended into, which would occur if they negotiated a three-year agreement
460 now. Mr. Sweeney felt that they had that, but Mr. Overton disagreed. Mr. Scheidel stated that there
461 were two different unions, and Mr. Sweeney suggested assuming they had a three-year agreement

462 and asked what the problem would be now. Mr. Safford responded that effectively, they would
463 have people in the same department ideally under the same ground rules except for that six months
464 when it would be a little difficult. He felt it was possible, but recommended checking with a lawyer
465 first.

466

467 Mr. Sweeney asked what the disadvantages would be. Mr. Scheidel said that the disadvantage
468 would be that there would be two separate and distinct unions, but with overlapping job
469 descriptions within those unions. One went away, which could allow that group to form a separate
470 union hypothetically, unless they were part of the new group. Mr. Scheidel stated that therefore, at
471 some point, there had to be a meeting of the collective minds of the group. Mr. Sweeney clarified
472 that he was trying to understand what the advantage of the 2008 date was. Mr. Scheidel responded
473 that the advantage was time to get two contracts negotiated, set, signed, sealed and delivered so that
474 the new Council knew what it was getting budget-wise. He stated that it would bring the employee
475 groups together in two departments that had been heretofore working independently, mostly the two
476 Public Works Departments, and it allowed those employees to merge together, who were union
477 eligible employees, in one agreement that even though it was only going to be for one year, it at
478 least brought them from the expiration from that agreement to the new agreement. Shortly after
479 that, the new Town Council would appoint a new bargaining team and then they would have one
480 whole group of people under the AFCSME contracts. Mr. Sweeney suggested that there would be
481 one contract for everyone, and Mr. Scheidel agreed and said that would be very good because then
482 all the problems would be ironed out at the table, such as all the differences and nuances, premium
483 pay, holidays, and a myriad of issues.

484

485 Mr. Mertens stated that as they described it, the Village union employees would fall in to the Town
486 and asked if that was correct, and Mr. Scheidel responded that that would be the optimum approach,
487 but that the downfall was maybe they wouldn't, and Mr. Mertens agreed. Mr. Scheidel said that they
488 could conceivably form their own association, but he would hope not. Mr. Safford stated that if they
489 were part of this merged cooperation, he did not know any municipalities that had two separate
490 unions within one department. Mr. Scheidel said that he had police with sworn officers in one part
491 of the same contract and dispatchers in the other. Mr. Safford stated that they were separate job
492 classifications, and Mr. Scheidel agreed and added that they were negotiated separately as well.
493 Mr. Safford recommended that before the communities merged, they needed to know the ground
494 rules from a personnel standpoint, an approved budget, an organizational structure and pay and
495 classification system and that ideally everyone was on the "same sheet of music" because you don't
496 want to be having to figure that all out at the start of the merger. Mr. Safford believed that ideally,
497 everyone would know the ground rules and the management would know how to interact with their
498 employees. Mr. Sweeney confirmed that Mr. Safford suggested the date certain be June 30, 2008.
499 Ms. Myers stated July 1st. Mr. Safford believed there would be some advantages to doing that. Mr.
500 Sweeney added that Mr. Safford would orchestrate a six-month extension for the contract, and Mr.
501 Scheidel would orchestrate a two-year contract so that all contracts would expire at the same time.
502 Ms. Wrenner stated, three-year contract plus a re-opener, and Ms. Myers agreed. Mr. Scheidel
503 agreed that would be the best scenario, and Ms. Myers reiterated, three with a re-opener after the
504 second year, and Mr. Sweeney agreed and stated that would allow them to create one contract with
505 everybody that would go into affect, July 1, 2008. Mr. Safford said that he was not saying there
506 would not be obstacles, but wanted to reduce the size and the number of them.

507

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508 Mr. Mertens asked Mr. Scheidel and Mr. Safford based on a typical job in the Town versus the
509 Village, who had higher wages? Mr. Safford explained that the Managers did do a break down they
510 could provide the members that listed the Town and Village benefits but that they were not
511 radically different other than some differences in retirement, health insurance, holidays, etc. and
512 Mr. Mertens understood it was not an easy answer, and Mr. Scheidel agreed. Mr. Mertens wanted
513 to know if they had the ability to visit with the union and employees and tell them what they were
514 trying to accomplish or was that too radical to ask for their input in this process? Mr. Safford stated
515 that he spoken briefly to the Association representatives that a merger might be something to be
516 contemplated, and he thought they realized that change was on the horizon. Mr. Mertens agreed,
517 and he felt the unions were all good people and that if they understood the direction of the merger
518 process, he suspected they would have some constructive suggestions. Mr. Scheidel confirmed it as
519 the bargaining process. Ms. Myers agreed and reminded the members of the Labor Relations Board.
520 Mr. Mertens suggested an informal conversation. Mr. Scheidel informed Mr. Mertens that he and
521 Mr. Safford could discuss in more length about this issue with employee groups, but it had to be in
522 a formal process otherwise, they could be accused of unfair labor practices, not bargaining in good
523 faith and using unfair pressure to gain compliance with certain management issues. Mr. Mertens
524 felt that the Managers were smart enough to avoid that, and Mr. Scheidel said that he wished he
525 was. Mr. Mertens felt it would be helpful to get the unions perspective before the Task Force
526 continued. Mr. Nye stated that if the Transition period began July 1, 2007, there would be two
527 groups of people working under separate programs and he felt it would work as he has seen this
528 situation before. Then on January 1, 2008, one group of employees would roll into the other
529 organization, for example, if they did not renegotiate with the Village then it would fall in to the
530 Town. Based on this scenario, he felt there were some options that would not lock them into June
531 30, 2008, with the realization that there would be differences and discrepancies for six months.

532

533 Mr. Scheidel appreciated the question that brought to the surface the difficulties in the union arena.
534 Mr. Overton wondered if the Managers could provide the Task Force with a list of what the
535 advantages and disadvantages were of using 2007 versus 2008, as he did not see a big difference
536 between 2007 and 2008. Mr. Scheidel responded that the difference was money, that there was an
537 existing agreement by and between the Village of Essex Junction and its Employee Association for
538 a certain fixed term and, along with that, all the financial give and take that brought everyone to a
539 certain point. If the idea was to break that in the middle of the term, there needed to be a discussion
540 with the employee association to re-open the contract and renegotiate different terms, some
541 desirable and some not, such as the Village Association agreeing to only 13 holidays when they
542 currently had 14 holidays. Mr. Sweeney said that members were not talking about breaking a
543 contract. Mr. Overton disagreed and said that there were contracts with Mr. Safford and Mr.
544 Scheidel that would be taken over by the new identity. He did not know when their termination
545 dates were, but stated that there were other contracts in place other than the union contracts. Mr.
546 Overton wanted to know a sound reason why the Task Force should wait the additional year and
547 what the difference was between using the 2007 date and the 2008 date. He understood from the
548 discussion that it would be better to wait until 2008, mainly due to negotiation opportunities with
549 the union contracts, which was a large piece of what the budget was going to be made of. However,
550 on the other hand, Mr. Overton also heard that the worst case scenario was two unions to deal with
551 for a period of at least six months, which he argued had been done before. Mr. Overton wanted to
552 hear the budget argument. Mr. Safford asked whether they could change job titles and
553 classifications and reorganize, and Mr. Scheidel stated that was the core of why union agreements

554 existed, and he felt that Mr. Overton's question was fair. Mr. Scheidel stated that the Managers
555 would provide a list of pros and cons for having a date specific and the costs associated with that,
556 and because of the nature of bargaining, what would become more important to each side. He
557 mentioned that he had merged two groups already together in the police department, so it was
558 possible. However, Mr. Scheidel believed the best case scenario was to negotiate when your
559 negotiator needed a better agreement, because then you have more flexibility and more leverage.

560

561 Ms. Billado confirmed that the Town started negotiating union contracts December, and they
562 expired June, 2006, and Mr. Scheidel agreed. Ms. Billado clarified that the Village Association
563 expired December, 2007 and asked the Managers whether the Town employees had been offered
564 the opportunity to be part of the Association. Mr. Scheidel replied that the Town employees were
565 not offered that choice, but would have to vote whether they wanted it, and Ms. Billado understood
566 and asked if that discussion had ever occurred and Mr. Scheidel replied, no not that he knew. Ms.
567 Billado suggested that based on the timing, if the Charter got approved the first quarter of 2006 and
568 the union agreements expired the second quarter of 2006, and the Town employees opted to leave
569 the union and go to the Association because it looked like a better opportunity, then that might be a
570 good solution. Mr. Scheidel stated that the Town employees had an agreement by and between the
571 Town and would probably want to keep that agreement and that the union agreement was different
572 than the Village. He noted that Ms. Billado's argument would make more sense if they were both
573 the same union, two different councils within the AFSCME umbrella, for example. He explained
574 that AFSCME was an international union versus an employee association. He thought that
575 AFSCME would want to see the Village employees merged into their group and that they could
576 offer many reasons why the Village employees would want to. Some of the reasons were that
577 AFSCME had better bargaining strengths, was an international group, had a political edge and a
578 myriad of other opportunities that theoretically could get more for the Village employees if they
579 became part of AFSCME. Mr. Safford mentioned that it was the employees' decision, and Ms.
580 Billado agreed but stated with those opportunities being brought to the table, she would be
581 interested as an employee of the Town in looking at how she would fare in comparison to the
582 Association in the Village. Mr. Scheidel said that the Town and the Village already knew the
583 differences as they had read each others contracts. He commented that Vermont was a small State
584 and the only reason why there were differences in union contracts at that level was because there
585 was something more relevant to the organization for the employee in Essex Junction than was
586 relevant to the same kind of employee in the Town. One difference was that they had pager pay,
587 worth \$100 to \$200 a year more whereas the other group wanted an extra holiday. Therefore, when
588 they negotiated, it was those little differences that would have to be worked out in a merger and
589 there were a lot of people who had to be satisfied of their one or two issues.

590

591 Mr. Nye thought there was nothing wrong, at the start of negotiations, with finding out whether the
592 unions had an interest in changing from AFSCME to the Village Association. Mr. Scheidel stated
593 that one of the first manager's proposal at the opening of the negotiations would include the issue of
594 including another group at some point, yet to be determined by the Boards, the voters and the
595 legislature. He stated that he was going to have that opportunity worked into the contract so that
596 whether the Town had a two-year or three-year agreement, as soon as the new Town Council
597 began, the re-opener would be in place to explore whether employees wanted to be members of
598 AFSCME or not. He felt that they would want to be members of AFSCME, at least for awhile. He
599 explained that if there was any level of dissatisfaction within the union, any employee group could

600 decide to petition to disaffiliate, but the Town would not want to get involved as it could be viewed
601 as unfair labor practices. Mr. Sweeney summarized that Mr. Overton's request, which was similar to
602 his own, looked for a best-case scenario with options, which seemed to be dependent on the
603 situation. Mr. Scheidel agreed to provide them with the necessary information, and Mr. Sweeney
604 clarified that the members would like a comparison of what would happen if the Transition period
605 ended June 30, 2007 versus June 30, 2008 and what were the pluses and minuses. Mr. Lajza felt
606 the idea was to give the managers their best options. Mr. Mertens asked Mr. Scheidel if he believed
607 that this would undercut his negotiations, and Mr. Scheidel replied, yes that it could, and Mr.
608 Mertens asked whether there was a way for Mr. Scheidel to deliver the information confidentially,
609 and Mr. Scheidel replied, yes, that was why they had Executive Session for Personnel and Labor
610 Relations. Mr. Scheidel asked members for time to see what he could do to answer the question.

611
612 Mr. Sweeney suggested that there might be a consensus and asked the members if they wanted to
613 accept June 30, 2008 in Section 3A, and Ms. Wrenner agreed. Mr. Safford stated that there was no
614 question, from a management standpoint, that it would be easier to implement. Mr. Sweeney still
615 did not know what the advantages would be. Ms. Wrenner stated she heard the advantages would
616 be money and avoiding an administrative nightmare. Mr. Safford stated that one of the big
617 advantages would be to have in place one set of ground rules and with one set of personnel
618 regulations tied to the Association agreement as it would be difficult to try to reorganize employees
619 under the same job classification when merging. Mr. Mertens confirmed the idea that if members
620 agreed to the June 30, 2008 date that Mr. Safford was proposing, the employees could still choose
621 to have another association, and he asked why they would not be compelled to join the union. Mr.
622 Scheidel stated that it depended on what the job descriptions were and that he did not know all the
623 differences between the departments in the Village versus the departments in the Town. He
624 assumed the job descriptions were similar and that the work was similar. Mr. Safford thought jobs
625 were defined on a department or a classification basis and he was not aware of an example where
626 employees with the same classification were represented by different unions, and Mr. Scheidel
627 agreed and said that was not possible. Mr. Safford stated that ideally, an organizational chart would
628 be developed comparing the classification system, with one set of personnel rules and regulations,
629 which was a large factor in the budget, ready to begin implementation effective day one. He noted
630 that there would be many nuances and pieces to the puzzle to put together during the process of
631 bringing people in to a new organizational structure. He argued that having good relations with
632 employees and a good system of communication were the key to an effective organizational
633 structure, which he felt would be an advantage. He thought that the disadvantage with the 2008 date
634 was that it might prolong the effective date of merger, which the members were compelled to reach
635 in a timely fashion. He recommended referring to an attorney, but stated that was what he saw as
636 disadvantages and advantages, and would be willing to list those for the members. Mr. Mertens
637 asked why it might impact the merger date, and Mr. Safford responded that by knowing a date
638 when it would be come effective, it would allow them to work backwards from that date and get
639 everything in line so that on the first day of the new community, everything was known.

640
641 Mr. Sweeney believed that Ms. Wrenner had not expressed an opinion, and Ms. Wrenner stated that
642 she wanted to make a motion that the members should set the proposed date as the effective date of
643 the Charter because it sounded like an administrative hassle as well as a huge expense to choose
644 any other date. Mr. Sweeney clarified that the motion would be to make the date, and Ms. Wrenner
645 responded July 1, but Mr. Sweeney felt it should be June 30, 2008, the end of the transition period.

646 Mr. Safford noted that if they wanted to go that route, they could add in that section, “This Charter
647 shall take effect July 1, 2008 at 12:00 a.m. subject to prior approval of the Vermont General
648 Assembly”. Mr. Mertens asked Mr. Safford why it could not be March 30, 2008, and Mr. Nye
649 responded that you can't run a budget, and Mr. Safford stated that it was the start of the fiscal year.
650 Mr. Sweeney suggested adding June 30, 2008 on to the first sentence of Sec. 3A “and end on June
651 30, 2008. He stated that he would like to leave the start date flexible and if the Charter was
652 approved, the Transition could start earlier, but noted that the end date seemed to be the concern.
653 Ms. Myers clarified, “end on June 30, 2008, and Mr. Sweeney agreed that this was his suggestion
654 for Ms. Wrenner's motion. Ms. Wrenner wondered if there were other places in the Charter that
655 they specified a date or had an opportunity to specify a date. Mr. Odit suggested that it read in the
656 Charter that all the sections of the Charter, not plan of merger, were effective July 1, 2008. He
657 stated that the Transition section would become effective upon passage by the legislature and
658 voters, so at the end of that Section or the Charter he could write that it became effective on July 1,
659 2008. Mr. Lajza asked whether it could be placed at the preamble paragraph. Mr. Odit did not think
660 it was needed. Mr. Safford felt it would suffice to put a comma at the period and add “2008”,
661 which would take care of the effective date, and Mr. Sweeney agreed. Mr. Lajza asked for where in
662 the Charter they referred to and members responded page 13 A. Mr. Safford reiterated that instead
663 of the period at “by the legislature, and an end date of the following June 30”, it would be “an end
664 date on June 30, 2008.”
665 Ms. Wrenner asked if she could make that her motion and that a comma be added after “30” and
666 add “2008”. Mr. Sweeney said they had a motion and asked if there was a second to the motion.
667 Ms. Myers said she would second the motion for the discussion.

668

669 **IRENE WRENNER MOVED AND LINDA MYERS SECONDED A MOTION TO**
670 **REPLACE “ON THE FOLLOWING JUNE 30.” WITH “JUNE 30, 2008.” IN SEC. 3A.**

671

672 Ms. Myers noted that the language should not read “on the following June”, but “end June 30,
673 2008, and members agreed. Mr. Mertens asked if that would put the entire process back one year,
674 and Mr. Safford said it should not change things. Mr. Sweeney believed there was the chance the
675 Transition could occur a year earlier, which would negate Mr. Merten's concern, and Mr. Safford
676 agreed. Mr. Sweeney concluded that the Transition period could start in 2007 if “all the dimes lined
677 up on edge” and everything became approved. Mr. Safford said they would still have the Village
678 and Town Meetings this spring and possible approval. He commented that he would have to map it
679 out on paper. Mr. Nye told Mr. Safford he was absolutely correct in that they would not get
680 approved by the legislature until March of 2007, which would start the process of Transition on
681 July 1, 2007 and end on June 30, 2008. Members concurred that it would be the probable case
682 scenario as a budget would have to be voted on. Mr. Overton stated that some of the bills they
683 needed to get to the legislature at a certain time, and Ms. Myers agreed. Mr. Overton stated
684 however, that the Town Charter could go to the legislature at anytime, and Ms. Myers agreed but
685 noted that it had not been decided when they would vote on the Charter, and Mr. Overton agreed.
686 Ms. Myers reminded the members that at one point in time, they discussed next November for a
687 vote which would not put the Charter to get approved until the 2007 session. Mr. Safford stated that
688 the managers needed to know what would happen the fall proceeding so that they could put
689 together a budget for voter approval. He did not think it would be helpful for the legislature to
690 approve the Charter in January or March because they were working on their budgets now. Mr.
691 Sweeney stated that it would be a year from now that a budget would be in process, and one

692 member said assuming the legislature approved the Charter, and members agreed.

693

694 Mr. Odit suggested that he could write the date so that the Charter became effective July 1, 2008,
695 but he stated that there would not be a limitation on when the Transition Committee could start
696 working. Mr. Sweeney felt they had that wording in the Charter at the moment. Mr. Odit noted that
697 if somehow the Charter were voted on in April and was approved by the legislature by the end of
698 the 2006 session, the Transition would become effective July 1, 2006. Mr. Overton commented that
699 he felt the 1999 Charter was effective because it did not tie anything to dates but rather worked
700 sequentially from when the Charter got passed.

701

702 Mr. Sweeney stated that what he thought the two managers were saying was that they did not want
703 the start of the Transition period before July 1, 2007 because of the labor contracts. Mr. Overton
704 addressed Ms. Wrenner's motion as stating that he was not uncomfortable with it if they were going
705 to get a list of pros and cons. He stated that he would like to reserve the right to change the Charter
706 back to the original language if necessary because he was not positive at the moment that 2008 was
707 the date to use. He had heard a lot of things to make him think so, but preferred to see it in writing
708 so he understood and could explain it clearly. Members understood. Mr. Sweeney mentioned that
709 he did not want to put it on paper and share it with the public, and Mr. Nye stated that it could be in
710 Executive Session, and Mr. Scheidel reiterated that they could have the discussion in Executive
711 Session. In response to Mr. Overton's concerns, Mr. Scheidel stated that if the Charter were to go
712 through at the fastest possible time, it would be voted on in the community in April, then it would
713 go to Montpelier for approval by the end of May with the Transition period starting as early as July
714 1, 2006. He mentioned that this timing would coincide with union negotiations and he did not know
715 if by July 1, 2006 he would have two unions to negotiate. Therefore while the Managers were still
716 in negotiation with the unions, the Towns still had to pay for a classification analysis that Mr.
717 Safford mentioned, which he stated had to be done. In addition, there were Town and Village
718 planning and zoning issues, which was fairly time consuming and driven by law with set dates, not
719 even to mention the issues related to the school versus the Town and Recreation. Mr. Scheidel
720 believed that having a date no later than June 30, 2008 for the end of Transition, would cover all
721 possible contingencies. He understood that the Transition could be done earlier but felt that by
722 using the 2008 effective date, helped provide a specific deadline. Mr. Sweeney disagreed. Mr.
723 Scheidel argued that he would not like to be held responsible to the new Town Council for
724 unfinished work at the end of the Transition period. Mr. Overton noted that there would be a new
725 Town Council before that July. Mr. Scheidel said that even though the Charter had a lot of
726 safeguards, if, using Mr. Sweeney's expression, "all the dimes did not line up" in Montpelier due to
727 perhaps some element in the Charter that may be unhealthy in other communities, then there was
728 more to worry about.

729

730 Mr. Safford confirmed that the Town Council would just be in place prior to the effective date of
731 merger for purposes of putting together a budget for consideration by the voters, and members
732 disagreed. Ms. Myers stated that the Town Council would be elected in March. Mr. Safford
733 suggested the budget come from the Trustees and the Selectboard prior to the end of their municipal
734 cooperation, and members disagreed. Mr. Nye stated that the Transition Committee would be
735 meeting at the end of April and would be working on all of the ordinances through to July 1. Mr.
736 Safford confirmed that Mr. Nye felt that the Transition Committee would have the authority to
737 adopt ordinances. Mr. Nye responded, yes in preparation for the new community on July 1. Mr.

738 Overton referred them to Sec. 3B that explained it clearly and stated that they had to have the
739 Council in place, too. Mr. Safford asked whether the governing Board would have a budget to work
740 with. He stated that the budget would not go into effect until July 1 following the March meeting
741 and suggested that they would not have any money to spend. He asked the members whether they
742 were contemplating that the Transition Committee would have the ability to adopt ordinances
743 effective the date of merger or earlier. Mr. Scheidel noted that the governing Board would have to
744 in order to meet the consideration for some of the contracts. Mr. Safford said that essentially, the
745 Transition Committee was putting together a budget, but asked members whether they had the
746 Town Council operating legally before the effective date of merger? Mr. Overton said no, that was
747 not possible so the Selectboard and Trustees had to carry forward effectively like a Transition
748 Board and members agreed that the Selectboard and Trustees were the Transition Board, until July
749 1 following approval. Mr. Nye asked if they needed any legal interpretation because if they had
750 people who were elected in March, their effective date of office became April 1. Mr. Sweeney said
751 not necessarily, and Mr. Nye stated that they needed to write that into the Charter. He noted that
752 the Transition Board would not have anything to govern until the July 1, but would have many
753 details to work on between April 1 and July 1. Mr. Overton, in reference to Sec. 3B read, "The first
754 Annual Town Meeting shall occur in the March preceding the July 1", which he agreed with but
755 questioned who would operate the Town from the Annual Meeting until July 1. Mr. Nye stated that
756 the Transition Committee would be operating in preparation of July 1, and that the Trustees and
757 Selectboard would be closing out that previous year, and Mr. Overton agreed. Mr. Lajza added that
758 the budget would be jointly put together by the Transition Committee, which was already the
759 Trustees and Selectboard. Mr. Overton added that the Transition Committee would be in charge of
760 putting the Charter out to vote for the March meeting, which were the Selectboard and Trustees
761 anyways, and members agreed. Mr. Overton felt this was appropriate, and Mr. Sweeney did not see
762 a problem. Mr. Safford asked whether the new Council would start adopting ordinances or whether
763 they would wait until the effective date occurred. He suggested that the Transition Committee could
764 begin the preparation for the Consent Agenda for July 1, and members agreed. Mr. Overton said he
765 was almost convinced of the 2008 argument. Mr. Sweeney stated that there was a motion on the
766 table and asked if there was any more discussion on the motion, which defined the Transition
767 period end date as June 30, 2008. Mr. Overton clarified that it defined the end of the Transition
768 period, and members agreed. Mr. Sweeney asked whether there was any more discussion and asked
769 if they were ready to vote. Mr. Lajza noted that this way, it ended no later, and Mr. Sweeney said
770 they had a motion on the table that did not have "no later" in it and he was going to call for the
771 vote.

772

773 **THE MOTION PASSED 9-0.**

774

775 Mr. Sweeney in reference to Sec. 3B asked for comments from members. Mr. Overton did not think
776 they had to change B. Mr. Lajza suggested they consider defining that, in fact, the Transition
777 Committee was responsible for bringing forth the budget. Mr. Overton felt they could change the
778 language to Transition Committee and say, "The first annual Town meeting shall occur in the
779 March preceding the July 1 effective date of the charter. Time and holding of the meeting shall be
780 pursuant to section 303 of the Town Charter. The first annual Town meeting shall be jointly warned
781 by the Village Trustees and Town Selectboard." Mr. Sweeney noted that this issue was in section
782 D and that he should turn to the next page which was page 14, and Mr. Overton and Ms. Myers
783 agreed. Mr. Sweeney suggested they leave D as it was, and Mr. Overton agreed.

784

785 Mr. Sweeney explained that Sec. 3C discussed how the first council would be formed, and he
786 recommended that, due to the time of the evening, the members defer that topic for their next
787 meeting as he did not think it would be a short discussion. Mr. Overton felt this section was in
788 regards to the district issue, and members agreed, which was why they wanted to defer it. Members
789 concurred that Mr. Sweeney was speaking of section C. Ms. Myers wanted to know if they should
790 finish D, and Mr. Sweeney thought they had already finished D, but did not see a problem with
791 revisiting it, and Ms. Myers thought they should do that. Mr. Sweeney summarized that the Task
792 Force had changed D several meetings ago from the 1999 Charter provision which stated that there
793 would be three members each on the Transition Committee to five Selectboard members and five
794 Trustees on the Transition Committee, and members agreed. Mr. Sweeney asked if there was any
795 discussion on D. Mr. Overton stated that they needed to address the language in the second
796 paragraph, and he read, “ The Transition Committee will also, with the assistance of the village and
797 town managers and their staff, propose and warn in the manner pursuant to this charter, the first
798 annual budget of the consolidated Town for consideration” and thought it would be better to say
799 “the first annual budget of the Town of Essex Junction”. Mr. Safford noticed that the language
800 suggested that the “staff” proposed and not the Transition Committee, but Mr. Overton pointed out
801 it stated “with the assistance of the staff”, and members agreed. Ms. Myers stated that it would still
802 be a Town, and Mr. Overton agreed and stated that the last sentence needed to be changed and read,
803 “The budget shall be presented by the appointed members of the Town Council”. Ms. Myers said
804 the reason was because the Task Force had not addressed the paragraph above in section C yet. Mr.
805 Nye felt that the budget needed to be presented by the Transition Committee, and members agreed.
806 Mr. Blanchard got the feeling that they were pushing a lot to the Transition Committee. Mr.
807 Overton responded to Mr. Blanchard's comment that it may have been true if the transition
808 Committee was different than the Trustees and Selectboard, but reminded him that the Transition
809 Committee was the Trustees and the Selectboard.

810

811 Mr. Safford mentioned that the Town Council would not even be known at that first annual
812 meeting, and members agreed. Mr. Nye stated that if they created a system that was similar to
813 something in section C, then they would know who was the appointed possible members of the
814 Town Council, but he thought it would be much better if it was presented by both representatives of
815 the Village and representatives of outside the Village to get consensus and understanding, etc. Ms.
816 Myers stated that the representatives of the Town outside the Village and the representatives from
817 the Village would be the ones who would be actually preparing the budget and should present it to
818 the electorate, and members agreed. Mr. Safford asked if they were in agreement and members said
819 yes. Mr. Lajza asked whether Mr. Blanchard was in agreement, and Mr. Blanchard stated that he
820 made the same comment that the Town Council would not be there yet. Ms. Myers confirmed that
821 the elected Town Council would not be there yet. Mr. Overton agreed, but noted that the budget
822 was being put forward in March and asked who was going to do that? Members answered, the
823 Transition Committee. Mr. Lajza said, because it started in November, but Mr. Scheidel responded
824 that it was after the budget that the New Council got elected, and Ms. Myers and Mr. Lajza agreed.
825 Mr. Scheidel stated that the budget got approved first then the representatives were elected, and
826 members agreed. Mr. Sweeney summarized that initially the members agreed that the new Town
827 Council would present the budget but then they understood that would not make sense because the
828 Town Council would not be in place yet. Therefore, the members changed it to the Transition
829 Committee, which was essentially the Trustees and Selectman which seemed to make sense. Mr.

830 Blanchard pointed out that it was the present Selectman and Trustees, and Ms. Myers added, which
831 was the Transition committee, and Mr. Blanchard now understood. Mr. Overton mentioned that the
832 Task Force had not revisited section 3C yet, and members agreed they would wait until next
833 meeting.

834

835 **Discussion of Future Agenda Items**

836

837 Mr. Scheidel wanted to remind the members that the next meeting, which was scheduled for the
838 Village was being canceled and then the following meeting was after Thanksgiving, which would
839 be held at the Essex Town Office. Mr. Sweeney asked whether that was correct, as he had assumed
840 the next meeting would be at the Village Offices, and members agreed. Mr. Sweeney concluded
841 that the next meeting would be two weeks from that night at the Village Office.

842

843 Mr. Sweeney mentioned that Mr. Scheidel had also offered to collect information on members'
844 availability in the next weeks, and Mr. Scheidel informed them that he had only heard from two
845 members. Mr. Sweeney asked members if they could provide Mr. Scheidel with availability
846 through the year-end for Wednesday nights, so they would know when the next meeting would be
847 that they would all be in attendance. Mr. Overton asked, through when? Mr. Sweeney answered,
848 through the year-end, and Mr. Overton stated he was present during that time. Ms. Myers and Ms.
849 Billado stated they would be in attendance as well. Mr. Lajza thought he would be present at all the
850 meetings after the 5th of December, but not before.

851

852 Mr. Sweeney stated that in regards to proxy voting, they received a memo from Mr. Odit, following
853 up from the discussion from last week and asked if there was any discussion in regards to that
854 memo. Ms. Myers felt it was clear. Mr. Sweeney asked Mr. Odit to give a summary of the memo
855 for members. Mr. Odit explained that it was a follow-up about the binding nature and he did hear
856 back from the Secretary of State and two different lawyers who had the same opinion.

857

858 Mr. Sweeney assumed that they would continue with their discussion in the Town on December 5th
859 and in the Village they would continue their discussion on the 30th. Ms. Myers corrected Mr.
860 Sweeney that he said the 5th instead of the 30th. Mr. Sweeney asked whether it was possible
861 everyone would be present on November 30th and members noted that Mr. Lajza was not going to
862 be present, and Mr. Sweeney understood that Mr. Lajza would return on December 5th. Mr. Lajza
863 confirmed that he would be present for the meeting on December 7th. Mr. Scheidel mentioned that
864 he had not heard from Mr. Boucher yet. Mr. Sweeney stated that at the next meeting, they would
865 continue with the Charter discussion and asked if there was any other discussion on Future Agenda
866 Items.

867

868 Mr. Mertens stated that he had a couple of topics to discuss. First, he wanted to inform the members
869 that the Boy Scouts of America would visit the Task Force meeting on November 30th. There
870 would be 18 scouts from Troupe 624 who were doing citizenship in the USA and would be in
871 attendance at their next meeting. Mr. Mertens then asked about the progress of the Recreation
872 Departments. Mr. Overton had asked the Departments and found out that they were still discussing
873 it with vigor, but he did not think they would hear anything from them soon. Mr. Sweeney
874 mentioned that the Task Force had asked them to return. Mr. Overton informed the members that
875 the Recreation Departments might not be done with their discussion. He had understood that they

876 were discussing a third new option, which was a separate recreation district. Mr. Mertens clarified
877 that at this point, the Task Force did not know when the Recreation Departments were going to
878 return and Mr. Overton responded that so far the Recreation Departments did not have any
879 information for them at this point in time, and Mr. Mertens understood.

880

881 Mr. Mertens having read last week's minutes felt the discussion was very positive and although he
882 was very comfortable with it, he had two concerns about comments from the public in regards to
883 the value of the merger. The first concern was that the Task Force did not have, at this point, a crisp
884 coherent answer to the public on that question and he believed that the Task Force should be in the
885 position of developing a living document to begin answering the question of what the benefits and
886 disadvantages were of a merger. He suggested they could leave that to the very end of the process
887 or they could be developing answers parallel to the process. Clearly, they had a lot of work do still
888 do. The second concern was with the mechanical details that they were doing and that he felt the
889 creative ideas were not flowing when they were focused on paragraphs, etc. When someone from
890 the public asked what the positives and negatives of the merger were, he would like to be in the
891 position to have a bullet document to refer to that showed the progress up-to-date and what still
892 needed to be addressed. He recommended that the Task Force begin to develop a bullet list of pros
893 and cons, some having already been developed and some needing to be developed.

894

895 Mr. Mertens recommended that the Task Force take time to think about his comments and
896 wondered if they would consider a document that showed why the Task Force recommended a
897 merger, in addition to presenting a Charter document. He concluded that he felt uncomfortable
898 when they could not answer that question for the public and would like to work towards getting that
899 answer, in addition to their work on the Charter and Plan of Merger. Mr. Overton asked whether
900 Mr. Mertens would call the document a pro/con position paper about the business of the merger,
901 and Mr. Mertens agreed. Mr. Overton asked Mr. Mertens how he wanted to approach it. Mr.
902 Overton suggested that one way was for members of the committee to submit pros and cons.
903 Another way was to do work on the list a little bit at each meeting, but not more than 20 minutes
904 because they needed to finish the details of the Charter. He felt that if they were going to pursue
905 this document, they should put it on the Agenda for each meeting and start building a list for the
906 public. He suggested that at first, they should just put out only bullet statements of why they think
907 the merger was a good idea instead of having a discussion. Then, at the end, they could have a
908 meeting to discuss the pros and cons, and Mr. Mertens agreed as it was more difficult to wait until
909 the end of the process to assemble a list than to do it along the way, which would prompt everyone
910 to think about it. In reference to the discussion about the union contracts, Mr. Mertens suggested
911 that this was a pro/con example with merging the unions.

912

913 Mr. Nye did not think that salesmanship of this procedure was the responsibility of the Task Force.
914 He believed that once the Task Force had completed their mandate, the Charter would go to the
915 Trustees and to the Selectboard who would be the ones to convince their electorates to vote in favor
916 or not. Mr. Nye strongly felt that as a member of the Task Force, he was currently supporting some
917 decisions in support of moving this process forward, but he did not know what he would favor in
918 the future. He felt they would address the two questions from the public in regards to the name of
919 the community and the cost to the Town taxpayer in Essex, but believed that it was not the Task
920 Force's job, as members from the Village and Town, to sell those decisions to the electorate, but
921 that of the Selectboard and Trustees. He stated that the Task Force was charged with a task to

922 develop a product that went to the two elected bodies for approval who would then take it to the
923 voters for approval, which was not a responsibility, in his opinion, of the Task Force. Mr. Sweeney
924 asked if anyone else who had not spoken would like to address this issue. Ms. Myers agreed with
925 Mr. Nye and did not think it was wrong to let the public know that the Task Force did not have an
926 answer yet to their questions. She felt the people of the Town and the Village had ample
927 opportunity to listen to the progress of the Task Force via the television and attending meetings to
928 understand that they had not reached any conclusions for recommendation yet. The Task Force was
929 a group of people who were hashing out a new form of government for the two communities and
930 she did not think it was appropriate to provide information that was incomplete nor provide them
931 information every step of the way. She believed that the Task Force needed to continue with their
932 charge and not be sidetracked and then as Mr. Nye said, the Charter would go to the two legislative
933 bodies in the community who would then be charged with explaining to the voters what they are in
934 favor of and why they thought the voters should vote for it. Ms. Myers stated that the Task Force
935 was a working Committee, an advisory Committee, an Ad-hoc Committee, and was not responsible
936 to the citizens of the community, but rather were responsible to the two legislative bodies. It was
937 the responsibility of the two legislative bodies to make the necessary decisions and discuss it with
938 their communities.

939

940 Mr. Sweeney asked if anyone else wanted to speak. Mr. Blanchard stated that he agreed that the
941 Task Force was not charged to sell the merger, but he had no adverse feelings to letting the public
942 know a little bit about their progress and a few things they might be proud of. He mentioned that he
943 too, had been asked about the cost of the merger to which he responded, "if I had that answer, I
944 would not have to go to any more meetings". Mr. Blanchard commented that the Task Force had
945 not reached that part of the process yet and he felt they had a long way to go. Ms. Billado thought
946 that Mr. Blanchard was talking about something different than what Mr. Mertens meant. Ms.
947 Billado stated that, with all due respect to her fellow member Ms. Myers, she believed that her first
948 duty was to the public. She understood that the Task Force was charged with preparing a package
949 to the Trustees and Selectboard, but she believed that she was there working for the public. She
950 thought Mr. Mertens was suggesting that they address the public question in regards to the value of
951 the merger. She suggested that some of the values would be single community, single government,
952 maybe better representation in Montpelier, and she thought those particular points were what Mr.
953 Mertens was referring to, as opposed to the name of the community or the details of the Charter.
954 She did not think that Mr. Mertens was suggesting that they sell the work that they had done yet,
955 but that he was suggesting that they put together a cheat sheet of why this may or may not be a
956 good idea for the community at large, and Mr. Mertens agreed.

957

958 Ms. Wrenner's opinion of Mr. Merten's suggestion was "keeping your eyes on the big picture as
959 well as the small picture" because she felt the Task Force had been working on a lot of the details.
960 She did not want to lose sight of what the "big picture" was because that was all the public was
961 seeing and she felt the members should also look to see it that way. Mr. Lajza felt it was appropriate
962 for the Task Force to identify pros and cons as they came across them, and agreed with Mr. Nye
963 and Ms. Myers in that it probably not the Task Force's job to sell it to the community, but that
964 hopefully it was the job of the Task Force to design a plan that was acceptable to everybody, which
965 he believed was the goal. He stated that as they moved along in the process and found pros and
966 cons, the members could provide an answer if asked or share negatives and positives along the way,
967 but he agreed that it should not be used to sell the merger and instead be used to inform the public

968 including the Boards, who ultimately would have to address the pros and cons. Mr. Sweeney
969 believed that a pros and cons list might be something they should develop. His worry was that it
970 would become something that would keep them from their objective of getting through the
971 important questions that the public has asked him, such as, what is the budget, what is the impact on
972 the tax rate, how many districts and where are they going to have a municipal building? He would
973 not like the creation of a list of pros and cons to cause a delay and his problem was that he saw that
974 this could delay them from getting to the answers. He saw nothing wrong with doing this as part of
975 their final report once they had decided most of the issues and had a clear picture as to what they
976 were recommending, but he had a problem with starting it now as he thought it would delay them
977 from the other work they had to do. Mr. Sweeney would like to address the budget issue since he
978 was getting many questions from the public about it and would not like that topic to be impacted
979 by this discussion each week for 20 minutes, and Mr. Lajza agreed. Mr. Mertens understood and
980 did not disagree with Mr. Nye and Ms. Myers on the salesmanship opinion. He stated that it was
981 not his intention to just provide pros and cons but as they stumbled on facts that were relevant, he
982 felt it was important to make a list. Mr. Mertens argued that clearly, the community did not have the
983 same level of interest with the Charter as the Task Force. Instead, the public had a level of interest
984 that was related to the budget. He argued that when the Task Force reached a final decision, for
985 example with the number of council members, they should put the reasons for that decision as a pro
986 or a con and give an explanation and confirmation of the decision so that the public did not just see
987 that it was only a recommendation with no further thought to why it was a good decision for the
988 communities. Mr. Mertens believed that some of the Task Force's duty was to "spoon feed" some of
989 the information to those who had not been following on the television, etc. and he knew that some
990 members disagreed with providing that information, which he possibly agreed with. Mr. Mertens
991 stated that he absolutely believed that a pro/con list should not delay their progress, but that a list
992 should be developed on a parallel track, by assembling thoughts. He felt that crafting some sort of
993 bullet list at the end would be valuable. Ms. Myers had no objection to providing a list of pros and
994 cons at the end, but had a problem with developing a list each week. She understood that the public
995 was asking questions about the budget, the districts, the Town offices, etc. but stated that those
996 issues could not be answered now anyways. Therefore, when the Task Force was finished or when
997 they were close to finishing, then they could develop a list. At this point, she felt members could
998 respond to questions from the public by thanking them for their input and stating that they had not
999 reached the decision yet, which was the truth.

1000

1001 With respect to Ms. Myers experience in public service, Mr. Mertens felt it was necessary to keep
1002 the public informed throughout the process. Ms. Myers stated that the Selectboard heard from the
1003 public, but did not get into a dialog with them or answer questions. The Public To Be Heard was for
1004 the Selectboard to hear what the Public had to say, digest it, and then think about it another time.
1005 She thought it was counterproductive once a response was given at the wrong time. Ms. Myers was
1006 not sure how the Trustees handled it, but she noted that the Selectboard was very clear that Public
1007 To Be Heard was the first item at their meetings when the members responded with a thank you and
1008 moved on and she believed that was the best format to follow. Mr. Overton did not disagree with
1009 anything that anybody commented about and did not think there was any disagreement other than a
1010 small disagreement about the timing for the pro/con list. Mr. Overton heard Mr. Mertens and he
1011 decided that he was going to prepare on his own a list of reasons why he thought this merger made
1012 sense. He commented that as he said at the very first meeting he hoped that when they presented the
1013 Charter to the Selectboard and Trustees the members would do it with some enthusiasm and

1014 suggested that perhaps that would include a short statement of some of the ideas of why they
1015 supported this merger. Mr. Overton felt it would be fine to wait until the end to compile a list of
1016 pros and cons, but he thought there would be five or ten points that deserved a bullet as to why the
1017 Task Force decided on certain issues and why it was a positive result. One of the positive results he
1018 thought that had happened was that there were people from two different communities working
1019 together and making major strides towards compromise and making a lot of progress in creating a
1020 merged Charter and he felt the members should be complemented for that even if it was just
1021 amongst themselves. He did not think anyone was in disagreement with his comment. Mr. Nye
1022 argued that the process of creating a list of pros and cons would probably be more contentious than
1023 the process they were going through to create the new Charter and the Plan of Merger. For
1024 example, he voted for the Town of Essex Junction, but if asked why, he would probably not be able
1025 to provide a joint, supportive reasoning for that decision, because he was not sure it was his final
1026 decision. He felt there would be other issues that would be similar, and he did not think it was the
1027 right time for the Committee to develop a pros/cons list at the moment. Mr. Mertens understood the
1028 difficulty with the example given by Mr. Nye, but noted that there were other topics such as in
1029 making a date specific in Sec. 3A, where they could offer why that decision made sense because
1030 people reading that would not understand why they made that decision. He suggested putting a
1031 bullet down for why they picked 2008 as part of the discussion process. Mr. Overton presumed that
1032 the Chair would go to the Selectman and Trustees to make the final presentation. Mr. Sweeney
1033 noted that if the issues were all as easy as the 2008 issue, then they would not be concerned. Mr.
1034 Sweeney asked Mr. Mertens if there was any action he wanted the members to take tonight, and
1035 Mr. Mertens answered to just think about it and he would bring the issue up again at another
1036 meeting. Mr. Sweeney asked if there was any further discussion and then asked for public input.

1037

1038 **Public Input-General Comments**

1039

1040 Mr. Lemieux asked if the Task Force was not going to take any feedback from the public, then why
1041 didn't the Task Force just have private meetings and then report to the public afterwards? Mr.
1042 Sweeney felt that in fairness, he did not think that was suggested, and members agreed.

1043

1044 Mr. Marcotte, in reference to last week and this week's meetings, believed that in the voting
1045 process, there only needed to be a consensus, not specifically 9-0 or 9-1 and that in regards to the
1046 names, he just thought it should be just a consensus. Mr. Marcotte suggested that one way to really
1047 save some money would be to not deal with unions and felt that the unions were making a lot of
1048 problems around the country with schools, etc. and wanted the Task Force to consider that as it was
1049 becoming a big problem in this country with school and other unions.

1050

1051 **ALAN NYE MOVED AND RENE BLANCHARD SECONDED A MOTION TO ADJOURN.**

1052

1053 **THE MOTION PASSED 9-0.**

1054

1055 **Respectfully submitted,**

1056 **Saramichelle Stultz**

1057

1058 *Saramichelle Stultz*

1059 Recording Secretary

MERGER TASK FORCE

November 16, 2005

1060

1061 (THESE MINUTES ARE SUBJECT TO CHANGE AT THE NEXT MERGER TASK FORCE

1062 MEETING)

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APPROVED

**MERGER TASK FORCE
ESSEX/ESSEX JUNCTION
MEETING MINUTES
NOVEMBER 30, 2005**

MEMBERS PRESENT: Hans Mertens, Chairperson, Hugh Sweeney, Linda Myers, Deb Billado, Alan Nye, Irene Wrenner, Al Overton, George Boucher.

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

OTHERS PRESENT: Chuck Lloyd, Vince Benevento, Chris Halpin, Bob Marcotte, Bernie Lemieux, Scoutmaster Jackson and Boy Scouts of America Troop 624.

Mr. Mertens called the meeting to order at 7:05 p.m.

BUSINESS AGENDA

Public Input on Agenda Items

Mr. Halpin, in regards to the district issue, raised a concern for having one district for the community as he felt it would be the most expensive municipality in which to campaign in Vermont and wanted the Task Force to consider this argument. He stated that the new community would be the largest town in the state with a sole district.

Mr. Mertens thanked Mr. Halpin and with no other public input, extended a special welcome to Scoutmaster Jackman and Troop 624 who were there to learn about citizenship in the USA. He thanked the Scoutmasters for their work and the guidance that they provided for the young men in the Boy Scouts. He explained that a few weeks ago, the Task Force held a public meeting where citizens could provide the Task Force with their impressions and opinions about whether or not they were in favor of the merger and the reasons why. He asked the Scoutmaster to take a straw poll of the Boy Scouts to get their feedback for the Task Force.

Mr. Jackson stated that the Troop had a unique situation in that there were four members from Colchester, two members from the Town of Essex and ten scout members from the Village of Essex Junction. He asked the scout members who lived in the Village and the Town whether they were in favor of the merger. The results were two in favor and five or six opposed. Mr. Mertens asked the scout members if anyone would like to share the particular reason for their vote that night. There was no input at that time. Scoutmaster Jackson replied that he would discuss it with the scouts after the meeting, and Mr. Mertens agreed. Mr. Mertens thanked the Scouts for coming to the Merger meeting that night, and he thanked the Scoutmasters for their public service.

Approve Minutes of November 16, 2005

In the interest of time, Ms. Myers suggested reviewing each page for corrections rather than each member giving input at a single time, so that they did not have to flip pages back and forth, and

48 members agreed.

49

50 **LINDA MYERS MOVED AND DEB BILLADO SECONDED A MOTION TO APPROVE**
 51 **THE MINUTES OF NOVEMBER 16, 2005 WITH THE FOLLOWING CORRECTIONS:**

52

53 Line 57: Strike “Transitional Section of the”. Line 57: After Strike “his” and add “Mr. Overton's”.
 54 Line 63: Replace “streamline” with “streamlined”. Line 76: Strike “what”. Line 86: Replace “
 55 supported Civil Authorities” with “supported the Board of Civil Authority”. Line 92: Strike “a”,
 56 Replace “district” with “districts”. Line 117: Strike “they”. Line 132: Replace “Justice of the
 57 Peaces” with “Justices of the Peace”. Line 144: Replace “Authoritie” with “Authority”. Line 146:
 58 Replace “who” with “which”. Line 147: Replace “who” with “which”. Line 156 and throughout:
 59 Replace “209 6” with “209 (6)”. Line 176: Replace “members” with “people”. After “Essex” add
 60 “running for a legislative seat” Replace “and that there were another 10 candidates that were just on
 61 the ballot.” with “and that there were many more candidates who were also on the ballot,
 62 nominated by the respective caucuses.” Line 189: Strike “Committee of the”. Line 215: Replace
 63 “each” with “both”. Line 240: Replace “by” with “of”. Line 272: Replace “two” with “too”. Line
 64 293: Strike “be”. Line 317: After “physical” add “plant”. Line 360: Replace “shear” with “sheer”.
 65 Line 467: After “therefore” delete a space. Line: 547: replace “worse” with “worst”. Line 571:
 66 Replace “ASME” with “AFSCME”. Line 578: Replace “fair” with “fare”. Line 590: Replace
 67 “open” with “opening”. Line: 638: After “had” add “not”. Line 694: Replace “then” with “the”.
 68 Line 700: Replace “2008” with “2007”. Line 800: Replace “address” with “addressed”. Line 871:
 69 After “done” add “with”. Line 921: Replace “if” with “it”. Line 996: Replace “Mr. Mertens felt he
 70 was cheating the public by not giving them more information, but understood that Ms. Myers had
 71 more experience in this area.” with “With respect to Ms. Myers experience in public service, Mr.
 72 Mertens felt it was necessary to keep the public informed throughout the process.” Line 1013: After
 73 “there” add “were”.

74

75 **THE MOTION PASSED 7-0 (George Boucher abstained)**

76

77 **Charter Review-using updated 1999 charter as base-Continue charter review at Section 3**
 78 **“Transitional Provisions”**

79

80 Mr. Mertens wanted to address an item before moving the discussion to the Charter Review. He
 81 stated that it was brought to the Chairs' attention that money was being spent to provide tapes for
 82 the Channel 17 recording of the Task Force meetings for both the Town and Village libraries. He
 83 felt there were several options the Task Force should explore, because only one person has checked
 84 out the tapes thus far. He asked Mr. Safford to please explain the different options to explore. Mr.
 85 Safford explained that the municipalities had spent a total of \$800.00 on the purchase of recorded
 86 meeting tapes thus far and only one person, who was a member of the Task Force, had checked
 87 them out at the Brownell Library. Therefore, he suggested a few options. One option would be to
 88 continue as they were currently doing, which was purchasing two tapes per municipality located in
 89 each library. Another option would be to buy just one tape for both the entire municipality to share.
 90 The third option available was to keep the tapes on file permanently at Channel 17 and order them
 91 on a per case needed basis. Ms. Myers confirmed with Mr. Safford that each tape cost \$23.00 and
 92 asked how many the Task Force was purchasing. Mr. Safford stated that the Town was buying one
 93 for the Essex Free Library and the Village was buying one for the Brownell Library.

94 **ALAN NYE MOVED AND IRENE WRENNER SECONDED A MOTION THAT THE**
95 **TASK FORCE PURCHASE THE TAPES WHEN SOMEONE MADE A REQUEST AT THE**
96 **LIBRARY. THE MOTION PASSED 8-0.**
97

98 Mr. Mertens moved the discussion to Transitional Provisions Section 3 and felt that paragraph A
99 had been addressed and asked the Task Force if they should address paragraph (b). There was no
100 objection, so they began the discussion on page 13 of the Charter, paragraph (b). Mr. Sweeney
101 thought they had already discussed this paragraph. Ms. Myers did not remember discussion on the
102 election of a moderator. In regards to the election of a moderator, Ms. Myers asked whether she
103 should assume that the election of a moderator was just for the First Annual Town Meeting and that
104 on the ballot the next day, there would be candidates for moderators to be elected for the next year.
105 Mr. Overton asked how they elected the moderators at the present time and whether they were
106 elected at each meeting, and Ms. Myers stated no, moderators were elected for future town
107 meetings. Mr. Nye suggested that the Charter state that a moderator would be elected for the First
108 Annual Town Meeting to conduct the business for that evening and then there would be an
109 Australian ballot the next day to elect a moderator for that year from that date through the next
110 Annual Meeting.

111
112 Mr. Sweeney stated that he assumed in the first year, there would be two Town Meetings as there
113 were today. Mr. Safford stated that there would be a City meeting, and Ms. Myers corrected City as
114 being the Town of Essex Junction, and Mr. Safford agreed. Mr. Sweeney stated he was referring to
115 that year as being the transition year, and Mr. Safford disagreed that during the Transition year, the
116 Town and the Village would still have their respective meetings, and Mr. Sweeney agreed. Mr.
117 Safford repeated that theoretically, the staff would work through the Transition Committee, which
118 would be the Essex Selectboard and the Village Trustees, which would jointly approve and warn a
119 "City" budget, which would be considered at that meeting to be effective July 1, 2008. Mr.
120 Sweeney clarified that there would not be a Town of Essex Town Meeting in March of 2008, and
121 Ms. Myers added that there would also not be a Village meeting in March of 2008. Mr. Sweeney
122 concluded that on the ballot, a moderator could be elected for the following year. Mr. Mertens
123 asked Ms. Myers if she understood, and Ms. Myers explained that she wanted to make sure that the
124 Task Force was clear about the moderator being elected just for that one day during that First
125 Annual Town Meeting.

126
127 Mr. Mertens asked whether the point Ms. Myers raised was in the Charter. Mr. Overton felt they
128 needed to return to Transitional Provisions under A where it read, "The Transition period shall
129 begin not later than July 1, following the approval of the charter by the Legislature, and end on June
130 30, 2008." Mr. Overton felt the problem was at the end of this paragraph where it read, "At the end
131 of the transition period," which he stated would be June of 2008, "the charter will become effective
132 and the Town shall be fully established and organized." Ms. Myers pointed out in (b), First Annual
133 Town Meeting. "The first annual Town meeting shall occur in the March preceding the July 1
134 effective date of the charter." She stated that was when the moderator was elected, at that meeting
135 for just that one meeting, but that the next day, when the Town Council was elected, she argued that
136 there also should be a moderator elected on Australian ballot.

137
138 In reference to the governmental body during the period from March until June, Mr. Safford
139 explained that both Village and the Town as they were today would still be finalizing both

MERGER TASK FORCE

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140 corporations. Mr. Overton asked if there would be the need for additional Village or Town
141 meetings. Mr. Safford replied that both municipalities would still have their legislative bodies and
142 be fully operable until the effective date of merger and could choose during that time to have a
143 meeting if they wanted to finalize business or hold a vote. Mr. Overton commented that there
144 would be the election of seven new Council members at the First Annual Town Meeting, along with
145 the existence of a Board of Trustees and a Board of Selectman, which constituted the Transition
146 Committee, for a total of about 8-18 members at that time who would be running the government
147 until June 30, 2008. One member stated that they would be separate governments. Mr. Overton
148 reiterated that it would be the Transition Committee. Mr. Safford explained that each legislative
149 body would run their respective corporation, but that Mr. Overton raised an interesting point. At the
150 time between April and June, there would be a new legislative body that was approved, which
151 usually would take office that day. However, in this case, the new Council would not take office
152 until the first of July. Ms. Myers suggested that the new Council would begin running the new
153 Town of Essex Junction on April 1, even though the Charter became effective the first of July. Mr.
154 Safford said that the new Council could not take office because they had no budget or power. Mr.
155 Overton referred to paragraph A again where it read, "At the end of the transition period," which he
156 said would be June 30, "the charter will become effective and the Town shall be fully established
157 and organized." He stated that you couldn't have the new Council effective from April through June
158 and raised the question "who ran the government?" Mr. Safford believed that the Selectboard and
159 the Trustees would run their respective municipalities. Mr. Overton clarified that the Selectboard
160 would not need to hold a meeting until June. Mr. Nye said that few issues arose at the Town
161 meeting in March in regards to the current fiscal year and the remainder of that fiscal year. Mr.
162 Overton suggested this was the same for the Village and that when they were elected at the previous
163 meeting, their terms would last until June, which was longer than the typical year. Ms. Myers said
164 theoretically, yes.

165

166 Mr. Nye pointed out that the new Council might meet to develop the plan for the new Town of
167 Essex Junction that would take effect the first of July. Mr. Overton confirmed with members that
168 the Transition Committee, which was the Selectman and the Trustees, would be working the few
169 months before the budget was presented in March. He suggested that since they were looking at a
170 date of July 1, 2008, paragraph (a) of the Transitional Section of the Charter should read, "The
171 transition period shall begin not later than July 1, following the approval of the charter by the
172 Legislature, and end on April 1, 2008." Mr. Safford argued that the municipal corporations needed
173 to finish their fiscal year. Mr. Overton asked Mr. Safford when they were finished with their fiscal
174 year, and Mr. Safford replied, June 30. Mr. Safford suggested that because it was a transition
175 period, elections could take place in March at the First Town of Essex Junction Meeting with the
176 terms for the councilors becoming effective as of July 1.

177

178 Mr. Sweeney stated that there were a few Selectboard members whose terms expired in 2008 and
179 asked Mr. Nye if there was an exact date when their terms expired. Mr. Nye answered, March 31,
180 2008. Mr. Sweeney concluded that in April, May and June, those members would not be
181 Selectboard members. Mr. Scheidel felt those members would get re-elected to finish the last three
182 months of the fiscal year. Mr. Safford suggested that the members' terms could be extended so that
183 they did not expire until June. Mr. Overton agreed and wanted to suggest inserting Mr. Safford's
184 language that when the new Council members got elected in March, they would not take office until
185 July. Mr. Sweeney clarified that he was referring to the current Trustees and Selectboard and that

186 some Selectboard members' terms expired three months before the Transition period ends, and Ms.
187 Billado agreed. She stated that the Selectboard or Trustees' terms could be extended until July 1,
188 2008, and Mr. Overton agreed. Ms. Billado stated that four of those ten members would become
189 part of the new Council. Mr. Safford agreed that they would explore language to extend the terms
190 for members to expire at the end of the fiscal year so that they did not end prematurely and the new
191 elected body could take office July 1, 2008.

192

193 Ms. Myers referred to page 4 Section 201. OFFICERS GENERALLY. It read, "The elected officers
194 of the Town of Essex Junction shall be Town councillors and moderator." Mr. Safford reminded the
195 Task Force that Mr. Scheidel had raised the point about petitions and he asked who would be in
196 charge of receiving petitions? He stated that in a typical scenario, the Village folded into the Town,
197 and they submit a petition to the Town Clerk because the Town Corporation continued. In this case,
198 the Task Force needed to figure out who would receive the petition. Mr. Overton felt that the Town
199 Clerk would remain the person in charge of receiving the petition.

200 Mr. Nye responded to Mr. Overton's comment about "taking office" on the first of July, in that he
201 hoped it did not negate the capability of the New Council to meet April, May, June to prepare for
202 July. Members agreed. Mr. Mertens summarized the discussion and that the Task Force had asked
203 the staff to provide them with options for language from other Charters and the financial road map
204 to be reviewed next month and moved the discussion to paragraph (c).

205

206 Mr. Overton felt that paragraph (c) needed some attention. He explained that the intent in 1999 was
207 to have, of the seven members, two from the Selectboard, two from the Trustees for a total of four
208 and then three to be elected. He was not making a judgment as to whether there should be two or
209 one appointed members, but he did feel that it was very important that they had at least one from
210 the Selectboard appointed and one from the Board of Trustees appointed for institutional memory
211 purposes. He liked the idea of leaving more positions for election and suggested two appointed total
212 and five elected. Mr. Nye stated that the advantage of the current language was that there would be
213 three people elected in the first year, and then there would be two people elected the next year, and
214 then two people elected the next year and so on, so that it would be staggered and run more
215 smoothly. He explained that the Selectboard would appoint one person for one year and one for two
216 years. Mr. Overton felt that it could be done smoothly if they appointed one or if they appointed
217 two and said he had worked out the numbers. He felt the question was whether they wanted to elect
218 five people or three people. Mr. Nye stated that some of those people would be elected for three
219 years and some for two, and Mr. Overton agreed.

220

221 Ms. Myers liked the language in section (c) because of the way it worked out in the end. If the
222 Selectboard selected two and the Trustees selected two, one got appointed for a one-year term, one
223 got appointed for a two-year term and then the three people who were elected that first year had a
224 three-year term. Ms. Billado confirmed that by March of 2009, two of the four Trustees and
225 Selectboard and Council members' terms would be expired and then March of 2010 the other two
226 members' terms would be expired. Ms. Myers reminded her, unless they got re-elected, and Ms.
227 Billado agreed and clarified that they would be up for re-election. She added, and then the other
228 three members' terms would be expired on March of 2011. Ms. Billado agreed with Ms. Myers and
229 was in favor of the language in paragraph (c). Mr. Mertens asked if there was a motion. Ms. Myers
230 asked whether they needed a motion. Mr. Sweeney wanted to have a discussion before a motion
231 and stated that this question was directly related to the question of districts as they were closely

232 aligned and in his opinion, the Task Force should not finalize it until they had the discussion about
233 districts. He reasoned that at the last district discussion, there were six of the Task Force members
234 that favored one district option with a guaranteed representation and felt that if that was the ultimate
235 decision, it would drive the discussion for paragraph (c) as well. Mr. Sweeney felt they should wait
236 to discuss districts first and then return to paragraph (c). Mr. Overton questioned which discussion
237 should come first, but he felt it was worth the discussion even now. Mr. Overton quoted, "At the
238 annual Town meeting during the transition period, voters of each community shall elect one
239 member each to the Town council to serve until the third annual Town election." He agreed that
240 this language constituted two districts, but he asked Mr. Sweeney if he agreed that the fundamental
241 argument was how many they wanted the Selectboard to appoint and how many they wanted the
242 Trustees to appoint, regardless of the number of districts. Mr. Overton thought they also had
243 discussed, at the last district discussion, that regardless of the number of districts, at the beginning,
244 there would be three people from the Village and three people from the Town. Mr. Sweeney
245 restated that he felt this section was directly related to the district decision and did not think the
246 Task Force could make a final decision that night without knowing the number of districts and how
247 they would guarantee fair representation.

248

249 Mr. Nye felt the Task Force could discuss the philosophy of two appointed members from the
250 Trustees and two from the Selectboard and then make a decision about the three elected members
251 when the Task Force had the district discussion. Mr. Sweeney agreed, but felt more discussion
252 needed to happen to determine how to guarantee three years of representation from the respective
253 communities. Mr. Sweeney tried to "map it out" and felt it could be complicated and wanted to wait
254 until the next time every member was present, which he hoped was next week. Mr. Scheidel also
255 felt that the work the staff was developing, as a road map for the Task Force might be part of the
256 discussion as well. Mr. Overton said it seemed to him that the language could be developed in such
257 a way that would answer the number of Trustees and Selectboard issue regardless of how many
258 districts, if members agreed that initially it should be three from the village and three from the
259 Town. He did not hear any dissent from that idea at the last district discussion. Mr. Sweeney, in
260 regards to the last district discussion, stated that he tallied the votes and found there were six Task
261 Force members in favor of having three from the Village and Town. Mr. Overton asked if any
262 members were against having three from the Village and three from the Town initially, whether
263 they were elected or appointed.

264

265 Mr. Odit stated that if the Task Force wanted to use the premise that Mr. Nye suggested, which was
266 two appointed from each side and not worry about where the other members would be elected from,
267 there was also the rule that more than three members could not be elected in any one year. He
268 suggested that with this rule in mind, he could create some scenarios on how to stagger the terms
269 regardless of where they were coming from. Mr. Overton said an option could be five elected
270 members, and Mr. Odit agreed and stated that he could provide some generic staggering of terms if
271 two were appointed or four were appointed and how to stagger the terms. Mr. Mertens asked Mr.
272 Odit to clarify what he would give to the Task Force. Mr. Odit clarified that he would give the Task
273 Force several examples that would work, one being two appointed from each Boards, with three
274 being elected or one from each body being appointed and five being elected and how the length of
275 terms for each member would serve so that there would be no more than three people up for
276 election each year. Mr. Mertens confirmed that the examples he would create would be summary
277 positions that would be a one-year, two-year or three-year, and Mr. Odit agreed. Ms. Billado

278 suggested that if they decided three Selectboard, three Trustees, then they could have two terms
279 expired in a year, two terms expired in two years and the other two with three year terms, so that
280 every year, two members' terms from the new council would expire and the seventh person would
281 be at large. In the third year, there would be three members' terms that would expire, and Mr.
282 Overton agreed. Mr. Nye stated that he wanted them to try to make a decision on the districts
283 before agreeing to Ms. Billado's scenario. Ms. Billado said that her scenario eliminated the issue of
284 districts because the seventh person was at-large, and Mr. Nye agreed. Mr. Nye confirmed that
285 there would be three appointed Selectboard members and three appointed Trustees initially and
286 then after the election the first year, there would be one at-large. Ms. Billado agreed and stated that
287 the at-large person's term would expire in three years, which at that point, two others would expire
288 as well and so on. Mr. Overton felt it was a viable option, however, he wondered philosophically,
289 whether they should begin to elect people to the Council. He added that he might be satisfied with
290 just three, one from the Town, one from the Village and one at large, but wanted to hear from the
291 public on this issue. At the same time, Mr. Overton felt a bit uncomfortable with the Selectboard
292 appointing three of its members and the Trustees appointing three of its members as it seemed like
293 there was a political carry-on. Mr. Nye agreed and suggested that in the scenario of one district with
294 the two people appointed from the Trustees and two from the Selectboard the first year, a person
295 could be elected from the Village, one from the Town and one from the community at-large. Mr.
296 Overton agreed. Mr. Overton confirmed there would be two appointed from each entity, and Mr.
297 Nye agreed that in this scenario, there would be fair representation of three from each entity and
298 then at the end of that third term, there would not be any district responsibilities and the community
299 would become one representation.

300

301 Mr. Sweeney summarized three options. First, one person from each Board appointed, second, two
302 people from each Board appointed and third, three people from each Board appointed and
303 suggested that the Task Force ask Mr. Odit to map these scenarios on paper. He felt that the district
304 decision could then be included. Mr. Overton reminded Mr. Sweeney that in the first scenario of
305 one person from each Board appointed, there needed to be a decision made on where the other
306 people would come from, and Mr. Sweeney felt that could be decided on later. Ms. Myers felt that
307 issue was related to the discussion on districts. Mr. Sweeney felt the Task Force needed to see the
308 different scenarios and the length of terms in each scenario. Ms. Myers said that it worked easier
309 with the second scenario of two people from each Board appointed, but Mr. Sweeney wanted to see
310 each scenario mapped out on paper so that the Task Force could examine which one would be more
311 advantageous. Ms. Billado pointed out that there would be three election cycles that occurred
312 before that time, with most likely different council members with a one-community mindset rather
313 than the separate entities of today. Mr. Mertens concluded that the task would compile examples of
314 three scenarios for next week and moved the discussion to whether they wanted the discussion of
315 districts with paragraph C or whether the Task Force wanted to address paragraph (c) without a
316 district discussion. Ms. Billado did not think they could resolve the district issue until they decided
317 on the representation issue, and Mr. Overton agreed and asked if everyone would be present next
318 week. Mr. Scheidel said he thought that everyone would be present. Mr. Overton thought they
319 could address the district issue next week, decide the fair representation issue and adopt one of Mr.
320 Odit's scenarios. Mr. Sweeney felt that afterwards, they could address paragraph (c). Mr. Mertens
321 commented that the members had high expectations for next week. Mr. Scheidel asked whether the
322 staff should assume, when they developed these scenarios, that "institutional memory" in the first
323 term was favorable, and members agreed. Mr. Overton wanted to know why this was a question and

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324 Mr. Scheidel explained that he had heard in the discussion the concern that about the longevity of
325 some members' terms. Mr. Overton reminded Mr. Scheidel that there was also discussion about
326 having institutional memory included on the Boards to create a balance.

327

328 Mr. Mertens asked members if a decision had been made on paragraph (c) and Ms. Myers said that
329 they should wait for information from the staff. Mr. Mertens concluded that perhaps next week,
330 they could revisit it. Mr. Mertens asked if there was any objection to discussing paragraph. Mr.
331 Overton and Ms. Myers noted that had already been addressed and asked if the Task Force wanted
332 to revisit it. Mr. Overton reminded the Task Force that in (d) they changed the Transition
333 Committee to include all of the Selectman and all Trustees. Mr. Mertens asked members if they had
334 any other concerns with (d) and hearing none, he moved the discussion to paragraph e.

335

336 Mr. Safford, in regards to (e), felt there was a contradiction in the timing when it stated "During the
337 transition period, a committee comprised of planning and zoning board members from the village
338 and town shall review, draft, and recommend a consolidated plan, zoning ordinance and subdivision
339 regulations.....". He also questioned the effectiveness of creating a consolidated, comprehensive
340 plan, which was an enormous task, prior to the effective date of merger. Mr. Nye noted that there
341 would need to be a legislative body to approve the plan, and Mr. Safford agreed. Mr. Safford
342 suggested striking paragraph (e). Mr. Overton argued that during the Transition period, it made
343 sense for the two planning Boards and Zoning Boards to begin the process of devising a
344 consolidated zoning and planning plan for the community. He felt time would be wasted if they
345 didn't begin the process. Mr. Safford felt that similarly to the issue of negotiating contracts, the
346 amount of work that needed to be done was enormous and wondered how much the community
347 could take on at one time to complete this task. Mr. Overton argued that the ordinances were very
348 similar and wondered why members from both Boards could not meet during that time so when the
349 communities merged in July of 2008, they could present a proposal of what they thought was a
350 good zoning ordinance and plan and reassured Mr. Safford he was not speaking of an adoption
351 process. Mr. Safford suggested striking the word "shall" and inserting "may" so it did not bind the
352 municipality to completing the plan, and Mr. Overton agreed. Mr. Sweeney agreed that it was a
353 huge job and before there was a consolidated Zoning Board, there needed to be a consolidated plan
354 and therefore pointed out that it could not be done in parallel. He felt that there needed to be an
355 adopted plan before discussing the zoning ordinances. Mr. Overton asked Mr. Sweeney whether the
356 plan needed to be adopted and asked why the Planning Transition Group could not prepare a plan.
357 Mr. Sweeney said that the work could be done, but wondered what would happen if it didn't get
358 approved, then a new plan would have to be developed. Mr. Sweeney recommended that at first,
359 there should be a Planning Commission body to make a new Town Plan, which perhaps would be
360 the first issue that the new community adopted. Then they could enter into discussions for revising
361 the Zoning Ordinance and subdivision regulations and so forth. In the interim, Mr. Sweeney felt the
362 Task Force should use the two plans in place at that point even though after July 1, 2008, the
363 Zoning Board may have to deal with two zoning ordinances for awhile. Mr. Overton supported this
364 scenario as being for a short while. Mr. Sweeney stated it was unrealistic to suggest all the Planning
365 and Zoning work would be done by July 1, 2008. Mr. Overton stated that the Task Force had
366 already decided to push the date to 2008, which he was not entirely happy about, even though it
367 gave the community more time for the process. He stated that assuming that the Trustees and the
368 Selectboard approved the Charter and Transition process, as soon as the vote passed for the merger,
369 he favored the two Boards meeting to begin the process rather than waiting until 2008, which would

370 prolong the completion of the work until 2010. Ms. Myers said that they could not begin the
371 process after the vote passed because they still had to wait for the legislature.

372

373

374 Mr. Scheidel informed the Task Force that the staff was in the process at that time of bringing the
375 new Town Plan to the Selectboard for adoption. Mr. Scheidel explained that their plan operated in
376 periods of five years, and he stated that almost as soon as the Town Plan was completed and the
377 subdivision and zoning regulations were addressed, it was time to think about a new Town Plan.
378 Mr. Overton noted that the communities were closely aligned in the process and asked Mr. Safford
379 whether the Village would be done in the next year or so. Mr. Safford replied that the Village Town
380 Plan would be done this year and that they anticipated a minor update in anticipation of the merger
381 process moving forward. Mr. Overton recapped that the process could be easily moved if the
382 Selectboard and Trustees in favor of the merger were in agreement to work together and pulled the
383 best parts of the plans together. Mr. Nye suggested that they add “after the approval of the
384 legislature”, the Trustees would appoint a few members of their Planning and Zoning Boards and
385 the Selectboard would appoint a few members of their Planning and Zoning Boards and together
386 those members would appoint another member and all would begin to consolidate the Village Plan
387 and the Town Plan, and Mr. Overton agreed. Mr. Mertens confirmed “after the approval of the
388 legislature”, and Mr. Safford agreed. Ms. Billado asked if that was during the Transition period.
389 Mr. Safford agreed, but stated it was without obligating that the consolidated plan had to be
390 completed before the effective date of merger.

391

392 Mr. Overton wondered if the Planning Transition Group could meet to consolidate the plans and
393 zoning ordinances before July, 2008. Mr. Safford recommended changing “shall” to “may” and
394 then at the end strike “after the transition period” and add “after the effective date of merger,” so in
395 paragraph e it would read, “During the transition period, a committee comprised of planning and
396 zoning board members from the village and town may review, draft and recommend a consolidated
397 plan, zoning ordinance and subdivision regulations to be presented for adoption, through the normal
398 statutory process, by the Town after the effective date of merger.” He suggested the staff could
399 insert this language for review in a month or so and Mr. Overton agreed.

400 Mr. Safford recommended striking “rules, regulations (including personnel policies), and bylaws”
401 so that F would read, “On the effective date of this charter, all ordinances of the Town of Essex and
402 the Village of Essex Junction shall become ordinances and bylaws of the Town.” He clarified his
403 recommendation as being the Town personnel regulations would stay in effect and continue on and
404 the Village personnel regulations would cease. Mr. Mertens asked about the by-laws. Mr. Safford
405 suggested keeping by-laws in the language. Mr. Nye repeated, “All ordinances and by-laws of the
406 Town of Essex and the Village of Essex Junction.” Ms. Myers suggested striking “rules, regulations
407 (including personnel policies)”, and members agreed. Mr. Overton was comfortable with Mr.
408 Safford's suggestion, but did not agree with the idea that the Town's rules and regulations would
409 subsume the Village rules and regulations. One member clarified that the staff would take rules and
410 regulations from both municipalities. Mr. Safford clarified that at the last meeting when they
411 discussed the 2008 merger date, they decided that the Town Union regulations and the Town
412 personnel would continue and that the Village Association agreement would expire and the Village
413 Personnel regulations would expire. He stated from a managerial and logistical point of view, he
414 believed his proposal would make a lot of sense. Mr. Overton argued whether there were other
415 rules and regulations to consider. Mr. Scheidel replied that there were rules and regulations

416 governing how the Selectboard conducted their business and how purchases were made. Many of
417 those rules and regulations were adopted in the ordinances, so the intent was to keep the
418 aforementioned ordinances because they were working very well. Mr. Overton asked whether the
419 staff would be comparing the Town and Village ordinances in that process. Mr. Scheidel said more
420 than likely, but that the Town adopted almost all the same ordinances that the Village did and that
421 they mirrored each other mostly for public safety purposes. There were a lot of similarities and
422 therefore the transition process would become easier if they followed Mr. Safford's
423 recommendation. Mr. Safford explained that in regards to the ordinances, if there were any carry
424 over, they would both be in effect that day and the new Council would eliminate any Village
425 ordinances that were already adopted such as the Gun Discharge Ordinance. In regards to policies,
426 the staff would be able to merge the best policies over time, which could be completed and adopted
427 in a short period of time. Ms. Myers recommended that if "rules and regulations" were to be
428 removed at the beginning of paragraph (f) then "rules and regulations" should be removed later on
429 in the paragraph as well, and members agreed.

430

431 Mr. Mertens asked whether there were any impacts to the various Town Departments in striking
432 "rules and regulations" from paragraph (f). Mr. Safford said that they would talk to the staff of the
433 departments to get their input. He felt at a minimum, he recommended striking "policies", but felt
434 that policies would be adopted by the new Boards. He stated that ordinances were important
435 because they were law, but that policy was just internal direction, such as how to purchase or when
436 to open and close the library. Mr. Scheidel added that Federal Rules and Regulations would stay in
437 effect such as with discrimination, sexual harassment, etc., because they could not afford to ignore
438 those. Mr. Safford also explained that another difference between policies and ordinances was that
439 ordinances took a public notification process, whereas policies were just put on the agenda for
440 approval, which was a very quick process. Mr. Overton felt it made sense in paragraph (g) for the
441 Transition Committee to address personnel issues as opposed to paragraph (f). Mr. Mertens
442 confirmed with the staff that they would return with the changed language in paragraph (f) and
443 asked if members had any other concerns in regards to paragraph (f). Mr. Mertens suggested that
444 paragraph (f) was finished, and Ms. Myers clarified that the discussion for the night on paragraph
445 (f) was finished, but that the Task Force needed to review it again with new language, and Mr.
446 Mertens agreed.

447

448 Mr. Overton felt paragraph (g) should remain as it was. Mr. Mertens, with no objections declared
449 paragraph (d) finished and moved the discussion to paragraph (h).

450

451 Mr. Overton, in regards to paragraph (h) summarized that paragraph as stating that all contracts
452 unless otherwise stated were in effect and he read, "All contracts, agreements, trusts, and other
453 binding written documents affecting the town or village shall remain in effect on the effective date
454 of the charter and the Town shall assume all the responsibilities formerly belonging to the town and
455 village." He stated that there were contracts such as the union contracts that had special
456 termination dates, which were terminated by their own terms as opposed to transition into the new
457 community. Therefore, based on that logic, he felt paragraph (h) was acceptable. Mr. Mertens
458 asked if members agreed. Ms. Billado suggested inserting the "Town of Essex Junction" where
459 appropriate to lessen the confusion in the language. Ms. Myers noted that in paragraph (h), Town
460 with a capital "T" meant the new Town and a lower case "t" was the Town of Essex. Ms. Billado
461 asked Ms. Myers whether the capital "T" in the entire document meant the new Town of Essex

462 Junction, and Ms. Meyers and Mr. Overton agreed. Ms. Myers showed another area of the Charter
463 which made reference to the new Town and stated “A fifth member shall be chosen by the Town
464 council, once it has organized” and pointed out that once members understood this, it would no
465 longer be confusing. Ms. Wrenner pointed out that “Town” was capitalized in paragraph (f) and it
466 was in reference to the Town of Essex, and Ms. Myers responded that in those cases, the whole title
467 of Town of Essex, as well as the Village of Essex Junction, would be used to clarify which town.
468 She pointed out that at the end of paragraph (f), Town was capitalized again in reference to the new
469 Town of Essex Junction. Mr. Mertens asked if this was acceptable to Ms. Billado who stated that
470 she was still more comfortable with inserting the new name appropriately. Mr. Overton suggested
471 that Ms. Myers was in agreement to Ms. Billado's suggestion, and Ms. Billado explained that Ms.
472 Myers was comfortable with using “Town” to make reference to the new Town of Essex Junction.
473 Ms. Myers pointed out that the use of this upper case and lower case system was consistent in the
474 document such as in paragraph I, where “village and town” were in lower case and “Town” was in
475 upper case. Mr. Overton suggested that it would not be a problem to insert “Town of Essex
476 Junction” instead of “Town”. Mr. Overton was comfortable with the wording as long as the
477 members all understood the meaning. Mr. Mertens asked if there was any more discussion about
478 paragraph (h) and with no additional input, the discussion was moved to paragraph (i).

479

480 Mr. Safford, in regards to paragraph (i) where it stated,” The real property tax system of the village
481 and town shall become the system of the Town.” He stated that the Village taxes were incorporated
482 in the Town's so the Town tax system would remain the Town's. He felt it was redundant to have
483 the Village included. Mr. Boucher pointed out it would not be the Village taxes anymore, it would
484 be the Town of Essex Junction taxes. Mr. Overton agreed and recommended saying, “ the real
485 property tax system of the town shall become”, and Mr. Safford added “shall remain”, and Mr.
486 Overton agreed “shall remain the system of the Town.” Mr. Safford asked if there was something to
487 gain by having “village” in the wording? Mr. Nye recommended the wording, “the existing real
488 property tax system of the Town shall remain the system of the Town.” Mr. Safford reiterated the
489 importance of the tax topic, and members agreed. Ms. Billado asked Mr. Nye for clarification, and
490 Mr. Nye repeated his recommendation, “the existing real property tax system of the Town shall
491 remain”. Mr. Overton added “shall become that of the new Town” rather than “remain”. Ms.
492 Billado thought that this was what it was saying. Mr. Safford clarified that the issue was that the
493 Village was part of the Town taxes, and Ms. Billado agreed. Mr. Overton stated that he had
494 something he wanted to say at some point in time in regards to Finances. Mr. Mertens pointed out
495 there were two paragraphs of (i). The first one he felt had been discussed and asked if members
496 had any input about the second paragraph. Mr. Mertens asked Mr. Odit, based on the previous
497 discussion, to look at other charters such as Milton, to determine whether the language should say
498 “Town of Essex Junction or “Town” and also whether the language should include full titles of
499 Town of Essex and the Village of Essex Junction throughout the Charter.

500

501 Mr. Nye, in reference to the second paragraph, stated that there was an established capital fund in
502 the Village that he felt should remain an asset of the Village residents. Mr. Nye also did not want
503 “bonded indebtedness” to eliminate the ability to create water or sewer districts or utilities, for
504 example. He stated that if there was bonded indebtedness for the sewer system of the Town,
505 perhaps that should be separate. Mr. Safford suggested that with one district and similarly to what
506 was done at the present time, they have an additional charge that went to those who used the system
507 and did not want that wording to eliminate a discussion of such items. Mr. Overton agreed that Mr.

508 Nye brought up two excellent points. In regards to what he wanted to address, which was in the
509 middle of the paragraph, Mr. Overton similarly felt they should not finalize this paragraph. He
510 thought it would be advantageous for the Task Force to address the finances soon, rather than a
511 couple of weeks from now. He raised the concern with the current financial outlook that in the
512 merger, there would be a 20-cent reduction in the Village tax rate and a 20-cent addition in the
513 Town and felt this scenario would not be acceptable. He asked if there was some way through
514 taxing districts or a tax plan over time to create a situation that the impact to the Town and the
515 Village would become more closely aligned. He thought an economist could provide advice on this
516 matter. One member suggested a phase in, and Mr. Overton agreed, but he did not know how
517 exactly to do this and suggested that the staff could devise such a plan for the Task Force and felt
518 that it had to be done by someone with a financial background. Ms. Myers felt that Mr. Overton's
519 suggestion was not related to paragraph I, but that paragraph I was talking about things that were
520 already in place in both the Town and the Village. Ms. Billado agreed with Mr. Overton that there
521 needed to be some formula of taxation that would look more favorable to the tax payers,
522 particularly the tax payers outside of the Village today. She had heard that there would be a tax
523 increase of 20 cents from Ms. Myers, and Ms. Myers said she did not say 20 cents. Ms. Billado
524 suggested Ms. Myers had said to her one night it would be a 16-20 cents tax raise, and Mr. Boucher
525 stated it would be 16 cents raised for the Town and 14 cents lowered for the Village. Ms. Billado
526 said they did not really know if those numbers were correct and felt they needed to know real
527 numbers. Mr. Overton reiterated that if an expert was brought in to give them assistance with
528 financing, then they would not just assume.

529

530 Mr. Safford stated that they needed a clause in the Charter about water and sewer districts and how
531 that outstanding debt would be handled. Ms. Billado asked if the funds that Mr. Nye referred to
532 were the rolling stock or whether it was the land acquisition fund, and Mr. Nye replied, both. She
533 suggested the term he was looking for previously was "enterprise fund", and Mr. Nye agreed. Mr.
534 Safford suggested that those funds belonged to the Village and between now and July 1, 2008, the
535 Village could disperse those funds as they wished and then whatever was residual, would be carried
536 over. However he understood that the Town was sensitive that these funds were raised by Village
537 taxpayers and should be used by Village residents before July, 1, 2008. Mr. Nye disagreed and
538 clarified that he questioned how those funds would be handled, such as a refund to the Village
539 taxpayers. Mr. Safford explained that the Village had a fund balance in its general fund of a couple
540 of hundred thousand. Therefore, the Boards needed to think about how they wanted to dispose of
541 that money. Ms. Billado felt that the Trustees and the Village management, within a two-year
542 period, could figure out how to spend the money to enhance the downtown, which would benefit
543 the entire community so she did not see it as an issue. Ms. Myers stated that she and Mr. Nye had
544 discussed the issue, and she felt that in the end, that money should go back to the taxpayers of the
545 former Village of Essex Junction in some way or another. Ms. Billado felt that money put towards
546 the downtown would be exactly that. Mr. Boucher stated that in 1980 when the Village President
547 proposed a merger vote, the Village had a \$600,000 surplus in the water district account at that
548 time. The interest from that account paid for a fair portion of the Village water. The Village
549 President disposed of this surplus by sending a check for \$300 or more to every water user in the
550 Village, even if they had not paid their first yearly water statement and that event was the laugh of
551 the Village. The merger vote failed by a 3:1 margin.

552

553 Mr. Safford recommended that the staff prepare a summary of issues regarding financing which

554 would include a merged budget impact with tax adjustments, water and sewer districts, bonded debt
555 and Village assets to be reviewed and discussed in the future. Mr. Mertens felt it would really be
556 the beginning of the finance discussion because the merger would not just take one year. It was not
557 just a decision about what to do with \$600,000, but included a much more multi-faceted and
558 overlapping merger process, which was the reason why the Task Force needed an analysis of what
559 the finances would be in the short term and long term. He felt the points and recommendations
560 brought up by Mr. Safford would be a great beginning for the analysis, but did not want to suggest
561 that if they came to a conclusive number, that it they could conclude the discussion. Mr. Safford
562 added that they would not even know a conclusive number until the new Council had an approved
563 budget from the voters, so everything was hypothetical.

564

565 Mr. Boucher thought they had agreed upon when they were discussing districts and that they would
566 have two districts for a certain amount of time until it was time to redistrict, and Ms. Billado said,
567 in 2010, which Mr. Boucher agreed. Mr. Boucher reminded the Committee that he felt that would
568 resolve a lot of financing questions during that period of time. Ms. Myers clarified with Mr.
569 Boucher that 2010 was just one option for the timing of redistricting that they had discussed. In her
570 opinion, the other possibility was for the two districts to become one after one election cycle and
571 that the timing would not depend on the consensus in 2010. Mr. Boucher felt this would be a
572 problem. Mr. Overton asked who was in charge for next week in regards for Future Agenda Items,
573 and Mr. Mertens replied that Mr. Sweeney would be Chair for next week. Mr. Mertens suggested
574 that Mr. Overton wanted to begin discussion on Future Agenda Items, and Mr. Overton agreed. Mr.
575 Mertens wanted to mention paragraph (j), which he thought would not be controversial and asked if
576 members wanted to discuss it, and members agreed. Mr. Mertens asked if there was a concern with
577 (j) Mr. Mertens summarized that the Task Force was in agreement that (j) was acceptable, subject
578 to future review.

579

580 **Future Agenda Items**

581

582

583 Mr. Mertens stated that next week hopefully, they would refer to Transitional Provisions in the
584 Charter and address paragraphs (b), (c), (e), (f). He asked Mr. Sweeney whether they wanted to
585 discuss districts in conjunction with C because he thought Mr. Sweeney raised an important point.
586 He felt perhaps Mr. Sweeney's proposal was what they should follow and if all members were
587 going to be present next week, then it should be on the Agenda. Mr. Overton wanted the Task
588 Force to discuss his proposal of modified language as to how they could redistrict and asked if that
589 could be on the Agenda for next week. Mr. Mertens thought the Managers had suggested language
590 that was already in place for this issue, which would not require Mr. Overton's language, but Mr.
591 Overton would like the Task Force to address this point. Mr. Safford felt it would be part of the
592 district discussion. Mr. Overton stated that since districting required a review every so often, he felt
593 the Charter needed a provision on how to go through the review process, which he felt was a good
594 idea as most Charters had that provision. Mr. Safford said that there was not that provision
595 currently in the Town and Village Charters because they each had an at-large system. The
596 municipalities who had discussions on districts were the ones who had districts and unless you had
597 districts, it would not be needed. Mr. Overton asked what section discussed districts, and Mr. Odit
598 replied, Section 209 (b), and Mr. Overton thanked Mr. Odit. Mr. Mertens concluded that the
599 discussion of the districts would be put on the Agenda as well as revisiting Mr. Overton's proposal.

600 He asked the Managers to attach another copy of Mr. Overton's proposal to next week's copy of the
601 minutes. Mr. Mertens asked if there was any other business from the Task Force. Mr. Nye said that
602 he had a comment after Public Input in response to another comment that was made earlier.

603

604 Mr. Overton asked if a discussion on the finances could be put on the Agenda for next week. Mr.
605 Sweeney said, not yet. He clarified that the Agenda would include districts, the office location and
606 paragraphs, (b), (c), (e), and (f) from the Transitional Provisions section of the Charter. He asked if
607 they were going to hold an executive Session that night. Mr. Safford asked if the Task Force felt the
608 need to go into executive Session, and Mr. Sweeney said it had not been discussed and they could
609 either discuss it or put it on next week's agenda. He clarified the topic as being some unresolved
610 questions concerning the effective date of merger issue and the review of the list of pros and cons
611 for going one way or the other with respect to the union contracts that were put on "white paper"
612 for the Task Force. Mr. Safford stated that they gave the Task Force a public session "white
613 paper." Mr. Sweeney said they had some public information on hand that stated that there was also
614 some information for executive Session if they needed it. Mr. Overton felt if they did it that night,
615 they should go into executive Session after the Public Input. Mr. Sweeney pointed out that it was on
616 the Agenda after the Public Input, but questioned whether there would be time for executive
617 Session.

618

619 Mr. Mertens said he thought the evidence he had was good so that the decision to have an
620 executive Session could be decided quickly. Mr. Sweeney stated that he had another item and
621 explained that about two weeks ago, Mr. Jerman sent him a note indicating that the Chairperson of
622 the Governmental Operations Committee wanted to have a discussion with Mr. Mertens and Mr.
623 Sweeney about the progress of the Task Force's work. He responded to Mr. Jerman that he would
624 discuss this request with the Task Force. Mr. Sweeney felt he would not have a discussion without
625 the agreement with the Selectboard and the Trustees because they were the ones who authorized the
626 Task Force. He felt it was inappropriate for him to have any discussion prior to the completion of
627 this work, but wanted the Task Force to be aware of this request. Ms. Myers thought they should
628 discuss it next week due to the limited time that night. Mr. Mertens asked if there were any other
629 items. Ms. Billado asked when the presentation from the Managers would occur. Mr. Sweeney
630 said they needed to schedule this discussion, but he was waiting to get feedback from the
631 Recreation Department first and then he would ask the Managers to summarize their input after
632 having heard from all the Departments. Mr. Safford asked what further information the members
633 wanted the Managers to provide. Mr. Sweeney said they wanted to know their opinions on the
634 merged organization. Mr. Scheidel agreed, and he felt they needed some time with the Task Force
635 to put together an organizational chart and what they think they had heard the Task Force discuss
636 for the Committee to review and then they could make a joint proposal. Ms. Myers would like to
637 point out that the Town was currently beginning budgeting decisions and felt that Mr. Scheidel and
638 Mr. Odit were going to be very busy in the next month or two. She confirmed with Mr. Scheidel
639 that the Selectboard had to warn something to the public by the end of January. Mr. Scheidel
640 responded that it was just on the budget and not the annual report, etc., and Ms. Myers agreed. Ms.
641 Myers informed the Task Force that they should be aware that one of the Managers was going to be
642 putting in a lot of time right now just in his daily work and wanted the Task Force to understand the
643 time commitment with what they were asking of him. Mr. Mertens clarified that Ms. Myers
644 suggested giving the Managers a date in the future so that they could prepare better, and Ms. Myers
645 agreed. Ms. Billado suggested hearing from the Managers on this issue, and Ms. Myers agreed that

646 Mr. Scheidel should let the Task Force know how much time he could devote to the finance
647 discussion. She saw the finance discussion for the new community as a major undertaking. Mr.
648 Safford asked for a definition of finance. He understood Ms. Myer's suggestion to merge the two
649 budgets and configure the tax rate adjustments, but wondered what other information at this point in
650 time the members wanted from the Managers so they could let the members know how long that
651 would take. He asked whether the Task Force expected a full, detailed budget or just a snapshot?
652 Ms. Myers heard Mr. Safford, but asked Mr. Scheidel if he had the time to fit any discussion in his
653 schedule. Mr. Scheidel felt very comfortable with providing a presentation with Mr. Safford of the
654 snapshot, and Mr. Safford agreed, but added that if they wanted something more comprehensive
655 then it would become more complex, and members agreed. Ms. Billado recommended taking the
656 two current budgets, merging them together and dividing it by the grand list to come up with a
657 number. Then the Managers would have the "what-if" scenarios of perhaps 2 million dollars to
658 renovate or build a building for the new Town offices. Mr. Safford said they would complete the
659 initial presentation for the Task Force. Ms. Billado felt the Managers would basically work together
660 to make a recommendation.

661

662 Mr. Mertens asked whether the Managers could make a finance summary presentation the first
663 meeting in January, and the Managers agreed. Ms. Myers confirmed that it would be a finance
664 snapshot. Ms. Billado asked whether they would see the Recreation Department for the last time
665 before then and members did not know. Mr. Mertens, in regards to the Essex Reporter article,
666 explained that apparently the schools and the Recreation Department had been discussing a
667 Recreation District and some other options, which he would have much rather heard from them
668 directly so he had a better understanding of their process. He asked if the Recreation Department
669 was ready to return to the Task Force? Mr. Safford suggested that the Managers could send them an
670 e-mail to find out when they would be ready. Mr. Sweeney agreed with this and said that
671 otherwise, they would have to make a decision without their input. Ms. Billado said that this was
672 possible, but that the Task Force did not want to make a decision without their input. Mr. Scheidel
673 noted that he heard today that the Recreation Departments were meeting December 13th with a
674 consultant to discuss various models to explore. Mr. Mertens knew that they were not meeting on
675 December 28 and asked if the Task Force could invite the Recreation Departments for a December
676 21st meeting and if this date did not work, then the Task Force would probably have to make a
677 decision without their input. Mr. Nye believed that they had heard already from the Recreation
678 Departments and felt that some members had already formed an opinion so that a discussion could
679 happen, regardless of hearing from them. Mr. Mertens suggested that perhaps December 21st would
680 be appropriate time for that discussion as well. Mr. Mertens asked if there was any more input
681 about Future Agenda Items and there were none.

682

683 **Public Input- General Comments**

684

685 There was no public input.

686

687 Mr. Nye wanted to respond to Mr. Halpin, who commented that the Selectboard's decision for
688 CCTA, he felt, shortchanged the Village. Mr. Nye, being a proponent of the Selectboard's decision
689 at that time, clarified that when they were looking at their budget four to five years ago, they were
690 spending 5% of their budget on Chittenden Transportation and there was a question of whether or
691 not that was needed in the community. The Selectboard had a public hearing to find out what the

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692 public wanted and from that input, they even expanded the transportation system. Mr. Nye felt that
693 the statement from Mr. Halpin that the Selectboard was moving forward with a decision without
694 public hearing or input from the Village was erroneous.

695

696 Mr. Mertens noted that it was almost 9:00 p.m. and asked if members wanted to hold an executive
697 Session. Mr. Sweeney asked whether members were satisfied with the information they had or did
698 they need more. Mr. Nye did not want to go into executive Session. Mr. Mertens clarified that the
699 topic was in regards to the hand-out from Mr. Odit in response to Mr. Overton's earlier question.
700 Ms. Billado was in favor of holding executive Session. Mr. Mertens asked one more time if there
701 was any public input. There was none.

702

703 **LINDA MYERS MOVED AND AL OVERTON SECONDED A MOTION TO ADJOURN**
704 **TO EXECUTIVE SESSION FOR PURPOSE OF DISCUSSING PERSONNEL TO**
705 **INCLUDE THE TOWN MANAGER, VILLAGE MANAGER AND ASSISTANT TOWN**
706 **MANAGER. THE PREMATURE PUBLIC KNOWLEDGE OF THE ISSUES TO BE**
707 **DISCUSSED IN THE EXECUTIVE SESSION WOULD PLACE THE MUNICIPALITY AT**
708 **A SUBSTANTIAL DISADVANTAGE. THE MOTION PASSED 8-0.**

709

710 **LINDA MYERS MOVED AND AL OVERTON SECONDED A MOTION TO EXIT**
711 **EXECUTIVE SESSION AT 9:20 P.M.. THE MOTION PASSED 8-0.**

712

713 **LINDA MYERS MOVED AND ALAN NYE SECONDED A MOTION TO ADJOURN AT**
714 **9:21 P.M.. THE MOTION PASSED 8-0.**

715

716 Respectfully submitted,

717 **Saramichelle Stultz**

718

719 *Saramichelle Stultz*

720 Recording Secretary

721

722

723

724 (THESE MINUTES ARE SUBJECT TO CHANGE AT THE NEXT MERGER TASK FORCE
725 MEETING)