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**MERGER TASK FORCE
ESSEX/ESSEX JUNCTION
MEETING MINUTES
January 4, 2005**

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

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

OTHERS PRESENT: Jeffrey Harton, Tim Jerman, Bob Marcotte.

BUSINESS AGENDA

Public Input on Agenda Items

There was no public input.

Approve Minutes of December 21, 2005

RENE BLANCHARD MOVED AND JOHN LAZJA SECONDED A MOTION TO APPROVE THE MINUTES OF DECEMBER 21, 2005 WITH THE FOLLOWING CORRECTIONS:

Line 13 and throughout: Replace “Booraum” with “Booraem”. Line 67 and throughout: Replace “Proux” with “Proulx”. Line 88: Replace “Willy” with “Willey”. Line 291: Replace “theoretically” with “by Charter”. Line 292: Replace “by Charter” with “of the Village Trustees”. Line 374: Replace “for” with “against”. Line 374: Replace “a split” with “an elected and appointed”. Line 500: Replace “would otherwise” with “otherwise would”. Line 505: Replace “form” with “from”. Line 626: Replace “Trustees” with “Selectboard”. Line 628: Replace “Trustees with Selectboard”.

THE MOTION PASSED 7-0-1. (Deb Billado abstained)

Mr. Mertens recognized that Ms. Myers had been to the legislature that day as well as attending the Merger Meeting that night, and Ms. Myers thanked Mr. Mertens for the recognition. Mr. Overton commented that Mr. Boucher and Mr. Nye were not present that night. Mr. Mertens confirmed that Mr. Nye was in Europe. Mr. Overton, in regards to his absence in the near future, proposed participating in the meetings via the phone. Members determined that it would be feasible to provide phone access at both locations. Mr. Overton asked if Mr. Scheidel would present this request to the Selectboard, and Mr. Scheidel agreed. Mr. Mertens recalled that Mr. Odit had researched this as a possibility for members several weeks ago. Mr. Mertens stated that, on behalf of the Merger Committee, they would support this arrangement with Mr. Overton if possible.

Mr. Mertens updated the Task Force that Mr. Willey, Mr. Booraem, Ms. Wrenner and he would be

48 meeting as the Recreation Fact Finding Group on either January 12, 13, 16 or 17 depending on
49 schedules. Mr. Scheidel clarified that the libraries were expected to return and asked who from the
50 libraries, the Task Force would like to invite back? Mr. Sweeney reminded him that at the last
51 meeting, the Task Force wanted to make the decisions about the Library and the Fire Departments.
52 He suggested the Task Force schedule one meeting for the Library decision and one meeting for the
53 Fire decision and to invite them to attend during those meetings. Mr. Sweeney suggested discussing
54 this issue during Future Agenda Items.

55

56 **Preliminary Budget and Tax Rate Discussion**

57

58 Mr. Scheidel wanted to put the total number of dollars into perspective when he stated that the
59 municipal government received only 20 cents of every tax dollar spent in Essex to provide a myriad
60 of services to the community, whereas 80 cents of every tax dollar was directed to education. He
61 explained that the current fiscal year was FYE '06 and that he and Mr. Safford chose to use that
62 budget year for their presentation because it reflected the actual numbers approved by the taxpayers
63 and showed the operating budget of the present time. This year's budget was the financial plan for
64 one year and was subject to change based on the voter's approval. The grand list was \$12,865,152.
65 He explained that one penny on the grand list would generate \$128,651.51. Mr. Overton asked him
66 to repeat his statement, which was repeated by Mr. Scheidel. He referred to a fact sheet, developed
67 by he and Mr. Safford, that showed the budgets and tax rates for both the Village and the Town
68 outside the Village. Under the category, STATUS QUO, Mr. Scheidel pointed out to the Task Force
69 that the line item, Town General(including Capital) was paid for by both communities, the Village
70 and the Town and the amount, \$6.496 million dollars, was taxed to residents through the property
71 tax for a total of \$5.901 million dollars at a rate of \$0.4587 per \$100 of assessed evaluation. This
72 tax rate was the same across the communities and that both the residents of the Village and outside
73 the Village, paid the same tax rate under this line item. The next line item, the Town Highway tax
74 was paid for by the Town residents, outside of the Village and it generated a budget of \$1.631
75 million dollars with a tax rate of \$0.541, which translated to \$541,000 that was raised by the tax
76 rate of 8 cents. The difference between the \$541,000 and \$1.631 million was paid for by the
77 Village taxpayer through their \$0.4587 tax in the General Fund Tax. The Village General line item
78 was paid for solely by the Village with a current budget of \$2.482 million dollars of which \$1.729
79 million was generated from the property tax rate of \$0.2836 per \$100 of assessed evaluation. The
80 line item, Village Recreation was included under the STATUS QUO category because it showed a
81 budget that was paid for exclusively by the Village residents. The Village Recreation line item
82 showed a budget of \$1.134 million of which \$0.623 was generated from property tax rate of
83 \$0.1021. Mr. Scheidel stated that the total current FYE '06 combined budget in the Village and the
84 Town outside the Village, including the Village Recreation budget, was \$11.744 million dollars, of
85 which \$8.794 million was generated from property tax. The total rate for the Village taxpayer was
86 \$0.8444 per \$100 of assessed evaluation. The total tax rate for the Town taxpayer outside the
87 Village was \$.05387 per \$100 assessed evaluation. In a merged community, which would include
88 both budgets, employees and services with no cost cuts, would be \$11,744, of which \$8.794 million
89 would be generated from a property tax rate of \$0.6835 per \$100 of assessed evaluation. Mr.
90 Scheidel pointed out the change in the tax rate for each community, the Village and the Town
91 outside the Village, for a merged community compared to each community's current tax rate. In the
92 Village, the taxpayers would have a decrease of \$0.1609 per \$100 of assessed evaluation and for
93 the Town taxpayer, outside the Village, there would be an increase of \$0.1448 per \$100 of assessed

94 evaluation. These figures were based zero assumptions on cost savings or changes in services for a
95 merged community. They assumed the same number of people providing the same level of service
96 to the same residents in the same general area.

97

98 Mr. Scheidel pointed out a Pie Chart based on FYE '06 budget for a merged community, which
99 presented the percentages allocated to each of the services that residents of the community have
100 come to expect from their respective budgets. He reminded the Task Force that the Pie Chart
101 represented only 20 cents on the tax dollar of expenditures. He emphasized that the local
102 government's mission was to pursue the health, safety and welfare of the people. He defined Public
103 Safety as including the Police, Fire and Highways, which constituted approximately 47% of all the
104 services that were delivered. He defined health and welfare as including the Senior Bus, Libraries,
105 Health and Welfare and Conservation and Parks and Recreation and that these services were
106 expected by the public and were tailored to the area that they were being delivered. He noted that
107 the funding for these services presented a challenge to provide the same quality with a dwindling
108 budget, as the quality was directly related to the funding. Debt service and capital were necessary
109 components to the management of the municipal government. Presently, debt service in the Town
110 outside of the Village was an operating expense, whereas in the Village, it was not quite as an
111 operating expense. The Town outside of the Village had a debt service of approximately \$253,000
112 in the current fiscal year and the Village had a debt service of \$182,00 for Recreation in the current
113 fiscal year, for a combined total of \$435,000 in debt service for one year. The Village did not have
114 any debt outside of the Recreation debt, as opposed to the Town. Mr. Sweeney asked if the Village
115 Recreation debt was included in the Pie Chart, and Mr. Scheidel agreed that it was included in the
116 percentage of Debt Service, 4%, in the Pie Chart. Mr. Scheidel explained that the Town's debt
117 involved Indian Brook, the Library in Memorial Hall, a fire truck and fire station improvements,
118 both being paid on time, and a transfer to the Capital Reserve fund.

119

120 By 07/01/08, the accepted date of merger, Mr. Scheidel informed the Task Force that the debt from
121 Indian Brook and the Fire Station would be paid for, which reduced the debt by half. Mr. Overton
122 confirmed that half the Town's current debt would be gone by the time of the merger, and Mr.
123 Scheidel agreed. He noted that when the communities merged, the Village debt would become the
124 merged community's debt. He stated that although currently the Town outside the Village debt was
125 greater than the Village, it would be decreased by half at the time of the merger, and he did not
126 foresee any further debt any time into the future for the Town, outside the Village. Mr. Mertens
127 suggested having a time for questions unless his next statement might provide clarification. Mr.
128 Scheidel felt he should continue with his last statement before opening the discussion for questions.
129 In conclusion, Mr. Scheidel explained that with the assumption of having an equal tax rate for both
130 communities at the time of the merger, the costs necessary to meet that goal presently would be
131 \$1.8 million dollars, which would bring the budget and the tax rate to the same number. Mr.
132 Overton asked for clarification. Mr. Safford clarified that if the Task Force wanted to provide zero
133 increase to the Town outside the Village tax rate, then they would need to cut \$1.8 million dollars
134 from the combined budget. Mr. Scheidel referred the members to line item, Total Rate for the Town
135 Taxpayer Outside the Village and stated that if the Task Force wanted to have a tax rate for both
136 communities of \$.5387 per \$100 of assessed evaluation, then they would have to reduce the
137 combined budget by \$1.8 million dollars. Mr. Safford stated that the Village taxes would then
138 decrease even further, but that there would be zero increase in the Town tax outside the Village.
139 Mr. Mertens asked about the Pie Chart, and Mr. Scheidel explained that he and Mr. Safford created

140 the Pie Chart to show that there would be huge delivery services decisions that would have to be
141 made along the way, if they were to decrease the combined budget by \$1.8 million dollars. Mr.
142 Scheidel hoped that he and Mr. Safford provided the necessary information to the Task Force so
143 that as they moved forward in the merger discussions, members were aware of the effects to
144 balancing the tax rates for both communities. Mr. Scheidel suggested that the Task Force evaluate
145 the issue of service delivery or choose to present the merger on something other than the resulting
146 tax rate.

147

148 Mr. Sweeney asked when the Town outside the Village would begin their reappraisal process. Mr.
149 Scheidel explained that the reappraisal work would begin next month with the hope of being
150 completed for the budget for July 1, 2008, and Mr. Sweeney confirmed that July 1, 2008 was the
151 current target date. Mr. Scheidel could not predict the results of a reappraisal, but used Williston as
152 a recent example. Mr. Scheidel explained that in Williston when they reappraised, the property
153 values increased 30% and the tax rate decreased a corresponding amount. He stated that it would
154 not be a fair comparison because over the last three to five years, Essex had seen a shift from
155 commercial taxpayers to residential taxpayers. He noted that this was partly due to the IBM
156 agreement, but also due to the lack of new industry in Essex. Mr. Sweeney asked if the staff could
157 develop a reappraisal projection based on the current assessment property, which Mr. Scheidel
158 stated was 63%. Mr. Sweeney asked if that percentage included the Village, and Mr. Scheidel
159 agreed. He asked if there was an expert that could give them a reappraisal projection and whether it
160 would effect the delta tax rates? Mr. Scheidel stated that the tax rate would decrease, the property
161 value would increase and the delta tax rate might decrease a little depending upon the budgetary
162 decisions at the time and whether or not there had been a shift from commercial to residential. Mr.
163 Safford questioned the difference with the Village delta tax rate during a reappraisal. Mr. Sweeney
164 asked, based on unknowns, would it be worth doing a reappraisal projection? Mr. Safford stated
165 that it would be speculation. He stated that it could be assumed that the tax rate would be lowered,
166 but that it would be very difficult to make an assumption on the results for the delta tax between the
167 Town, outside the Village and the Village.

168

169 Mr. Lajza said to focus on the tax bill and not the tax rate because if the value increased, but the
170 budget remained the same, the tax bill would remain the same. Mr. Sweeney agreed but stated that
171 there would be an impact for those whose houses who were assessed not as recently as others and
172 Mr. Lajza agreed. Mr. Sweeney used an example that with 63% and zero change in commercial and
173 residential, they knew the common level of appraisal based on data from 2004, which Mr. Scheidel
174 confirmed. Mr. Sweeney wondered if the percentage would be higher than 63% in a projected
175 reappraisal scenario. Mr. Safford stated that he would ask the Village Assessor and clarified that
176 Mr. Sweeney wanted to know what the tax rate would be in a reappraisal. Mr. Sweeney, in regards
177 to the data presented by the Town Managers, stated that the merged community tax rate of \$0.6835
178 directly affected the tax rate shifts for both communities in a merged community. Mr. Lajza
179 understood from the Assessor that the formula would be to take the current costs and multiply it
180 times whatever the reappraisal was. Mr. Scheidel questioned the alchemy used by the Appraiser,
181 and Mr. Safford suggested that, in a merger, the tax rate would be equalized as the taxpayers would
182 all be paying at 100% and then the numbers would shift proportionately, causing a decrease, similar
183 to a resulting tax rate with a higher grand list. Mr. Sweeney stated that he would assume that there
184 would be a lower delta between the two, but Mr. Safford could not confirm. Ms. Myers reminded
185 the members that almost \$2 million dollars would be needed to equalize the tax rates in the two

186 communities. Mr. Safford commented that a reappraisal projection would be speculative to weigh
187 in increased costs in the Village versus the Town, outside the Village. Mr. Mertens asked how the
188 common level of appraisal factored into this situation. Mr. Safford stated that he agreed to explore
189 the issue with the assumption that there would be 100% of evaluation for that given tax rate,
190 although he did not think it would be accurate information.

191

192 Mr. Mertens confirmed that 63% was an actual number, and Mr. Scheidel agreed. He confirmed
193 that in a new neighborhood built in Essex would be at 100% not 63%. Ms. Myers, Ms. Billado and
194 Mr. Overton felt that should be accurate, but Mr. Lajza disagreed. Mr. Mertens, from his
195 experience, gave a personal example. He stated that years ago, when he made an addition to his
196 home, he had 100% assessment and his taxes increased. He suggested that a brand new house that
197 was at 100%, would be reassessed at 100% a year from now and would be relatively unaffected
198 unless the budget changed. Mr. Safford commented that the discussion seemed to validate the need
199 for the Assessor to be present at the next meeting, and Mr. Lajza agreed. Mr. Sweeney suggested
200 looking at this issue with the assumption that the tax rate would be at 100%.

201

202 Mr. Safford pointed out that there were more older homes in the Village, but Mr. Sweeney stated
203 that it depended on what the houses were selling for not the age of the home. Mr. Sweeney asked if
204 it was common practice to reappraise when a house was sold. Members argued the appraisal
205 process for newer and older homes. Mr. Lajza did not think they could reassess new houses for
206 appraisals, and Mr. Mertens reminded him that it was the law. However, Mr. Mertens agreed that
207 they were outside the realm of experience and was in favor of having the appraiser or someone
208 versed in this issue, be present at a meeting. He summarized the basic question being, was there
209 some way to determine the median for the Town and the median for the Village? He suggested that
210 if those numbers were 70/60, which averaged to 63%, then Mr. Sweeney's point was valid because
211 it affected the delta and brought that delta more closely aligned.

212

213 Mr. Sweeney stated that he asked whether a reappraisal projection of the best estimate, including all
214 the factors they discussed, could be done in a short period of time as opposed to a long term six-
215 month study. Mr. Safford felt the Assessor could provide some work towards this request of a
216 projected tax rate, along with any major factors that he felt might reasonably occur that may narrow
217 that delta, and present that information to the Task Force. He agreed with Mr. Lajza that the
218 Assessor could provide the projected figures for all that was discussed thus far. Mr. Lajza said there
219 may be some differences, but did not think that a homeowner of a new house would pay twice the
220 taxes to an identical older house. Mr. Mertens stated that he was an example of that same scenario
221 of a homeowner who paid significantly more than a neighbor two houses away. Mr. Overton stated
222 that Mr. Mertens needed to file a tax appeal, because Mr. Lajza was correct. Mr. Mertens stated
223 that when he met with the Assessor, he was told he could only appeal the current value of his home.
224 Mr. Overton did not feel that two houses of similar value could be unfairly appraised. Mr. Safford
225 suggested inviting the Assessor to a Task force meeting to answer some of these questions. Mr.
226 Overton believed that the ultimate test on a tax appeal was how a house appraised comparative to
227 other houses of substantially similar values based on recent sales, and members emphasized, recent
228 sales. Mr. Overton argued that if one could show that all the houses on one side of the street were
229 appraised under an old standard and the other side was appraised by another standard, this provided
230 a basis for a tax appeal, which his office filed all the time. Mr. Scheidel pointed out that in Mr.
231 Merten's case, a 20 ft. x 20 ft. room was added on to his house and through the building permit,

232 the house got reappraised at a real cost at 100% of that addition. Mr. Mertens stated that he
233 preferred to defer this discussion to the Assessor rather than speculate with members. Mr. Safford
234 clarified that the Task Force wanted to know if the taxes were equalized, what would happen to that
235 tax rate and whether there was anything that would be a major influence in reducing the delta
236 during the reappraisal? Mr. Mertens clarified that it would be the impact on the delta. Mr. Safford
237 suggested that the staff could attempt to develop the impact on the delta as part of the appraisal
238 process and reasonably make a projection through a quick analysis rather than hiring consultants for
239 an in-depth six-month project. Mr. Scheidel clarified that the Task Force was not looking to lower
240 the amount proportionately, but wanted to know whether the delta would be greater or less than the
241 relativity factor of having the evaluation in the first place. Mr. Mertens developed a scenario of
242 Town A and Town B that wanted to merge with A as a brand new community and Town B as a
243 very old community with no new construction. Mr. Lajza stated that the budgets would have to be
244 exactly the same. Mr. Mertens stated that he wanted to raise the point that when they merged, they
245 would all be assessed at 100% and there would be an impact. Members agreed there would be an
246 impact on Town B, the older town. Ms. Billado had been through the reappraisal in Burlington and
247 in Colchester, and Mr. Sweeney asked in what capacity, and Ms. Billado stated as a taxpayer. Ms.
248 Billado stated that in both cases, she paid more in both of those communities because her properties
249 were older. Their budget may not have changed, but her payments did, as would happen to the older
250 properties of the Village in an appraisal. Mr. Mertens concluded that the point of the discussion
251 was to reach tax equity.

252

253 Ms. Billado felt the discussion was very interesting and asked if there were any members that
254 would not vote for the merger based on this data. Mr. Sweeney informed the members that he had
255 heard from many constituents as to the importance of this issue as it related to whether they would
256 vote in favor of the merger. Ms. Billado stated that the educational side of the equation was going
257 to happen whether they merged or not. Mr. Scheidel commented that in 1999 there was huge
258 ramifications in the Town because of Act 60, which increased the education tax. He inquired about
259 whether another Act 60 was being discussed at the legislature, and Ms. Myers clarified that there
260 would be minor changes, but did not anticipate any significant changes such as Act 60. Ms. Billado
261 stated that this was not really a big issue as the amount of money for either community was
262 minimal. She stated that the amount of money through the municipal tax was much less than the
263 education tax and felt that education spending was an area that the community should be concerned
264 about because the municipal tax was a small piece of the pie. Ms. Billado asked what the Town
265 transferred to the Capital Fund? Mr. Scheidel stated that the Capital Budget for the year in which
266 they did the analysis was almost \$1.4 million in total projects. Those projects included \$26,000 for
267 Highway/Garage/Stormwater improvements, \$25,000 for the Town Green improvements for the
268 Essex Center, \$128,000 for highway improvements, \$213,000 for equipment and vehicles through
269 the replacement program for highway and parks, \$32,000 for a skate park, \$75,000 for two trails and
270 \$8,000 for a path. The funding for these projects came from various sources, not just from the
271 capital penny, which only generated \$128,000. At the same time, money was set aside from the
272 Town funds and funds given by the state for reappraisal for a total of \$292,000.

273

274 Ms. Billado, in reference to the STATUS QUO category on the handout from the Managers, asked
275 where was the Village capital? Mr. Scheidel stated that they put both the Town, outside the Village
276 and the Village capital in the Town General (including Capital) line item. Ms. Billado asked for
277 clarification to the NOTE below and the second sentence that stated, "With LOSS of IBM

278 agreement resulting tax rates would be approximately \$.10 higher than shown.” Mr. Scheidel
279 responded that he and Mr. Safford provided a hypothetical, worse-case scenario with the loss of
280 IBM tax money. He stated that according to attorneys and IBM they believed that the agreement
281 would stay intact regardless of the merger. Mr. Safford explained that the budget would increase by
282 10%, and Mr. Scheidel stated that it would be about a 10% tax increase. Ms. Myers understood this
283 as being that over the course of the agreement, there was an increase every year in the tax rate
284 based on the amount of money that the IBM agreement folded down. Therefore, at the end of the
285 IBM agreement, if you aggregated the number of cents per year, and Mr. Scheidel confirmed it
286 would be in eight years, it would be 10 cents. Mr. Safford stated that whether or not they merged
287 the communities, the IBM agreement would be a factor in the tax rate, and Ms. Myers agreed. Mr.
288 Scheidel stated he and Mr. Safford focused on the expenditure side of the budget and stated that
289 they had no control over revenue, other than providing a tax rate to fund the budget. He stated that
290 revenues had decreased each of the last two years in many areas. He informed the members that
291 they lost \$100,000 a year in the Town from IBM and therefore began the year with only 8/10 from
292 the capital penny fund. He noted that for the last two to three years, the refinance money from the
293 Clerk's office for all the housing refinances had helped to offset the loss. However, as the rates
294 increased, the housing market was falling, so they were forced to look for other sources of revenue,
295 which had not developed. Mr. Scheidel stated that in a declining revenue environment, property
296 taxes would increase or services would decrease. Ms. Myers stated that in this case, people would
297 have to accept a cut in services that they did not want to, such as sidewalk plowing, etc. in order to
298 generate enough cuts for an appreciable amount of money. Mr. Safford stated that another way to
299 look at it was that the municipal government was a service business, and Ms. Myers agreed. She
300 stated that if a snow plow employee was dismissed to cut costs, then the streets would not get
301 plowed 24 hours a day. Mr. Scheidel stated that was the reason he explained the mission of the
302 municipal government as being for the health, safety and welfare of people. He confirmed that over
303 the last 20 years, the Town had been providing just the core services with no extras.

304

305 Mr. Mertens understood why the Managers used FYE '06 for their figures, but argued that they
306 should develop a model for a merged community in FYE '09 because 1) The present assessment
307 discussion could be included along with general inflation numbers and 2) if the merger passed, then
308 a responsible government would assess the staffing needs and start that process, as opposed to
309 reaching '09 and being forced to reduce the number of staff by half. Mr. Safford stated that he and
310 Mr. Scheidel could develop their budget based on past trends and project the total budgets and the
311 tax rates for FYE '09, but cautioned the Task Force in how much they speculated and promise
312 because the reality may be much different than the projection, such as in the case of Act 60. He
313 argued that the budget depended on expectations of voters for services and their willingness to
314 approve the budget at the time. Mr. Safford stated that they may be able to assess some savings
315 through attrition over time, but whether they would be able to reach that goal by a date certain was
316 unknown. He stated that it was possible they may be able to manage the merged community with
317 one manager, but up until the day of merger, there were still two municipal entities that were
318 operating and the task Force needed to consider the cost and effort of phasing employees out of the
319 system at a date certain. Mr. Mertens asked if there was an average attrition rate in the Town and
320 the Village? Mr. Safford stated that it could be possible to look at those numbers, but there were
321 very few departments that overlapped, such as with the administration. He stated that he could get
322 numbers of how many people left per year, but cautioned the Task Force in being hasty as they may
323 need people to provide the necessary services and that there was no exact formula. Mr. Mertens

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324 stated that his request was to generally predict the amount of people that may leave in a given year.
325 He clarified that members were trying to clearly understand the benefits of a merger other than a
326 reason to save money. He was concerned about the presentations from the various departments as it
327 seemed to him that they saw the merger as an opportunity to add employees and build their
328 departments instead of reducing costs. Ms. Myers disagreed and felt that the departments were
329 expressing their needs, not their wants. Mr. Mertens asked if they asked for the same things without
330 a merger, and Ms. Myers said, yes. Mr. Mertens stated that according to Mr. Scheidel there was no
331 available funding for increased services. He asked if the merger was an opportunity to build an
332 empire? Ms. Myers disagreed and Mr. Scheidel gave the libraries as an example to address Mr.
333 Mertens concern. He stated that the libraries believed they were working better apart and more
334 efficiently with a better dollar value than they would if they were merged. With a merger of the two
335 physical spaces, the costs would be increased in administration because they would need one
336 person in charge and initially, there would not be a savings. Mr. Scheidel explained that the Fire
337 Department was a pay-on-call service and that in a merger, they might need someone in charge of
338 both, acting as a Chief, such as in the case of Williston at the present time. Mr. Safford, in regards
339 to the libraries, suggested that there may be an Assistant Manager overseeing both Directors. Mr.
340 Mertens stated that he felt that was the insight that needed to be applied in this case because he did
341 not think the libraries were physically too far away. Initially, in a merged community, there may not
342 be as many changes as the departments suggested, as he felt the departments gave information
343 about how it would look in 10-20 years as opposed to the more immediate future. Mr. Scheidel
344 recommended not assuming that any of the departments in either entity were getting 100% of the
345 resources that they needed to do the job that they were currently doing. For example, in his
346 opinion, Ms. Overfield did the job of 1 and ½ employees and if she were to leave her position and
347 be replaced, he would be out 30% of operating work, each and every week. Mr. Safford, due to
348 declining revenues, had maximized his employees by combining job titles, such as the Public
349 Works/Chief Wastewater Operator, who was overworked and required the assistance of the
350 Manager to provide more work to these areas as well and questioned the sustainability of this
351 situation. He explained that over the years, the Village had not increased its service options or
352 added anything new to its budget for years and they still faced tax increases because of the phase-
353 down of IBM. Mr. Mertens felt the discussion was out of the purview of the Task Force. He stated
354 that the Task Force's charge was to look at the current state of events and not use merger as the
355 reason to add all of the people that had not been added over the last five years. He was getting a
356 sense from some of the presentations from the departments that it was an opportunity to add people
357 because the Selectboard and the Trustees had not allowed that to happen. Mr. Safford stated that if
358 the current Selectboard and current Trustees were the Transition Committee, he did not know how
359 much they could phase-out, but he could expect that there would not be a lot of adding employees.
360 He added that there were future state and federal mandates to consider as well. Ms. Billado added
361 that they also did not know what would be the needs of the future community and that clearly, the
362 larger the community, the more service driven the municipality became. Mr. Lajza stated that the
363 increased diversity would drive the need for additional services. Ms. Billado pointed out that this
364 was just a microcosm of what was going on at the state and federal level.

365

366 Mr. Scheidel explained that the Police Chief provided data that on a per capita basis, the Town of
367 Essex had a police department that not only had the lowest officers per capita in the State, but in
368 New England and definitely the country. If the Police Chief could have unlimited resources, he
369 would add four police officers to the force. Mr. Scheidel described how difficult it had been to

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370 work with limited department heads as he kept a chart of every available department head each
371 month and found that there were many long stretches of vacancies. He figured that for the period of
372 1990 until 2001, there were five years in all that time where he had one full year of one full
373 complement of people to manage the Town of Essex. Mr. Safford pointed out all that with all the
374 new responsibilities and issues that arose, in a merger there may be some increased availability
375 from some of them, but that it was a huge challenge every year to manage all the increased
376 responsibilities from the State and federal mandates with zero funding to help them address those
377 mandates. He added that it was possible to overlap the job descriptions, but, that was also difficult
378 to determine because of the varying expertise needed for those added directives from the state and
379 federal governments. Mr. Mertens felt Mr. Safford has summarized the key elements of the issue
380 that explained what they were faced with aside from the merger. Mr. Safford commented that in the
381 case of the Fire Department, someday it would require a full-time fire department and over time, it
382 would be more effective to do that as one community than two. If they stayed two separate
383 communities that need may be delayed, but eventually it would be needed whether it was 20 to 50
384 years from now. He stated that it would be more cost effective to have a part-time/full-time
385 department, with eventually a full-time fire department, which may provide some savings over time.
386

387 In regards to a scenario of FYE in '09, Mr. Mertens felt it would be important to explore the long
388 term view with the necessary assumptions because the current example with figures from FYE'06
389 did not do justice to the long term process and existence of a merger. He recommended doing a
390 projection of a five-year plan with a merged community and a five-year plan without a merged
391 community. He stated that when they reached year 5, there would not be a delta. Mr. Safford stated
392 that there would not be a delta because they would be merged. Mr. Mertens stated that in his first
393 scenario with the communities not merged, there would be a five year outlook and presumably in
394 five years, it would show a benefit. If it did not show a benefit, then they should know that as well.
395 Mr. Safford felt it was very speculative and asked members how speculative they wanted to get
396 because it may confuse people or give them a false premise. He suggested the better choice would
397 be to show them the immediate picture and what they could reasonably assume. Whether it was this
398 year, five years ago or five years from now, there was going to be a delta by the fact that the Town
399 was not paying the Village for the full rate of services. He did not think spending the time to create
400 an analysis would show a more positive picture to the community. He commented on Ms. Billado's
401 comments that the merger could be about bringing the community together to face the future
402 together. Mr. Sweeney stated that he has had more feedback on this issue than any other issue and
403 felt that it needed more deliberation for a proper understanding to present to the public in the most
404 accurate way they could. Mr. Safford believed that they would lose their accuracy in the
405 projections. Mr. Sweeney understood that the further into the future you configured the numbers,
406 the less accurate they were, but he argued that businesses were typically required to do a five-year
407 business plan with assumptions, etc. Mr. Sweeney asked, based on the best information they had
408 today, what would that five-year plan look like? He agreed with Mr. Mertens idea. He provided an
409 example that his house was appraised at a certain amount and was paying a certain amount of taxes
410 today but if there was a merger, based on what the Managers knew today, what would be their best
411 accurate guess about what he would pay in taxes in the next five years? Ms. Billado did not know
412 if that was possible without the appraisal process. Mr. Sweeney assumed that adjustments could be
413 made but that more exploration and discussion should occur as he believed this would become an
414 issue. Ms. Billado asked for clarification on the issue. Mr. Mertens felt that the delta was the issue.
415 Ms. Billado suggested that it was compounded with the reappraisal. Mr. Safford stated that he could

416 show figures from the Village as to what the tax rate would be into the future. Mr. Sweeney
417 requested additional work. Mr. Safford stated that he would need to know what assumptions were
418 changing. Mr. Sweeney wanted to know from the Managers, based on their best knowledge, what
419 they thought would happen if the communities merged and if they did not merge. Mr. Safford
420 stated that he and Mr. Scheidel were trying to communicate that they did not see a lot of changes.
421 Mr. Sweeney responded that the request for the Managers would be to base their work on the status
422 quo service delivery of today and have reasonable assumptions. Mr. Mertens added, such as
423 Stormwater. Ms. Myers asked what was the assumption? Mr. Scheidel stated that one assumption
424 was that in five years there would be grand list growth. He suggested using the average growth of
425 five years ago and assuming the same growth, along with the assumption of some stagnation in the
426 classification of the appraisal, and a certain budgetary growth based upon the base year of '06 and
427 then five years into the future. Mr. Sweeney requested that the Managers also provide the changes
428 they would see in a merged community. Ms. Billado pointed out that there were so much gray
429 areas with making a projection. Mr. Safford stated that the biggest issue was that they were faced
430 with the IBM Machinery and Equipment step-down, which was only going to change slightly. He
431 stated that what would happen when that delta was eliminated ten years into the future, might be
432 interesting to explore. He and Mr. Scheidel agreed to working those figures, but asked for some
433 time for completion of this projection.

434

435 Mr. Mertens suggested they address issues such as whether it would be less expensive to build a
436 Town Hall or the issue of Stormwater if the communities were merged. He suggested that the
437 Managers had the knowledge of three to five issues that were on the horizon, and Mr. Safford state
438 that he wished it were that exact of a science. Mr. Safford deliberated on how he could determine
439 the answer to Mr. Mertens question and was not sure it was possible. Mr. Mertens asked whether
440 there were some actual numbers. Mr. Safford clarified that Mr. Merten's request was short of
441 developing a full budget in a full organization and to determine if there were any shifts or changes
442 in the future. Mr. Mertens felt that the public was going to ask, in addition to the obvious reasons
443 why the communities may or may not want to merge, whether there was a financial implication of
444 that decision? Mr. Lajza did not see a whole lot of changes. He thought they would see an increase
445 in the cost per capita of government as the community grew. He reminded the members that as the
446 community grew in population, costs per capita, per individual, increased. The only question in his
447 opinion was the common level of appraisal of 63% that could significantly modify the numbers. He
448 posed the question, was it 70% in the Town and 50% in the Village? He did not know the answer
449 and stated it was the only variable that could cause a significant change. Mr. Safford explained that
450 he and Mr. Scheidel were not trying to be evasive, but rather upfront with the members. He stated
451 that he and Mr. Scheidel would contemplate this request to their best degree. Mr. Scheidel stated
452 that there were several assumptions with the unknown. He and Mr. Sweeney deliberated whether
453 Capital debt would be eliminated, with a new line item to replace it. He was not sure of the status,
454 in regards to Capital, in the Village as he did in the Town, which would have to be discussed, along
455 with the assumptions. Mr. Mertens suggested that a line item for Capital Improvement would
456 replace the Capital line item. Mr. Scheidel stated that there may be or may not be a new building for
457 the seat of government. Ms. Billado stated that even with those assumptions, there were too many
458 unknowns about the future community. She suggested for example that perhaps in ten years, the
459 residents would want the current dirt roads paved, which would drive a budget in a direction
460 unknown today.

461

462 Mr. Safford pointed out that if the Task Force wanted to develop a full budget, they needed to
463 consider the trends in the history of each separate entity. However, with a merged community, there
464 was no past and it became a new identity. Ms. Billado reminded the members that if they merged,
465 the new Town would become the second largest community in the State. She stated that based on a
466 study five years ago, the highest per capita tax rate was Burlington. She had studied 20
467 communities and found that the larger the community, the larger the budget. She concluded that if
468 the Town of Essex Junction would be the second largest community in the State per capita, then
469 there would be an increased budget. Mr. Mertens asked if an increased budget meant better services
470 or just more cost? Ms. Myers did not agree it would mean better services and gave Burlington as an
471 example. Mr. Scheidel pointed out that with the new Town of Essex Junction, there would be other
472 factors to consider such as the different cultures and implementation of services in each entity that
473 had developed over the years. He stated that in a merged environment, it would take about three to
474 four years to transition before any kind of efficiencies could be identified. Mr. Mertens thought it
475 would be great if the best practices would be the ones that survived, and Mr. Scheidel thought that
476 would occur, but stated that the costs would increase. Mr. Scheidel suggested the members expect
477 increasing costs with recurring efficiencies well into the future for the future community. He stated
478 that there would not be any immediate savings, but that the efficiencies would be realized over the
479 long term and in future years. Mr. Mertens and Mr. Scheidel clarified that they would develop a
480 projection and refine it with the assumptions as best they could with assistance of the Assessor.

481
482 Mr. Mertens was concerned that they would present this scenario of a merged community to the
483 voters as costing more money, even if for only one year. Therefore he was in favor of showing the
484 future costs and trends for the merged community, while at the same time, providing a comparison
485 of future costs and trends if they stayed separate communities. Ms. Myers understood Mr. Merten's
486 interest in providing the public with a positive prediction of future ramifications of merging.
487 However, she was concerned with making promises that they might not be able to keep, which
488 would cause even more mistrust with the public. She pointed out that when they developed a capital
489 budget, there were many changes that were made along the way. Mr. Sweeney stated that the
490 budget was still developed as common practice. Mr. Safford stated that he did not see any changes
491 in the next capital budget, except potentially the questions related to physical plant. He reminded
492 the members of their decision not to explore the details of a physical plan at that time. Mr. Mertens
493 felt a straight-line capital budget would satisfy his request, with the exception of items that were
494 known. Mr. Safford stated that the biggest potential was the appraisal to see if there was any
495 differential between the Town outside the Village and the Village as far as their current
496 assessments. Mr. Safford and Mr. Scheidel suggested they would do more work around this issue.
497 Mr. Scheidel recommended inviting the Assessor to a meeting to answer the questions from the
498 Chairs and at the same time, the Village and Town staff would collaborate to design a prediction.
499 Mr. Safford stated that he would agree to doing some preliminary work on this issue and then the
500 members would decide whether it was valuable and reliable information to present to the voters.

501
502 Ms. Billado, in response to Ms. Myers' previous comment, referred to the High School merger. Ms.
503 Myers stated that she had never looked at the High School as a cost-savings merger. She looked at
504 the high school merger because it was good for the community. Ms. Billado stated that this was not
505 a cost-savings merger, and Ms. Myers agreed. She felt that the Task Force should not suggest that a
506 merger would be a cost savings, but rather an opportunity for the two communities to come together
507 for the good of the whole community into the future and not because it was, financially, a savings

MERGER TASK FORCE

January 4, 2005

508 opportunity. Mr. Overton pointed out that there was agreement with Ms. Billado and Ms. Myers,
509 and Ms. Billado agreed. Ms. Myers stated that Mr. Mertens and Mr. Sweeney were looking at the
510 merger in a business sense, but she felt the Task Force needed to present the argument to the voters
511 that a merger was the best thing for the community in the long term. Mr. Overton agreed with the
512 term "long-term". Mr. Sweeney stated that his request was that due diligence be given to this issue
513 to understand the numbers presently known and into the future. He did not disagree with Mr.
514 Safford, but pointed out that there were people with differing views that would like that
515 information. Mr. Overton agreed with both arguments. He agreed that the issue needed to be given
516 due diligence to answer questions from the public, but he felt that even if the numbers did not show
517 a savings, there were benefits to merging in the long term. He felt that collaboration between the
518 two communities would provide a greater benefit than working apart and going in separate
519 directions. If the Task Force presented the arguments based on the effects in a '08 and '09 budget,
520 that would put the vote at a disadvantage because that was a temporary issue. He believed that they
521 needed to inform people of what the Task Force believed would be the effect of the merger into the
522 future. Ms. Myers agreed, but stated that because the future was so uncertain she did not want their
523 presentation to suggest any promises. Mr. Safford, from his experience with the Hardwick merger,
524 stated that there were too many promises made to the voters in regards to the projection of the
525 budget and tax rates, which was why he was cautious about over-relying on the numbers.

526

527 Mr. Mertens stated that unless the current tax budget numbers for a merged community were the
528 only final outcome, he was not in favor of presenting those to the voters. However, he was in favor
529 of taking some of the known factors and making a projection, which may show more positive
530 financial benefits. He shared the sentiment from other members that the communities would
531 benefit more from working together than apart, but stated that there were some citizens who needed
532 more concrete reasons to vote yes for the merger. Mr. Overton agreed and asked the Managers to
533 provide a hard example of the effect on taxes for a house appraised at \$250,000 for municipal taxes
534 and school taxes. Mr. Safford could not explain the effect based on the school tax, but stated that in
535 regards to the municipal tax, a house appraised at \$150,000 in the Village would have a tax
536 decrease of \$110 and a house appraised at \$150,000 in the Town outside the Village, would have a
537 tax increase of \$240 a year. He noted that historically, the delta had been the reverse. Mr. Mertens
538 asked Mr. Safford what were the reasons for the tax rate difference in the Town outside the Village
539 and the Village? Mr. Safford stated that for whatever historical reasons, the Town did not pay for a
540 complete array of Village services, such as Recreation, Library, Fire, etc. Therefore, in a merger,
541 there would be equal taxes for equal services. Historically in other situations, the delta had been in
542 favor of the Town because they had not been paying to the Village. He noted that in the future of a
543 merged community, the delta would immediately shift to equalize because everyone would be
544 paying equal taxes for equal services in the community. Mr. Mertens, according to the Pie Chart,
545 noted that 47% was allocated to public safety and asked if one community was paying more and
546 one was paying less. Mr. Safford stated that both entities were paying equally to support the police,
547 which was in the Line Item, Town General. With the Fire Department, the Town and the Village
548 paid equally out of the Town General Fund for the Town Fire Department, but the Town taxpayers
549 outside of the Village paid nothing to support the Village Fire Department, which was paid entirely
550 from the Village General line item. In a merger, the Town would support those services, which they
551 may not have known they had not been supporting. He stated that initially there may be some minor
552 savings in a merger and some savings over the long term. Mr. Safford warned members that the
553 effort that went into designing a budget, at this point in time into the future, may produce little

554 outcome. Instead with a merger, Mr. Safford suggested that the findings may result in questioning
555 the need for two pools, two libraries, two administrative offices, etc. He asked members if they
556 wanted to explore a complete budget and organizational restructuring or whether they should defer
557 it to the Transition Committee. He stated that the Managers could make an attempt to provide a
558 projection, but that short of developing a complete analysis and making some tough decisions, they
559 were not likely to find cost savings.

560

561 Ms. Billado stated that historically, based upon the scale that was applied to this debate of
562 merger/separation, there were no economies of scale in this case. She stated that in a merged
563 community, the taxpayers would pay equally or more than today and would get what they paid for.
564 She felt the numbers were in line with the size of the community. Mr. Lajza stated that if they
565 compared the merged tax of \$0.6835 to the tax rate of Colchester and South Burlington, he felt it
566 would be very similar. Mr. Safford thought it would be interesting to compare the communities. Mr.
567 Mertens asked if the per capita comparison could be explored as well. Ms. Billado stated that she
568 would offer updated figures from her study for the Task Force to review. Mr. Safford informed the
569 Task Force that in a merger, there would more than likely be savings for the town ratepayers with
570 utilities, which he recommended exploring. Mr. Mertens appreciated the knowledge from the
571 Managers about issues such as utilities and encouraged them to continue exploring other similar
572 ideas that members would not necessarily know. Mr. Mertens asked if there were other questions
573 for the Managers. Mr. Lajza commended the Managers for their work and stated that they certainly
574 had an interesting discussion. Mr. Overton confirmed with Ms. Billado that she would bring the
575 study information to the Task Force meetings, and Ms. Billado stated she would bring an updated
576 version of the study for review by the members. Mr. Safford stated that he and Mr. Scheidel would
577 make an effort to provide equalized municipal tax rates for the Town and the Village and the other
578 full service communities, even if a little outdated, and show them where the merged municipal tax
579 rate would compare with the other Chittenden County full service communities, such as Shelburne,
580 Williston, Colchester, Burlington, Milton, Winooski, etc. In this way, the public could see a
581 comparison within the communities for a merged and separate community and make some
582 conclusions based on those comparisons. He noted that as the staff made projections into the future,
583 there would be less accuracy of the numbers, but that he and Mr. Scheidel could certainly provide
584 this comparison with the known figures of today and the given assumptions.

585

586 Ms. Myers, as she stated at the Selectboard meeting the previous night, felt that the Task Force
587 needed to educate the taxpayers of the reason for the merger as well as sending a strong message
588 about the number of services taxpayers were receiving when only paying a municipal tax of 20
589 cents on the dollar. Unfortunately, the assumption was that the municipal government was
590 increasing taxes and spending frivolously when in fact, that was not the case. She emphasized that
591 the Task Force needed to educate the people of the community that the municipal tax was a rather
592 small amount of money they paid, for the services that were provided. Mr. Safford explained that
593 this topic was confusing and difficult for taxpayers to understand completely. He recommended
594 that the Task Force provide a simple explanation for the public to understand that the merger meant
595 equal taxes for equal services. He mentioned that he received a phone call the other day from a
596 Town resident who was bound and determined that he was paying for all of the Village services,
597 which Mr. Safford explained to him was not the case. He stated that many people did not realize
598 that they were not paying to support Village services and that this information needed to be
599 simplified for better understanding.

600

601 Mr. Scheidel stated that at the same time, the Town residents did not have voting power or
602 influence in the Village business. He explained that if you were a Village resident, you were a fully
603 franchised voter in the Town of Essex and had a say, which was also a difference between the
604 Town and the Village. He suggested that Mr. Safford's inference that in a merger the Town would
605 have a say as to what happened in the Village, would be another argument for merger. Mr.
606 Scheidel stated that each year when they solicited the support from taxpayers for the annual report,
607 they tried to explain the cost breakdown for what a house appraised at \$150,000 would pay in each
608 area of municipal government such as Highways, Fire, etc. that was shown on the Pie Chart. By
609 doing so, however, it made the schools look unfavorable to the taxpayer and he pointed out that it
610 would be necessary to be sensitive with the comparison of the tax rate with the schools to not show
611 disrespect as even those without children see the value in education and a free society. Mr. Scheidel
612 stated that he, Mr. Safford and the staff would do their best job in answering the questions that were
613 raised in this discussion. Ms. Billado suggested using values higher than \$150,000 when providing
614 analysis because the reality was that she did not know of any houses that were less than \$200,000 in
615 the Village other than condominiums. Mr. Safford said that for the future, they would use a higher
616 appraised value for analysis purposes. Members agreed that \$200,000 would be the appropriate
617 value to use. Mr. Sweeney wanted to confirm with the Managers as to what the Task Force was
618 asking them to do. Mr. Safford stated that they understood that the Task Force wanted the Assessor
619 to be present at a meeting to answer whether there would be a change in the delta, the result of the
620 utility rate for a merged community and the result of the tax rate if they were merged today on a full
621 service community. At the same time, the staff would brainstorm whether there were any other
622 financial positive outcomes to a merger in the future. Mr. Sweeney clarified that they would work
623 on a 2009 projection, and Mr. Safford agreed and stated that they would try to find savings. He
624 asked Ms. Myers to let them know if they were aware of any future changes at the state level that
625 would provide possible savings for a merged community as well, and Ms. Myers agreed. Mr.
626 Sweeney clarified that they also agreed to review the comparison of tax rates to other full service
627 Chittenden County communities, which may be a positive outcome as well. Mr. Scheidel asked if
628 they had any other questions. Mr. Lajza suggested considering the different services in the other
629 communities they would compare themselves with. He noted that one difference was in South
630 Burlington who had a paid fire department. Mr. Scheidel understood that there needed to be some
631 notes in the memo because the services were not the same with the communities. Members agreed
632 that Colchester was much closer in similarity to Town and the Village in regards to the allocation
633 and provision of services. Mr. Safford reminded members that Williston had the local option one
634 cent sales tax and that the authority to do that expired that year. Ms. Myers stated that the
635 legislature was considering extending that option and allowing that tax for other communities as
636 well.

637

638 Mr. Mertens closed the discussion for the evening and asked the Managers when they should
639 continue this discussion. Mr. Scheidel suggested inviting the Assessor to next week's meeting along
640 with providing an idea of when he and Mr. Safford could present the other information. Mr. Safford
641 stated that they could do the tax comparison by next week, agreed to having the Assessor on the
642 Agenda. He asked when they wanted the libraries invited. Mr. Mertens wanted to finish the
643 discussion about Manager presentations first. He concluded that the Assessor would be present at
644 the next meeting, the Managers would provide an update to any information they were able to
645 complete and then the Task Force could schedule further discussions at that point. Mr. Mertens

646 asked if members had any other comments pertaining to the Manager's presentation schedule.

647

648 **Future Agenda Items**

649

650 Mr. Mertens suggested deciding on the libraries and the Fire Departments. Mr. Overton had to
651 leave early that evening and excused himself. Mr. Sweeney asked whether they wanted to set a date
652 and make a decision on the library structure? He felt they had all the information and that last time
653 the Task Force agreed they did not want to decide on the library because they wanted to set a date
654 to invite the Trustees and whoever else wanted to attend. Ms. Myers suggested putting it on the
655 Agenda, and Mr. Sweeney asked whether they wanted to put it on the Agenda. Mr. Safford
656 recommended putting the libraries on the Agenda while Mr. Overton was still in Town, and
657 members agreed. Mr. Sweeney suggested putting the libraries on the Agenda on January 18. Mr.
658 Mertens asked if they should include the Fire Department. Members deliberated as to when each
659 department should be invited. Mr. Mertens stated that January 25th could be for the Fire and January
660 18 for the Library. He added that Recreation would be scheduled at some point, but not at the
661 present time. He offered the first week of February as a proposed date for Recreation.

662

663 **Public Input-General Comments**

664

665 Mr. Marcotte did not think that the tax differentials would be a reason to vote down the Charter, as
666 he felt there were better places for voters to save their money and that the local government was not
667 the area to do that. He urged the Task Force not to spend any further time on this issue.

668

669 Mr. Jerman was disappointed that the Press was not present that night because there were many
670 questions about this issue that were answered that night as well new questions that were formed. He
671 felt this was great information to start presenting to the public if a member was willing. He noted
672 that a reappraisal would be different for every single person depending on their property. Everyone
673 in the village would not be saving 16 cents and perhaps a lot less than that due to their appraisals.
674 He stated that the financial aspects were important, but felt that it was not that different than in
675 1999 and that ultimately, the reason for the merger would be that it was the best thing for future of
676 both communities.

677

678 Mr. Marcotte seconded Ms. Myers comments because he agreed that the emphasis should be how
679 the residents of both communities should work together. He believed that there would be some
680 savings in a merger as they would no longer need two people for one job.

681

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

684

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

686

687 **Respectfully submitted,**

688 *Saramichelle Stultz*

689 *Saramichelle Stultz*

690 Recording Secretary

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

MERGER TASK FORCE

January 4, 2005

692 MEETING)

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**MERGER TASK FORCE
ESSEX/ESSEX JUNCTION
MEETING MINUTES
January 11, 2006**

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

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

OTHERS PRESENT: Bob Marcotte, Chris Loso, Victoria Welch, BFP, Randy Viens, Town Assessor.

BUSINESS AGENDA

Public Input on Agenda Items

There was no public input.

Mr. Scheidel stated that he had circulated a memo of comments and questions he received from a citizen at the end of October about the organization of the merged community and suggested discussing them at the Future Agenda Items, unless they preferred otherwise. It was noted that the comments were not anonymous.

Approve Minutes of January 4, 2006

Ms. Billado stated that she had not received the full document of the minutes, and Mr. Sweeney and Ms. Myers informed her they were sent by e-mail. Members decided that due to the late arrival of the minutes, they would like more time to review them and to approve them at next week's meeting.

Mr. Sweeney mentioned that he received an e-mail from Channel 17 that informed him that they would only videotape the Selectboard's and Trustees meetings in February. He felt that they were not planning to videotape the Task Force meetings in February. Mr. Lajza stated that he had a meeting next week with the Trustees and stated that the Trustees were not utilizing all the time they allotted originally. Mr. Sweeney clarified the information in the e-mail, which stated that there would be budget forums and election forums, etc. and that Channel 17 seemed very busy. Mr. Scheidel stated that the e-mail was a standard memo that was circulated every year at this time. Mr. Sweeney noted that they were only covering the first meeting of the month for the Selectboard. Mr. Lajza felt that was due to the election coverage. Mr. Sweeney asked Mr. Scheidel to check on that situation, and he agreed. Mr. Scheidel felt fairly certain that Channel 17 would be present for the Task Force meetings in February.

Preliminary Budget and Tax Rate Discussion-Town Assessor

Mr. Viens introduced himself as the Assessor for the Town Essex and the Village of Essex Junction. Mr. Sweeney referred to the questions from the Task Force and asked Mr. Viens how he

48 would like to proceed. Mr. Viens asked if members received his packet of information. Mr.
49 Sweeney stated that the main question from the Task Force was the upcoming reappraisal and in
50 projecting the future, did he know what would the tax rate be for a merged community particularly
51 in 2009? He asked if the reappraisal would affect the projections of the tax rate? Mr. Viens began
52 to discuss the new grand list. Mr. Sweeney stated that they were aware that the grand list would
53 increase, but wondered whether it would increase higher in one community over the other or
54 whether that was possible to determine? Mr. Viens felt that the grand lists for each community
55 should go up percentage-wise fairly equally. He referred members to pages 6 and 7 of his packet,
56 which showed an annual sales of properties, from April 1, 2005 through December, 2005, that
57 would be used in the upcoming equalization study at the state level. He explained that when the
58 state did an equalization study, they included the Town and Village properties together as one
59 market. Mr. Viens and members confirmed that page 6 was the Village and page 7 was the Town.
60 Mr. Sweeney confirmed that these were all sales, and Mr. Viens agreed. Mr. Viens pointed out that
61 the data sample on pages 6 and 7 showed the total number of sales, which were 187 in the Village
62 and 184 in the Town. The average CLA in the Village was 51.29% and in the Town, was 51.03%,
63 which were virtually the same. Mr. Overton asked for clarification on the CLA, and Mr. Viens
64 replied, Common Level of Appraisal. Mr. Sweeney stated that the CLA was the ratio of the
65 assessed price to the sales price. Mr. Viens explained that column 3 showed all the sale prices and
66 column 4 showed the assessments on those individual properties.

67

68 Mr. Mertens asked if there were any differences in turnover of houses in the Essex and Essex
69 Junction communities. Mr. Viens asked for clarification about his question. Mr. Mertens clarified
70 that in a town, a house sold every so many years and wondered if there was any data to show that
71 one town sold more properties on a regular basis than the other, in regards to Essex and Essex
72 Junction. Mr. Viens stated that this would probably be determined in the total count of houses sold
73 in a year, which was virtually the same for the Town and the Village. Mr. Sweeney asked whether
74 the data showed sales for residential properties only and wanted to know the total number of
75 properties in the community. Mr. Viens stated the data included all properties and that there was a
76 total of 7,000 properties in the entire community, which was divided fairly equally among the
77 Village and Town. He added that he could provide members with an exact number upon request.

78

79 Mr. Safford pointed out that all sales were assessed at the 1990 value. Mr. Sweeney needed
80 clarification, and Mr. Viens stated that a property that was built after 1990 was still assessed at the
81 1990 values and referred the members to page 4. Mr. Mertens asked whether the CLA for a house
82 built after 1990 and assessed at the 1990 values, would be essentially discounted? Mr. Viens
83 stated, no that they were still using that data and referred the members to pages 4 and 5. He
84 explained that page 4 was the Land Schedule that was developed in the 1990 Reappraisal based on
85 all the land sales at that time and that when a property was subdivided into new lots, even today,
86 they still used the same land schedule to assess a one-acre lot at \$37,800. Therefore, he summarized
87 that reappraisal sets market value in a given year and afterwards, it was very important, for
88 assessment purposes, that taxation be equitable after reappraisal. He explained that if properties of
89 similar value built in different years were assessed at different values, there would be unequal
90 taxation. Mr. Overton stated that he and Mr. Lajza were correct in understanding that just because a
91 house sold for \$350,000 and all the other houses in the neighborhood hadn't been appraised for a
92 long time, it would not be taxed at \$350,000 because that would be an inequity.

93

94 Mr. Sweeney stated that he bought a house in 1998 when the assessed value was exactly the price
95 he paid for the house. Members deliberated about his example. Mr. Lajza gave an another example
96 that related to a time when the market and assessment had decreased in value due to IBM, and
97 members deliberated as to when that occurred. Mr. Overton clarified that when you examine sale
98 prices compared to assessments, the last couple of years, the appraisals were close between the
99 Village and the Town, which was about 51% in the last sale price. Mr. Overton felt that data proved
100 to him, among other things, that it was time for a reappraisal. Mr. Viens explained that it was a state
101 statute that determined every January 1, whether a reappraisal was needed based on the CLA data
102 and a three-year sample of sales. He explained that the current CLA from the State was determined
103 to be 63%, which was based on sales from April 1, 2005 and three years prior, for statistical
104 information. His data was only based on an one-year sample of sales from April '05 until recently.
105 Ms. Myers asked what triggered a reappraisal, and Mr. Viens stated that according to the state
106 statute, the state would mandate a reappraisal when the CLA fell below 80% or the COD,
107 Coefficient of Dispersion rose above 20 points. Mr. Sweeney suggested discussing the questions,
108 which would explain COD.

109

110 Mr. Viens stated that the Coefficient of Dispersion (COD) was basically a measure of equity.
111 Beginning with market value and reappraisal of properties, in future years, properties were assessed
112 at the same market and reappraisal value, even new properties. The COD measured the equity
113 among similar properties. The COD would increase due to market forces and if the properties were
114 not equitable. One scenario was when different segments of the market were increasing at different
115 ratios such as lower end properties. Mr. Sweeney asked how the COD was calculated? Mr. Viens
116 stated that it was basically a measurement of the CLA mean, which was the number of assessed
117 properties and the CLA average. An example would be if a COD was 10 and the CLA was 100,
118 then most of the properties sold and assessed would be 10%, either 90-110. Mr. Mertens suggested
119 an interpretation that the COD calculation was the “scatter of the CLA”, and Mr. Viens agreed and
120 added that the state wanted the COD under 20 or would mandate a reappraisal. Mr. Sweeney
121 clarified that in regards to the data of sales on page 6-7, in looking at the dispersion of the sales and
122 all of the measurements being closer to 50%, the COD would be small. The COD would be larger if
123 they were farther away than the average, and Mr. Viens agreed. He stated that it did not matter
124 where the CLA was to measure that equity. His example was if you had a CLA of 100, and a COD
125 of 30, it would create inequity and that it was better to have a CLA of 50 and a COD of 10 or 12,
126 which would show the assessments were more fair across the spectrum. Mr. Mertens asked what the
127 Town and Village's COD was? Mr. Viens replied, 13. He referred members to page 3 and reminded
128 them that the last reappraisal was 1990. Therefore, in Chittenden County, the towns that were
129 reappraised were over 100%, such as Burlington. He felt that their COD was kept fair and
130 equitable over the last 15 years because the COD stayed relatively the same as the original number
131 from the 1990 reappraisal. Mr. Sweeney asked if there was any state requirement on a COD, and
132 Mr. Viens stated that this number was 20. Mr. Sweeney asked whether a reappraisal was mandated
133 regardless of the CLA, and Mr. Viens agreed. Mr. Viens felt that the COD was an important
134 number after reappraisal as well as being a very strong measurement versus the CLA. Mr. Overton
135 asked what it meant if the COD was at 8 or 9? Mr. Viens replied that it was more equitable after
136 the reappraisal.

137

138 Mr. Blanchard commented that one politician at the last election who mentioned that if you lived in
139 a very small community, with probably only 7 houses sold out of 50 houses, but were priced at 1 ½

140 million dollars, the CLA would rise the prices on the remaining houses. Mr. Viens clarified that the
141 issue was whether one property, because of the value, would effect the overall grand list value. He
142 stated that this was probably possible, but would that property sell? He stated that the CLA was
143 having a greater affect, than the State anticipated, on smaller towns that may not have as many
144 properties to sell than a larger community with lower valued homes. Mr. Viens stated it was much
145 more difficult to control the market in the smaller communities where there were very few sales. He
146 added that the State had planned on conducting a reappraisal of those areas and conducting a
147 regular market analysis if they felt there were problems in those areas.

148

149 Ms. Billado stated that in the case of an owner providing an addition or an improvement, she asked,
150 did the assessor add value to that project or reappraise the entire property? Mr. Viens stated, just the
151 addition and pointed out page 5, the Reappraisal Cost Schedule, which was still the cost per square
152 foot for all of those entities. Ms. Billado asked if these were the numbers that would be used for the
153 reappraisal, and Mr. Viens stated, no, the numbers were from 1990 and would probably double for
154 the reappraisal from the current market and be derived from market sales. Mr. Scheidel stated that
155 page 5 was 100% of the cost using 1990 values. Ms. Billado asked, based on what community? Mr.
156 Viens stated just in this community of Essex and Essex Junction. Ms. Myers asked for clarification
157 of the symbols 1-1, etc., and Mr. Viens stated that 1-0 was a ranch with a basement and 1-1 was a
158 ranch without a basement. Ms. Myers confirmed that each code referred to a different kind of style
159 of property, and Mr. Viens agreed. Ms. Billado asked about whether non-functioning fireplaces
160 were included in the costs, and Mr. Viens stated no.

161

162 Mr. Overton asked Mr. Viens to explain page 8. Mr. Viens stated that Mr. Safford would make that
163 presentation. Mr. Safford noted that there would be new handouts because some of the numbers had
164 changed. Mr. Sweeney suggested saving that discussion for the next topic, and members agreed.
165 Mr. Mertens stated that at the last meeting it was determined that 63% was the CLA and thought
166 that it was actually 51%. Mr. Viens disagreed and stated that 51% was only for sales from April 1,
167 '05 to December '05. The 63% was the State calculated CLA for three years from April 1, 2005,
168 which softened the increase. Mr. Mertens asked if it was 63% for Village and Town, did it say 63
169 and 63 again like the 51 and 51? Mr. Viens noted that the State did not break it down like that. Mr.
170 Scheidel recommended looking on page 3 under the Education CLA, where it showed the average
171 being 63%. Mr. Viens stated that Mr. Safford had information that would also show this average as
172 well. Mr. Sweeney assumed the Education and the CLA for the municipal government was the
173 same number, and Mr. Viens agreed. Mr. Mertens asked whether the square footage on the cost
174 schedule was just the footprint of the building, and Mr. Viens agreed. Mr. Mertens asked if there
175 was a difference of square footage for a living space versus a basement? Mr. Viens pointed out the
176 different components for basements on page 5. He explained that currently, they used the formula
177 for a Finished Basement to include, Walls, Ceiling, Flr/Carpet and Flr/Tile. The maximum was
178 \$10.15 a square foot for a finished basement. Ms. Myers clarified that if there was a finished
179 basement with walls, ceiling, carpet and tile, the cost would be the total of the column. Mr. Viens
180 stated that there was another column below it that would be added as well. Mr. Blanchard asked
181 about a split-level, not a split ranch, and Mr. Viens stated that a raised ranch and a split would be
182 under the same cost schedule of 2-0.

183

184 Mr. Sweeney, in regards to the written questions from the Task Force, felt that all the questions had
185 been answered. Mr. Viens stated that the only thing that might affect the difference in the sales of

186 properties in the Village versus the Town outside the Village was zoning. Some individual
187 properties might see more of an increase because the zoning in the Village had no required permit
188 for interior work. Mr. Sweeney confirmed that they did not need a building permit, and Mr. Viens
189 agreed. Therefore, there were some properties in the Village that could be reappraised more than
190 normal because their assessment had not increased to meet the changes in the upgrades in those
191 properties. For example, if he had a property that was assessed at \$100,000 and the owners
192 provided interior renovation, he would change the appreciation from 20 to 40, and the assessment
193 would have been determined at \$120,000. If the property sold for 200,000 then there was a 20%
194 differential in the CLA just in that property that went into the data for sales.

195

196 Mr. Overton clarified that the Village did not need a building permit for interior work, and Mr.
197 Viens explained that in the Town, if labor materials were above \$500 or more, you needed a permit
198 and in the Village, no permit was needed unless the owner planned on changing the footprint of his
199 property. Mr. Overton asked Mr. Safford when that permit requirement changed in the Village, and
200 Mr. Safford stated that for the 10 years he had been in the Village, there had never been a building
201 permit for interior renovations. Mr. Overton stated that there was certainly a time in the Village
202 when a permit was needed for an addition. Members felt that an addition was different from interior
203 work. Mr. Overton felt at one time, a permit was needed for remodeling beyond a certain price. He
204 always thought the reason for a permit was to help the government keep track of appraised values,
205 and he did not understand why the Village stopped requiring permits for interior work. Ms. Billado
206 stated that it did not catch up until the reassessment occurred. Mr. Viens stated that when a
207 renovated property sold in between reappraisals, the CLA decreased faster and the rates increased.
208 If the grand list was not updated to keep that rate down then those renovated properties should be
209 assessed higher. If they were not and the grand list did not increase, then everyone else was paying
210 that extra tax rate instead of the property. Mr. Safford pointed out that there may be savings on the
211 extra paperwork involved in the permits. Ms. Billado wondered if the average of sales in the
212 Village was about \$200,000. Mr. Viens did not calculate an average sale price, but could provide
213 that information if requested. Mr. Sweeney stated that they were interested in that knowledge
214 because they wanted to describe the impacts in terms of the average house in the community and
215 had determined that it was unrealistic to use \$180,000 as the average assessed value in the
216 community. Mr. Safford stated that if they looked at assessed value it would be easier for grand list
217 purposes versus market value. Ms. Myers added that the taxes were based on the assessment as
218 well. Mr. Mertens stated that the grand list would increase .5%. Mr. Scheidel felt that would be a
219 couple of years into the future. He used \$150,000 for his calculations in the Annual Report and was
220 questioned about whether that value was realistic in the community. Mr. Viens stated that it was
221 \$150,000 since 1990.

222

223 Mr. Scheidel reminded the members that he thought Mr. Mertens had asked whether there was any
224 appreciable difference between the sale of an older house in the Village and sale of a newer house
225 in the Town. Mr. Mertens stated that he thought the CLA would suggest there would not be a
226 difference, and Mr. Viens agreed. Ms. Billado asked how to measure the level of increase in
227 assessed values between the Town and the Village, since, in the Village, there were older homes
228 with unknown levels of renovation. Mr. Viens felt there were a few properties in that situation, but
229 he did not think there would be that many of the sold houses in that situation. He stated that on an
230 individual basis, the taxes for renovated properties in Essex Junction might be increased because
231 they did not have an updated assessment in relation to everyone else due to different zoning

232 regulations. One member understood it as the basis of depreciation of those other properties, and
233 Mr. Viens agreed and stated that if there were some properties with 40% of depreciation on the
234 main dwelling, and then it was renovated, that percentage would change the value of the dwelling,
235 which would be the assessed change. Mr. Scheidel asked if the value of a property change in a
236 residential area if it had home occupation involved? Mr. Viens stated that it was irrelevant. Mr.
237 Sweeney confirmed with Mr. Viens that he believed that there was not anything major that would
238 affect the relative difference in the tax rate for the Town and the Village before and after the
239 reappraisal. Mr. Viens stated that the data was very strong in favor of no major changes. Mr.
240 Overton was concerned with the possibility of a greater discrepancy in the Village between the
241 appraisals and the actual sale prices in the Village, whereas in the Town, he would expect them to
242 be much more similar because the Town had newer housing construction. Mr. Sweeney stated that
243 if you use the same formula to appraise those new houses than you are to appraise the houses in
244 1990, then there should not be any difference. Mr. Sweeney stated that the data suggested zero
245 difference statistically between the Town and the Village. He added that the three-year data from
246 the State showed that in the Village, there was 63.02 and in the Town, 62.87, which was very close
247 and that the one year data was almost identical as well. Mr. Overton stated that there had not been
248 actual building permits in the Village for many years, and Mr. Viens disagreed and stated that there
249 were building permits in the Village. Mr. Overton understood, but meant internal upscale
250 renovations. Mr. Sweeney pointed out that the data showed almost the same number of sales, 187
251 versus 184 as well as the other figures. Mr. Safford did not think that internal renovations would be
252 a huge number to affect a difference. Mr. Viens pointed out that one reason for the similar data was
253 that there were many properties that were renovated and not sold. Mr. Sweeney mentioned that
254 there were probably many people in the Town who had not requested a permit for kitchen
255 renovations. Mr. Overton requested an average sale price for the Town and one for the Village. Mr.
256 Sweeney asked, for what time period? Mr. Overton stated, for one year. Mr. Viens agreed and
257 stated he could provide a three-year time line.

258

259 Mr. Mertens commented that Mr. Viens had mentioned depreciated values and he asked for
260 clarification on how that would relate to CLA. Mr. Viens responded that each property if they were
261 not new had depreciation. Mr. Mertens gave an example of a 1950 kitchen versus a 1990 kitchen.
262 Mr. Viens said, however, that depreciation was basically an overall for the entire building. They did
263 not break it down as this much depreciation for a kitchen and this much for the carpeting, etc. It was
264 a component to the bottom line that at the time of reappraisal, market value. The appreciation was
265 one of the subjective items and was not derived from the market as everything else. Mr. Mertens
266 asked what the range was of depreciation. Mr. Viens replied, 0 to 100 depending on the property.
267 Mr. Mertens asked how much a 100-year-old property could depreciate? Mr. Viens stated that it
268 was the effective age of a property and if a property had been renovated, and it was 50 years old, it
269 could have an effective age of 5 or 10 years, so then appreciation would reflect something that was
270 5-10 years old. Mr. Mertens asked how effective age affected the appreciation in under-appraised
271 properties? Mr. Viens stated that he thought the Town also had under appraised properties and
272 stated that these numbers were averages and that the actuals were reflected in many areas. He stated
273 that it was not a particular science, which was why they had reappraisal to realign all the ratios,
274 factors and market changes. In this current market, he was sure that the lower-end market had
275 probably increased more than the high-end market properties when they started this appreciation.

276

277 Mr. Lajza stated that it was not uncommon to see houses, such as those in Indian Acres, sell after

278 40 years and the new owner renovate them. Mr. Viens stated that was why he pointed out that
279 many of those properties probably won't sell soon, so that just because renovation occurred, it
280 would not affect the CLA unless the renovated property was sold. Mr. Mertens reiterated what Mr.
281 Overton expressed about renovation occurring in both communities, not just Essex Junction. Mr.
282 Viens stated that it was because every property was using the same land schedule and same cost per
283 square foot on all components in both communities. Mr. Overton participated in real estate issues
284 with his office and he had seen properties in Indian Acres sell for \$240,000 and he knew people
285 who bought the houses for \$7,000. He stated that it was a tremendous leap in value. Mr. Viens
286 noted that there were four sales in the Junction that were 43%, 43%, 46% and 48% CLA. He had
287 four sales in the Town, 44%, 44%, 46%, 47%. Same property values outside and inside the Village,
288 using the same data to assess all properties. Mr. Blanchard thought that was the reason why they
289 bought the older houses, because they had enough money to renovate them to their own wishes, so
290 there was a lot of turnover in the Acres. Mr. Overton felt that an appraisal was going to push those
291 appraisals up in the Village, but not so dramatically in the Town, and Mr. Viens stated, not
292 according to the data, and Mr. Overton stated that he was suspect about the data. Mr. Lajza stated
293 that Mr. Viens' data showed that whether you lived in the Town or the Village, your appraisal
294 would probably be very close to double and that probably 80% of the houses would be affected.
295 Members deliberated on the effects of the appraisal.

296

297 Mr. Mertens told Mr. Viens that he gave an excellent presentation, but wondered about the schedule
298 for the reappraisal project. Mr. Viens stated that the timetable was that the inspections would be
299 performed in calendar year 2006 in another month or so. Mr. Mertens asked about the inspection.
300 Mr. Viens stated this would be the first full reappraisal they had done since the early to mid-80s.
301 He explained that at the current reappraisal time, every property was going to be measured and
302 visited interiorly, with 2-3 efforts to complete that goal to level the playing field. Mr. Overton
303 asked for the rest of the schedule. Mr. Viens stated that the physical visits would be in 2006 and all
304 the data collecting and the actual reappraisal would be completed for the 2007 grand list for
305 FYE'07. Mr. Mertens asked what time his results would be published? Mr. Viens stated that it
306 would be in the summer and that the grand list needed to be in the state by July, 2007. He noted that
307 the public would receive a notice before the start of the reappraisal. Mr. Mertens confirmed that
308 there would be a living square footage this time as opposed to the table Mr. Viens provided the
309 members, and Mr. Viens agreed. Mr. Mertens asked if this was consistent with what other towns
310 were doing, and Mr. Viens agreed. Mr. Scheidel stated that there would be a special reappraisal by
311 the end of the process that would be different. Mr. Sweeney explained that the special reappraisal
312 would be conducted out of state from national experts. Mr. Scheidel stated that when the rates were
313 really low, many people refinanced their houses and used some of the money for home
314 improvements. He questioned whether 100% of the houses that requested permits for home
315 improvement would be tracked. Mr. Viens stated that it would be definitely the percentage of the
316 properties they could get into, but the hope was they would. Mr. Viens stated that if the BCA was
317 not allowed to enter the home then it would go to appeal. Ms. Myers confirmed with Mr. Viens that
318 a note would be left to return if no one was home and then a phone call would be made to make an
319 appointment. One member asked how many supervisors would be in the field, and Mr. Viens stated
320 2-4 people, along with others in the building. The firm was conducting other assessments in other
321 towns in the area so as they completed those, there would be more people available. Mr. Boucher
322 asked if the land schedule would change, and Mr. Viens stated that he believed it would. He
323 remarked that the land under .25-.59 parcel size was valued very low according to that schedule.

324 Mr. Viens pointed out that it was a building lot and therefore, he questioned how much value would
325 remain in the residual land after building a home.

326

327 **Tax Rate Discussion- Charles Safford**

328

329 Ms. Myers clarified to Mr. Overton that the Task Force did not vote on the minutes and that there
330 was a new set of minutes, and Mr. Scheidel handed a copy of the minutes from January 4, 2006 to
331 Mr. Overton.

332

333 Mr. Safford used an overhead projector to present the Manager's data requested from the members
334 last week. He presented graphs of FY06 Municipal Tax Rates and FY06 Effective Municipal Tax
335 Rates in selected Chittenden County Communities, based on the assumption of Town and Village
336 budgets using the present grand list. In the Municipal Tax Rates graph, Williston was at the lowest
337 point, with the one percent sales tax and Winooski was at the highest point. In regards to the
338 municipal tax rates, Essex Town was currently at .54 for \$100 per assessed value and Essex
339 Junction at .84 for \$100 assessed value, which included the Town and Village General and the
340 Village Recreation. The tax rate for the Town of Essex Junction was .68 per \$100 of assessed value
341 and was on the higher end of the graph. After speaking with Mr. Viens, Mr. Safford understood that
342 these numbers were not equalized.

343

344 The FYE06 Effective Municipal Tax Rates graph showed a prediction of equalized tax rates for a
345 merged community in comparison to other Chittenden County Communities. Williston was at the
346 low point and Winooski was at the high point. Essex Town was at .34, Essex Junction at .53 and the
347 Town of Essex Junction at .43. The average of these communities was .48 and the medium was .42,
348 with the assumption that every community's grand list was 100% market value, which showed a
349 more positive tax outlook for a merged community. Mr. Sweeney asked how the graph was
350 calculated. Mr. Safford stated that it was the Village Tax rate, .84 times the CLA, and Mr.
351 Sweeney added , so it was to justify the Common Level of Appraisal, and Mr. Safford agreed and
352 stated that the calculation decreased the Village rate to an equalized rate of .53, which was
353 important for comparative purposes. Mr. Sweeney stated that this would be a more fair comparison
354 than in the first graph, and Mr. Safford agreed. Mr. Overton confirmed that the second graph
355 showed them what will happen to the taxpayers in the Town and the Village. Ms. Myers added, up
356 9 cents, down 10 cents, and Mr. Overton asked if that was the final conclusion, and members
357 agreed. Mr. Safford stated that if you look at the actual tax rates, the Town increased 14 cents and
358 the Village decreased 16 cents, and pointed out that Ms. Myers already stated what they would be
359 in an effective tax rate scenario. Mr. Overton asked Ms. Myers for clarification of those numbers.
360 Ms. Myers stated that the numbers were subtracted to reach 9 and 10 cents, and Mr. Overton
361 understood. Mr. Scheidel reminded Mr. Overton that the question last week was whether there was
362 a delta and whether it changed and if so, how much did it change? Mr. Safford stated that he would
363 explain that, but first he wanted to show who paid for what in the communities and why that delta
364 did not change.

365

366 Mr. Safford referred to the chart that showed who paid for General Fund Services provided through
367 the Town of Essex municipal corporations. The Town and Village tax payers both paid for Police,
368 Fire, Recreation, Library, Planning/Zoning, Administration, Capital Fund and Highway. The Town
369 taxpayers paid an 8 cent tax for public works that village taxpayers did not pay, but the 8 cents tax

370 did not cover the cost of the entire Town Highway budget. He stated that he thought the highway
371 budget was about 1.5 million and that the Highway tax was about \$500,000. He referred to the next
372 chart that showed who paid for major General Fund Services provided through the Village of Essex
373 Junction. The Village taxpayers paid for Village Fire, Recreation, Library, Planning/Zoning,
374 Administration, Capital Fund and Highway and the Town Taxpayers did not pay into the Village
375 General Fund or the Village Recreation Fund. The Town taxpayers paid a \$15,000 contribution
376 through the Town General Fund budget in support of the Brownell Library. In FY 06, the Brownell
377 Library's operating budget was \$520,381. Ms. Billado stated that of the \$15,000 it should be noted
378 that 45% of that was Village contributions, and Mr. Safford did not know the exact number, but that
379 the Village paid into the Town General Fund. Mr. Blanchard asked if Mr. Safford had a per capita
380 breakdown on the \$520,381, and Mr. Safford stated that he could provide that information from the
381 Vermont Library Department.

382

383 In regards to the next chart showed what was raised in taxes in FY 06 and who paid for them. The
384 Town General (including Capital) the tax levy was \$5,901,000. The Town Taxpayers and Village
385 taxpayers paid into the Town General, depending on their home assessment. The Town Highway
386 tax, having a levy of \$541,000, was the 8 cents tax from the Town taxpayers. The Village taxpayers
387 did not pay that Town Highway levy. The Village General (including Capital) was \$1,729,000. The
388 Town taxpayers did not pay into the Village General Fund as did the Village taxpayers. With the
389 Village Recreation, the tax levy was \$623,000. The Town taxpayers did not pay into the Village
390 Recreation Budget as the Village taxpayers. Mr. Safford, in regards to the delta, quoted from his
391 written hand-out, "The Village taxpayers pay \$1,811,000 more in property taxes (largely due to
392 supporting Village services) than Town taxpayers pay. This is why the Town taxes go up when we
393 merged and the Village taxes go down. Unless you cut spending by \$1,811,000, taxes paid by Town
394 taxpayers are going to go up. As you decrease spending, the delta between taxes going up for Town
395 taxpayers and taxes going down for the Village taxpayers remains the same. Another way to look at
396 the delta is that the total current municipal tax rate for Village taxpayers equals .844 per \$100 of
397 assessed value and for the Town taxpayer, it is .5387 for \$100 of assessed value for a difference of
398 .3057 for \$100 of assessed value. If the community combines the Town and Village FY 06 budgets,
399 the merged tax rate would be .6835 per \$100 of assessed value. The Town taxpayers' tax rate would
400 go up .1448 and the Village taxpayers would go down by .1609. The difference is .3057 per \$100 of
401 assessed value. This delta does not change as you decrease or increase spending because it is a
402 product of the original tax rates."

403

404 Mr. Safford stated that this delta did not change in decreased or increased spendings because it was
405 a product of the original tax rate. Therefore, even if \$1,800,000 was decreased from the budget, the
406 Town tax wouldn't increase, but the Village tax rate would decrease proportionately as if you kept
407 that 1,800,000 in the budget. Mr. Sweeney agreed with that information with the assumption that
408 the differences in the grand list did not change, and Mr. Safford agreed. Mr. Sweeney stated that if
409 the grand list changed, then it could affect the delta as well. Mr. Safford stated that currently, the
410 grand list in the Town and the Village were roughly the same. Mr. Sweeney confirmed that he
411 meant relatively to each other as opposed to the assumption that they did not change. Mr. Safford
412 clarified that in FY06, the grand list was the same as today's, that the tax levies were merged from
413 the Town and the Village and that they were just trying to explain why the delta existed. He stated
414 that the other question he addressed was how things were currently provided and who paid for
415 them? He stated that because the Village was paying more taxes as a whole, their tax rate was

MERGER TASK FORCE

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416 higher and in a merger, the taxes would become equalized.

417

418 Mr. Safford presented pie charts from the Town of Essex Annual Report, to answer the question of
419 how much was contributed to the Highway tax. The chart showed where the revenue sources were
420 for the Town General Fund and the highway. For the Town General Fund, FYE '06, the Village
421 residents paid 22% and the Town paid 35% and the rest was funded by businesses such as IBM. In
422 regards to the Highway, the Town paid the 8 cent tax that the Village did not, so it equaled 45% of
423 the Highway budget and the Village residents paid 13%. In regards to the Village Recreation
424 Revenues pie chart for FYE '06, Village residents, through property taxes, paid 33.69%, but the
425 Town did not pay property tax levy. The Town and the Village paid user fees, which constituted a
426 large percentage of the funding as well. In the Village General Fund Revenues, Village residents
427 paid 44.24% of that budget and the Town taxpayers did not pay into the General Fund revenues of
428 the Village, except for the \$15,000 for the library. Mr. Sweeney asked about the IBM subsidy. Mr.
429 Safford explained that the IBM subsidy was the residual from the taxes on the Machinery and
430 Equipment, which was being phased down. The phase down resulted in increased costs for both the
431 Town and the Village.

432

433 Mr. Safford turned to the last page of his handout and showed municipal taxes paid by a Village
434 taxpayer on a home assessed at \$150,000 in FY06. The tax line items included the Town General,
435 Town Capital, Town Local Agreement, Village Municipal and Village Recreation, with a total tax
436 rate of .8444 of \$100 assessed value. The municipal tax, not including schools, was \$1,266.60.
437 Municipal taxes paid by a Town taxpayer on a home assessed at \$150,000 in FY06, included line
438 items Town General, Town Capital, Town Local Agreement and Town Highway, with a total
439 municipal tax rate, excluding schools, of .5387 that equaled \$808.05. The difference was .3057 for
440 \$100 of assessed value, which equaled \$458.55. Therefore, in a merger, it would basically be
441 splitting the difference in a more equal way, with equalized taxes for equal services. The Village
442 taxes would decrease .1609 per \$100 of assessed value or \$241.35, and the Town taxes would
443 increase by .1448 per \$100 of assessed value or \$212.20. He felt this information provided more
444 clarity and what a merger might mean from a taxpayer's standpoint for municipal services.

445

446 Mr. Mertens stated that there were two large pieces of the pie for the Village, one was the library
447 which was \$500,00 and the second one was Recreation, which was \$600,000 for a total of
448 \$1,100,000 million of the \$1,800,000. He asked whether you had total access to Recreation if you
449 lived in the Village or Town? Mr. Safford stated that it was his understanding that there were fee
450 structures, but thought that it was reciprocal for either community to use either services. Members
451 disagreed. Ms. Billado stated that any community could use the Recreation Department. Mr.
452 Scheidel pointed out that other communities paid an out of town fee and had to register later than
453 the Village residents. Mr. Boucher stated that there was a fee at the Recreation Department for pool
454 passes, etc. Mr. Safford stated that everybody had access, but that there was a priority system and a
455 differential on the fee structure for in-Village versus out of the Village. Ms. Myers stated that the
456 Town residents paid more in the Town and had to wait two weeks later than the Village residents to
457 register. Members confirmed the difference. Mr. Safford stated that in a merged community, there
458 would be one recreation department and theoretically, these factors would be equalized and
459 everyone would pay the same fees.

460

461 In the case of the library, Mr. Safford stated that there was a home card program that was reciprocal

MERGER TASK FORCE

January 11, 2006

462 and that everybody had access to both libraries without fees. Mr. Mertens in regards to the Village
463 and the Town, wanted clarification for why the Villagers paid \$1.1 million for those two items
464 more when the availability of those resources were open to everybody. He asked if the \$1.1 million
465 was justified as a result of higher fees being charged or wait times being charged? Mr. Safford
466 stated that it was a matter that the Town did not pay for services provided by the Village of Essex
467 Junction municipal corporation and if merged, everybody would pay equal taxes for equal services.
468 Mr. Mertens understood that as tax equity, but wondered about the history and why that difference
469 ever began and was concerned that they now had a delta. Mr. Safford stated that historically,
470 Villages came into existence because Towns were more rural and did not demand the same
471 services. At that time, if a Town resident wanted water and sewer or other services, it was paid for
472 on an individual basis and therefore people incorporated as a Village. It was not viewed as positive
473 or negative, but rather as a practical reality. If you wanted services, you taxed yourself to provide it.
474 Several years ago, the Selectboard pointed out that they were providing those services in the Town
475 at that time, so wondered if a Village municipal corporation made sense in the 21st century or
476 whether they should merge. However, the costs would increase as their capacity had to increase to
477 provide those services to within the Village. Between 1870 and 1920, a lot of Villages were
478 chartered, some have gone away and some have remained, such as the Village of Essex Junction
479 and from time to time there were discussions to determine how best to govern themselves. Mr.
480 Mertens stated that there were few differences between the Recreation Departments and he wanted
481 to know how their budgets became so different in a community that had essentially been
482 homogeneous. He stated that perhaps they should have been merging these departments together in
483 some fashion long ago. Mr. Sweeney pointed out that there were attempts made to merge in the
484 past. Mr. Scheidel stated that there were about four votes regarding merger since 1972. Mr.
485 Sweeney state that was the reason for meeting presently, because none of the discussions had
486 worked in the past. Mr. Mertens asked whether it was an option for just the departments and
487 services to merge as opposed to the entire community?

488

489 Mr. Sweeney and members deliberated the history of the Fire Department and process for the
490 Police Department merger. Mr. Scheidel stated that there were some substantial differences early
491 on. In the case of the Police Department, Mr. Scheidel stated that the Village decided they should
492 not have duplicate departments and became one for the whole community, which could have
493 happened for the other departments as well. Mr. Safford agreed that the Village did not decide to
494 merge the Library or Fire Department, etc. He suggested that the merger could be done service by
495 service or as a whole. Mr. Safford added that he was unsure about the decision for an 8 cent
496 highway tax on the Town as it related to the history between the Town and the Village. Mr.
497 Scheidel stated that there had been a highway tax since 1763 and in 1894, when the Fire district and
498 the school district had coterminous boundaries and became Hubble's Falls or School District #1. As
499 it evolved into what was known as the Village, the Highway tax disappeared and was rolled into the
500 General Fund tax, but not in the Town. The Town kept the Fire Department to the last reevaluation,
501 which was 16 cents for \$100 of assessed evaluation, but in 1990 the tax went to 8 cents. He
502 explained that there were no unpaved roads in the Village, so there was no need for the Highway
503 tax and that the Highway Tax in the Village was more for the maintenance of a fully designed and
504 developed road system versus the Town where to that day, there were class 4 roads. He added that
505 there were political reasons as well because there was a General Fund tax paid by the residents in
506 the Village that helped pay for some part of the Public Works Department in the Town. Mr. Safford
507 informed the members that the Town had the right legally to tax the whole community and the

508 Village did not.

509

510 Mr. Mertens explained that he was directing his question to be about the fairness of the taxation
511 since a Village resident paid 40% of a Town Recreation budget, but a Town resident paid zero of
512 the Village Recreation Budget and Mr. Safford added, property tax levy only, since the Town paid
513 fees to the Village. Mr. Sweeney suggested that the Village could change the Recreation
514 Departments in the same way they did the Police Departments. Mr. Scheidel understood Mr.
515 Mertens questioned the origin and the continuation of the tax situation between the Village and the
516 Town. Mr. Scheidel stated that the Village resident was a fully franchised voter in the Town, which
517 made them a Town resident. The Village resident also was a part of a chartered Village with
518 domestic governance and voted themselves to pay taxes for other things that were exclusively the
519 domain and the privilege and the benefit of the Village. He noted that the Townspeople could not
520 attend the Town meeting and vote and they had no say in the decisions being made. Mr. Sweeney
521 added that at one point in time, the voters decided to keep that situation. Mr. Boucher stated that the
522 Village could not have incorporated unless the Town approved it because they were the governing
523 body in 1892 when the Village separated. He stated that he could never find information in regards
524 to that vote, and Mr. Lajza stated that he could show him where to find that information. Mr.
525 Safford related it to the need to provide the essential services at that time if you could not convince
526 all the Town taxpayers to pay as well. Mr. Scheidel stated that the farmers were not going to pay
527 for street lights or school systems in the area where all the jobs were. They had their own separate
528 economic plight. Mr. Safford suggested that the Task Force and the voters had the ability to change
529 the system if they desired. Mr. Scheidel stated that this was not a unique situation as throughout
530 New England there were similar situations that would be addressed in time but that it was an
531 individual decision.

532

533 Mr. Blanchard requested information about the Town Recreation budget. Mr. Scheidel stated it was
534 about \$600,000, which Mr. Blanchard thought was similar to the Village Recreation budget. Mr.
535 Scheidel thought that the Village Recreation Budget was about \$1.2 million and the Town's was
536 about half of that. Mr. Safford informed the members that the Village Recreation budget was 1.134
537 million and that the Town's Recreation budget was \$579,800. Mr. Blanchard asked if there were a
538 larger number of programs in the Village to make the costs increase. Mr. Lajza thought they added
539 a school program a couple of years ago. Mr. Safford stated that there was also a debt from the pool
540 and the administrative building construction along with the assessment capital penny to fund the
541 Recreation Capital Fund. Therefore, he stated that there were costs beyond operations in that 10
542 cent tax rate of 1.134 million dollar budget. Mr. Boucher stated that he felt the Village had
543 progressed since the 50's since he had lived there and remarked that he used to pay half the amount
544 of taxes in the Village to the Town than today. Mr. Sweeney stated that the increase of taxes was
545 related to the increased grand list. Mr. Boucher stated that the Town increased their services and the
546 Village paid for them, and Mr. Blanchard noted, part of it. Mr. Lajza stated that historically, he had
547 been in the Village since the 1960s and had been through all of the merger discussions. However,
548 because of the separation between the school systems in Essex and Essex Junction and IBM being
549 the main plant at the time, which resided in the Village, the school systems were tremendously, and
550 Ms. Myers added, subsidized. Mr. Lajza agreed that the Village schools were subsidized, but not
551 the Town, which was a big inequity. Mr. Lajza stated that because the Villagers felt it was an
552 inequity between the communities, they helped to pass the Fire Department bond, as well as the
553 pool, but with Act 60, the fellowship between the communities changed tremendously and added

554 that he felt the cost of all these services was becoming weighted to the Village. Ms. Billado felt that
555 IBM provided a lot of funding in the past and that with the phase down, the Village was trying to
556 make up the differential. Ms. Billado supported Mr. Merten's comments that when the communities
557 merged, they needed to level the playing field so that everyone was paying the same tax for the
558 same service. She stated that the reason there was a differential today between the municipal taxes
559 in each community was due to the Village having allowed itself to pay for two services. Mr.
560 Scheidel wondered what would happen if the Recreation stayed in the domain of the schools and
561 suggested that the debt that was voted on by the Village would be a debt in a merged environment.
562 Mr. Sweeney stated that the debt would stay with the school district. Mr. Safford and Mr. Scheidel
563 stated that it was voted by the people in the Village so that they would pay with the General Fund
564 tax and use their homes in equity as collateral for the bond if the schools could not make their
565 payments. Ms. Billado asked why Mr. Scheidel asked that question? Mr. Scheidel stated that he
566 wondered where the school was vis-a-vis the recreation question and whether the Village Trustees
567 were going to consider the timing of that decision with the agreement with the schools and the
568 timing of the vote for a merger. Mr. Overton asked if he was referring to the Trustees and the
569 Prudential Committee, and Mr. Scheidel agreed. Mr. Scheidel added that he and Mr. Safford would
570 need to know those assumptions to assist them in creating a projection for the future community, so
571 as not to cause any political dynamics. Mr. Overton stated that it would depend on how fast the
572 Prudential Committee resolved their study. Ms. Billado stated that there were two choices on the
573 Recreation Department, that it remain with the school system with a ten cent tax or it falls under the
574 purview of the municipality, such as the library and every other department. Mr. Scheidel stated
575 that it would probably be the easier option, but he did not know if it would be a reality. Mr.
576 Sweeney felt it was a discussion for next week. Mr. Overton asked for an update for meeting with
577 the Fact-Finding Group. Mr. Mertens stated that there would be a meeting on January 17 at 6:30
578 p.m.

579

580 Mr. Boucher explained that many big changes happened in 1950s with IBM. In the 1960 census,
581 there were only 1700 people in the Town and 5300 in the Village and that the Village provided the
582 services. The Town did not have any services until after IBM. The growth took place and the Town
583 wanted services. He noted that in 1926, the Fair moved to the Village because of the services the
584 Village provided. Mr. Sweeney summarized that the discussion had provided answers to the written
585 questions. He wondered how the Managers wanted to proceed in regards to the Utility rates, and the
586 Managers stated that the information was in process for a future meeting. Mr. Sweeney also
587 wanted the Managers to consider the best estimate for FYE '09. He felt that evening they had
588 eliminated the re-appraisal as a potential difference and in his opinion, there was no change in the
589 delta. He asked members if the Managers had any other recommendations of significant issues and
590 the Managers understood. Mr. Scheidel stated that he knew that Mr. Lutz and Mr. Jutras, Public
591 Works Directors, had been in discussion about the utility rates and that there were slight
592 differences, but that the Managers would present a simple explanation about any differences. Mr.
593 Sweeney asked if there was any further discussion to the tax rate question. Mr. Blanchard wanted to
594 thank everybody for providing them with clear and simple information. Mr. Lajza commented that
595 there were a lot of issues in regards to how they would govern a merged community and how they
596 would fund the services. He suggested it was complicated a bit by their zip code and that there were
597 assumptions from the residents about who provided what services in the Town and the Village, and
598 Mr. Boucher agreed. Mr. Blanchard gave an example of the different voting poll locations that was
599 confusing to the public at times.

600

601 Mr. Sweeney commented that he had reviewed the new version of the Charter and noticed that Mr.
602 Odit had updated many changes according to their discussions and encouraged members to review
603 the Charter. Members deliberated whether they had the document of recent changes in the Charter.
604 Mr. Sweeney stated that he felt Mr. Odit had updated the Charter converting the language from the
605 discussions regarding voting districts, election process, etc. into Charter language. Mr. Sweeney
606 noted that there was one question that had not been changed in the Charter which was during the
607 Transition Year, there would be the First Town meeting, which would be March of 2008 and at that
608 Town Meeting, there would be a few elections for the new Town Council. He understood that the
609 current practice was for the Selectmen to take office at the first meeting in April and stated that in a
610 merged community scenario, they did not have a Town until after July 1, 2008, and Mr. Scheidel
611 stated that Mr. Odit did address that issue in the Charter. Mr. Sweeney agreed that he added
612 language to extend any Trustee or Selectman's term that expired in March of 2008 to June 30, 2008,
613 but felt Mr. Odit had to add corresponding language for the appointment and the elections to take
614 effect July 1, 2008. Ms. Myers disagreed and stated that the elections should take place in March,
615 but that the seatings should not take place officially until July 1, and Mr. Sweeney and Mr. Scheidel
616 agreed. Mr. Sweeney stated that it would be only for that first year and then every other year, it
617 would be similar to the present time. Ms. Myers stated that it would be a corresponding extension
618 of the Selectboard and the Trustees, and Mr. Sweeney confirmed that the language was already
619 included in the Charter. Mr. Sweeney stated that Mr. Odit also included language for the
620 administrative seat.

621

622 Mr. Sweeney reminded the members about the discussion about the Redistricting process from Mr.
623 Overton. Mr. Mertens requested that a lot of the presentations from the Managers were focused on
624 trying to define the delta so that the public had a better understanding. He asked whether members
625 felt they had reached a satisfactory explanation in everybody's opinion? Members asked for
626 clarification to his question. Mr. Scheidel understood Mr. Mertens commenting about whether the
627 Public would feel there was enough of an explanation to the delta. Mr. Sweeney felt there was still
628 one remaining question, which was, what would the budget be like in FYE '09 and would it be
629 possible to do a one year and a multi-year projection for trends? Mr. Safford understood it as asking
630 whether there were any substantial cost savings or increases that may change the results in the
631 future of a merger, and Mr. Sweeney agreed. Members agreed that the Managers needed a couple of
632 weeks to provide that information.

633

634 Mr. Mertens felt that regardless of that five-year projection, he understood from that night's
635 presentation that the delta between the two tax rates would not change. Mr. Sweeney clarified that
636 what they heard that night was that the delta between the tax rates would not change due to
637 reappraisal, but that there may be other factors that may effect it. Mr. Safford stated that in a
638 scenario where the budget was lowered \$1.8 million dollars, the Town tax rate would be zero and
639 the Village tax rate would decrease by 30 cents. If not, the Town increased by 14 and the Village
640 decreased by 16 cents. Therefore, the results showed that as you increase or decrease the budget,
641 that delta remained the same. Mr. Sweeney added, unless there was some other difference. For
642 example, there could be a recommendation to eliminate one of the Recreation Departments, and Mr.
643 Scheidel agreed. He stated that it would lower the budget and the delta would remain the same
644 proportionately, and Mr. Sweeney added, depending on which Recreation Department got
645 eliminated. Mr. Safford added that he also felt the phase down of taxes from IBM might also effect

646 the delta. Mr. Sweeney clarified that the Task Force was asking the Managers to look at all those
647 factors to see determine the effects. Mr. Safford suggested that it may affect the amount of the
648 Town, but felt the delta would remain the same. He understood the Task Force wanted to know if
649 there something that would substantially change the basic budget assessment. Mr. Mertens felt that
650 the only thing he saw that would have affected the delta that night was the re-appraisal to 100%,
651 which essentially took the 16 cents to 8 cents because 51% CLA was changed to 100% CLA. Mr.
652 Safford agreed, but he understood that some members wanted them to still take a look at all the
653 significant factors that might effect the equation. They would do their due diligence as stated by
654 Mr. Sweeney last week. Mr. Mertens suggested it be appropriate that the CLA be at 100% and the
655 delta equalized at 9 cents and 10 cents for FYE 09. Mr. Sweeney stated that if they did that, they
656 would have to express it in terms of tax rate dollars for the public. Mr. Safford understood and
657 stated that for simplicity purposes it was probably better, in referring to the tax rate, to use the
658 actual tax rates and then when it was compared to other municipalities, it needed to be equalized.
659 Mr. Boucher stated that eliminating one service would make a difference in how people voted, and
660 Mr. Sweeney stated that it was an extreme example.

661

662 Mr. Sweeney stated that they would make a note as to Mr. Overton's written suggestion for
663 redistricting and Ms. Myers thought it was Mr. Nye and that they had already voted. Ms. Billado
664 clarified that they were talking about a Redistricting Commission. Mr. Sweeney clarified with Mr.
665 Overton that he presented a Redistricting Commission suggestion, and Mr. Overton agreed. Mr.
666 Sweeney confirmed with Ms. Myers that in the Charter, there was a paragraph in the Charter on
667 redistricting, section 209 b (6), which stated that from time to time, the Town council could decide
668 to do a redistricting, not more often than five years, with hearings and a public vote, which if
669 approved would change by Charter. Mr. Scheidel asked Mr. Overton what the difference was
670 between the Redistricting Committee's basic function and a Charter Revision Committee's basic
671 function. Mr. Overton stated that the Redistricting Committee focused on the question of districts
672 and had a narrow function, which he confirmed was his intention.

673

674 **Future Agenda Items**

675

676 Mr. Sweeney confirmed that the libraries were invited to the next meeting, and Mr. Scheidel stated
677 that they would be present. Mr. Scheidel asked about the written e-mail he had received regarding
678 questions for the Task Force. He asked how the Task Force would like them to address those
679 questions or any future questions they received. Mr. Sweeney's suggested to have a Frequently
680 Asked Questions handout with written answers at the end of the process. Mr. Boucher asked how it
681 would be presented to the Public and suggested the Essex Reporter, and Mr. Sweeney agreed and
682 that they could forward it to the Boards to publicize it at their Public Hearings. Mr. Blanchard felt
683 they should review the questions as they received them as they may develop thoughts for their
684 deliberations. Mr. Sweeney stated that next week, they would have the library discussion and finish
685 the Charter discussion on Transitional Provisions. Mr. Overton asked whether they received an
686 answer as to whether the Perpetual Board participated in the vote by the libraries in regards to a
687 merged library system. Mr. Sweeney stated that the Chairman of the Board was also the Chairman
688 of the Brownell Board. Mr. Safford stated that he had asked the library director at the Brownell
689 Library to send them a letter that the Perpetual Board had been aware of the conditions for the
690 recommendation of a merged library, but he had not received anything yet. Mr. Sweeney stated that
691 after the library discussion, the following week, they would have the fire decision and asked for

692 notice from the Managers when they were ready to continue the tax discussion to schedule in the
693 future. Ms. Wrenner confirmed that there would be some Recreation information in a few weeks,
694 and Mr. Mertens stated that early February was the Fact-Finding Group's target. Mr. Sweeney state
695 that the sooner the better, as they wanted to make some decision and he asked the Managers for
696 their recommendations on structure soon. Mr. Overton stated that in the future, the Chairs should
697 set probably one to two full meetings for another review of the Charter as updated, and Mr.
698 Sweeney agreed. Ms. Myers stated that next week she would not be present as she was participating
699 in the High School Competition. Second, she explained that if she was in Montpelier and there were
700 difficult driving conditions due to the weather, she would stay in Montpelier and not attend the
701 meeting. Mr. Safford stated that they had put a phone jack in their conference room. Members
702 decided that in that situation, Ms. Myers could call in and participate via the phone. Mr. Sweeney
703 confirmed that a phone would be available in both conference rooms at the Village and Town.
704 Members confirmed that a conference call was not a capability at the present time if more than one
705 member wanted to participate in the meetings via the phone. Ms. Wrenner asked if they needed to
706 look at election day to see if they were going to make a spring or November date? Members
707 deliberated the timing for the vote. Mr. Lajza suggested a special vote, but Ms. Myers felt they cost
708 more money and the turnout was low. Members agreed that November would be the target date for
709 the vote. Mr. Scheidel suggested that there would be time needed for the two Boards to review and
710 deliberate on the Charter along with the questions from the public for review. He suggested that it
711 would take more time than they initially thought. Mr. Mertens suggested another public meeting
712 somewhere during the process, and Mr. Sweeney agreed.

713

714 **Public Input**

715

716 Mr. Marcotte informed the Selectboard that he had a discussion with Mr. Willey who stated that
717 with a k-8 merger, there could be substantial savings. In regards to the office building and if the
718 merger did not occur, he felt that the Town would still need to build an office building at the cost of
719 5-6 million dollars based on the last one that was proposed at about 8-9 million dollars, and Ms.
720 Myers disagreed with those figures. Mr. Marcotte felt there would be a cost savings in a merged
721 community with renovating Lincoln Hall. Mr. Marcotte had a discussion with the architect that
722 worked for the Village at one time who estimated a 1.4 million cost for a newly renovated building
723 and he felt that there would be a 3-4 million dollars savings with a merger that would have some
724 impact on the tax rates. He recommended considering that savings as part of the assessment
725 discussion. He did not think an increased tax rate for the Town was an issue since it did not
726 compare to the amount of increase in the education tax. Mr. Sweeney reminded Mr. Marcotte of
727 Mr. Nye's comment that stated that it was not cheaper to renovate than to build new, and that Mr.
728 Nye had many years of experience with renovation and contracting. Mr. Safford stated that the
729 Managers would probably make a note in their presentation that the physical plant costs were
730 undetermined. Mr. Scheidel stated it was the big unknown and that all capital along with other
731 unknowns, such as a natural disaster, were uncontrollable.

732

733 **LINDA MYERS MOVED AND JOHN LAJZA SECONDED A MOTION TO ADJOURN AT**
734 **9:00 p.m.**

735 **Respectfully submitted,**

736 *Saramichelle Stultz*

737 *Saramichelle Stultz*

MERGER TASK FORCE

January 11, 2006

738 Recording Secretary

739

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

APPROVED

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**MERGER TASK FORCE
ESSEX/ESSEX JUNCTION
MEETING MINUTES
January 18, 2006**

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

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

OTHERS PRESENT: Bob Marcotte, Angie Chapple-Sokol, Penelope Pillsbury, Christine Packard, Debbie Evans, Susan Overfield, J.J. Casazza, Jeff Harton, Tim Jerman, Linda Costello.

BUSINESS AGENDA

Public Input on Agenda Items

There was no public input.

Approve minutes of January 4

DEB BILLADO MOVED AND JOHN LAJZA SECONDED A MOTION TO APPROVE MINUTES OF JANUARY 4, 2006 WITH THE FOLLOWING CORRECTIONS:

Line 170: Replace “and” with “an”. Line 173: Replace “that” with “than”. Line 256: Replace “1989” with “1999”. Line 280: Replace “in tact” with “intact”. Line 291: Replace “refine” with “refinance”. Line 301: Replace “well fare” with “welfare”. Line 345: Replace “Packard” with “Overfield”. Line 346: Replace “climbing” with “declining”. Line 349: Replace “this” with “these”. Line 368: Replace “He” with “Mr. Scheidel”. Line 419: Insert “of” after “lot”. Line 490: Replace “a physical plan” with “physical plant”. Line 522: Replace “Hartford” with “Hardwick”. Line 568: Insert “to the Town ratepayers” after “savings”.

THE MOTION PASSED 8-0.

Approve Minutes of January 11, 2006

RENE BLANCHARD MOVED AND JOHN LAJZA SECONDED A MOTION TO APPROVE MINUTES OF JANUARY 11, 2006 WITH THE FOLLOWING CORRECTIONS:

Line 51: Replace “effect” with “affect”. Line 64: Replace “sales price to the assessed price” with “assessed price to the sales price”. Line 107: After “above” insert “20”. Replace “point” with “points”. Line 118: Replace “100” with “110”. Line 386: After “as” insert “did”. Line 403: After “even” insert “if”. Replace “1,800,000” with “\$1,800,000”. Line 461: After “\$1.1” insert “million”. Line 462: After “\$1.1” insert “million”. Line 475: Replace “created as cities”

48 with “chartered”. Line 482: Replace “for merger in” with “regarding merger since”. Line
49 525: Replace “light” with “plight”. Line: 570: Replace “fall” with “falls”. Line 578: Delte
50 “and” after “services”. Line 605: Replace “the next meeting after the ---” with “at the first
51 meeting in April”. Line 611: Replace “their places” with “place”. Line 646: Replace
52 “effected” with “affected”. Line 652: Strike “I”. Line 653: strike “I”.

53

54 **THE MOTION PASSED 7-0. (Linda Myers abstained).**

55

56 **Discussion and Decision Regarding Library Management Structure**

57

58 Mr. Sweeney introduced the next topic for discussion and noted that the Chairs of the Library
59 Trustees from both the Town and Village along with both of the Library Directors were present. He
60 asked the library representatives whether they had questions or comments for the Task Force. Ms.
61 Packard clarified that the discussion would pertain to their most recent Joint Library Response to
62 the Merger Task Force Questions they presented to the Task Force during a previous meeting, and
63 Mr. Sweeney agreed. Ms. Packard emphasized that the Library Directors and Board Chairs had
64 taken much effort and time into meeting and negotiating joint solutions and creating positive
65 feelings towards the merger issues for a merged library system, and she hoped that the Task Force
66 would take that into consideration during their deliberations.

67

68 Mr. Overton referred to the answer in question #1 of the Joint Library Response, which stated “In
69 order to maintain the benefits of both an elected and appointed board, the Brownell Trustees and the
70 Essex Free Trustees are recommending that the Brownell Permanent Board be dissolved and there
71 be a new board convened.” Mr. Overton confirmed with the Library representatives that they
72 recommended that the process of disbanding the Perpetual Board should begin, and the Library
73 Chairs agreed. He also confirmed that there were presently five permanent Brownell Self-
74 Perpetuating Trustees, and the Library Chairs agreed. He asked whether all five of those members
75 voted in favor of the decision to disband the perpetuating members. Mr. Packard confirmed that
76 everybody from both the Boards in the Town and the Village voted in favor of the Joint Library
77 Memo. Mr. Overton confirmed that the library representatives were recommending that there be an
78 application made to set aside the Brownell Trust, and Ms. Packard agreed. She added that the
79 library representatives were also recommending that half of the new Library Board be appointed
80 and half be elected, and Mr. Overton confirmed that the Task Force understood that
81 recommendation. Mr. Sweeney asked whether there were any more questions from the Task Force
82 in regards to this issue, and there were none. Mr. Sweeney opened the topic for a motion or a
83 discussion.

84

85 Ms. Myers stated that she was opposed to the idea of half the new Library Board being appointed
86 and half being elected. She believed the entire Board should be elected. She was in agreement that
87 the Permanent Board should be dissolved, but she was concerned that the elected members would
88 not be accountable to the Town Manager as opposed to the appointed members. She understood
89 that both libraries voted in favor of that recommendation, but she was in favor of a fully appointed
90 Board. Mr. Lajza agreed with Ms. Myers and was in favor of the entire Board being appointed for
91 reasons of consistency. He felt if they were all appointed, the responsibilities would be very clear
92 and consistent for the Town Manager to manage the financial aspects and the policies more
93 effectively. Ms. Myers added that the Task Force had already spoken to the Fire Departments, who

MERGER TASK FORCE

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94 had one elected and one appointed Fire Chiefs, and that the Fire Chiefs confirmed that having an
95 appointed Chief was in the best interest for the community. Ms. Myers believed that there would
96 not be a question of authority if all the Library Board members were appointed and that they would
97 all answer to the new Town Council and the Town Manager.

98

99 Mr. Sweeney asked if there were any comments from the Town Managers regarding this issue. Mr.
100 Scheidel stated that he would reserve the right to comment later, but pointed out that from the
101 standpoint from all of the Council/Manager forms of government, in regards to hiring, it really was
102 incumbent upon the Manager to have the statutory authority to be able to hire a Department Head.
103 He explained that the authority was not for control, but rather to keep all other extraneous notions
104 away from the hiring process. He recommended that the hiring of the Library Director be in the
105 purview of the Town Manager.

106

107 Ms. Billado asked whether the process would be to dissolve the Permanent Perpetual Board and
108 then have 11 elected members. Task Force members corrected the word “elected” as “appointed”,
109 and Ms. Billado repeated, 11 appointed members. Ms. Myers asked why were there 11 members?
110 Mr. Sweeney stated that he believed it would be more appropriate to have 11 members in case the
111 Permanent Board could not be dissolved. Therefore, with 11 members, there would be a majority of
112 appointed members on the Library Board in case there was a tie vote, and Ms. Myers understood.
113 Mr. Overton wanted to present his point of view and stated that it was difficult to oppose any
114 decisions from the libraries, but was not in favor of a mixed Board of elected and appointed
115 members. He was concerned about the differential of status and that it would be difficult for the
116 Town Manager and the new Town Council to manage a department with elected officials, which
117 would be the only department with elected officials in the Town of Essex Junction, other than the
118 Town Council. Mr. Overton agreed with Mr. Sweeney in regards to having 11 members on the
119 Board and stated that the Perpetual Board would not dissolve in the near future and might not at all
120 and that a system needed to be in place until they knew they would be successful in disbanding the
121 Perpetual Board. If there were 6 appointed and 5 elected members on the Library Board at the time
122 when the Perpetual Board could not be disbanded, the Town Council would be able to control six of
123 those seats. Once the Perpetual Board was disbanded, with the advice of the new Town Council, the
124 Manager could decide whether or not to reduce the number of Library Board members. Mr.
125 Overton noted that the Task Force also had agreed to the fact that more volunteers active in the
126 Library Board was a positive factor as it took a lot of volunteer effort to support the quality of the
127 libraries. He stated that was why he was in favor of a larger Board as well. He apologized to the
128 library representatives for not being able to support a recommendation of a mixed elected and
129 appointed Board, but that he did not think it made sense in a merged community.

130

131 Mr. Nye stated that the library discussion was in the Plan of Merger, not in the Charter. Mr. Safford
132 recommended including the appointing process in the Charter for clarity. Mr. Nye understood, but
133 argued that the intent was already included in the Charter. Mr. Safford recommended expanding on
134 that language. Mr. Nye stated that if the Plan for the Library Board was in the Plan of Merger, it
135 would reduce the necessity for a Charter change, if and when the new local government decided to
136 change the number of members, etc. Mr. Sweeney suggested adding language that would allow the
137 Council to take that action without a Charter change, just as the language for the Districts. In that
138 way, it could be added to the Charter, along with the Planning and Zoning Boards. Ms. Myers
139 reminded Mr. Sweeney that the Task Force had not agreed on the library decision yet, and Mr.

140 Sweeney understood, but argued Mr. Nye's opinion by saying that the library decision could be put
141 in the Charter now and still allow the New Town Council to make a change if they desired. Mr.
142 Nye, in regards to Section 206 (b) quoted, "The Town council may appoint such additional boards,
143 committees, and commissions as they feel to be in the best interest of the Town..." and stated that
144 he felt that language was adequate to address the Library Board issues. Mr. Nye added that then the
145 library transition details would be included in the Plan of Merger. Mr. Sweeney asked for
146 clarification about whether Mr. Nye was speaking of the Transition Plan or another document. Mr.
147 Overton clarified that Mr. Nye had read from the Charter, and Mr. Sweeney understood, but wanted
148 clarification when Mr. Nye referred to the Plan of Merger. Mr. Nye was speaking of the Transition
149 Plan, but referred to it as the Plan of Merger, which was the most recent reference in his opinion.

150

151 Mr. Safford recommended that there be language in the Charter similar to what was presently in the
152 Village Charter that helped define the roles of the Board. He explained that the language in the
153 Village Charter stated that the Library Trustees should set library policy, but that the Library
154 Department shall follow financial and personnel policies established by the legislative body. Ms.
155 Myers and Mr. Nye did not agree with Mr. Safford's recommendation. Mr. Nye stated that the Task
156 Force was not proceeding in that way for the Fire, Recreation or other departments. Ms. Myers
157 asked why Mr. Safford's recommendation was necessary because if the members of the new Library
158 Board were appointed, then the new Town Council would have the authority. Mr. Safford
159 explained that state statute charged the Library Trustees with the full power to manage the library
160 and as a result, different municipalities around the State had conflicts with the definition of roles.
161 He recommended including language in the Charter to establish those roles and the authority, as
162 well as to define that the legislative bodies' policies shall prevail when a conflict arose. Mr. Overton
163 suggested including the language in the Transition part of the Merger Plan as a recommendation
164 from the Task force, but confirmed that Mr. Safford was in favor of the language being part of the
165 Charter, and Mr. Safford agreed. Mr. Overton presented a motion.

166

167 **AL OVERTON MOVED AND JOHN LAJZA SECONDED A MOTION THAT THE**
168 **BROWNELL LIBRARY AND ESSEX FREE LIBRARY SHALL BE ORGANIZED AS A**
169 **DEPARTMENT OF THE TOWN OF ESSEX JUNCTION AND HAVE ONE BOARD**
170 **MADE UP OF 11 CITIZENS APPOINTED BY THE TOWN COUNCIL. (UNTIL THE**
171 **PERPETUAL BROWNELL LIBRARY BOARD IS LEGALLY DISBANDED, THE TOWN**
172 **COUNCIL SHALL APPOINT 6 CITIZENS TO JOIN THE PERPETUAL BOARD.) THE**
173 **LIBRARY DIRECTOR SHALL BE HIRED BY THE TOWN MANAGER WITH THE**
174 **ADVICE OF THE LIBRARY TRUSTEES AND THE TOWN COUNCIL. THE LIBRARY**
175 **DEPARTMENT SHALL FOLLOW ALL MUNICIPAL POLICIES ADOPTED BY THE**
176 **TOWN COUNCIL, INCLUDING BUT NOT LIMITED TO FINANCIAL AND**
177 **PERSONNEL POLICES. THE LIBRARY BOARD OF TRUSTEES SHALL ESTABLISH**
178 **LIBRARY POLICIES REGARDING COLLECTION, CENSORSHIP ISSUES, AND**
179 **PROGRAMS SO LONG AS THEY DO NOT CONTRADICT POLICIES ADOPTED BY**
180 **THE TOWN COUNCIL.**

181

182 Mr. Overton stated that this motion had been circulating for a couple of weeks. Mr. Nye clarified
183 that the motion would be adopted into the Charter, and Mr. Overton, stated yes, it would be
184 included in section 206. Ms. Myers, asked, as a # 5? Mr. Overton replied, either # 5 or after (b).
185 Ms. Myers asked who offered the language? Mr. Safford stated that the language had been drafted

186 and discussed with Mr. Overton with the intent of carrying over the current Village Charter
187 language, trying to encapsulate his comments from previous meetings about the evolution of the
188 Library issues with the Trustees in the Village and defining the roles between the Library Trustees
189 and the Village Trustees to create a constructive long-term relationship between the two Boards.
190 Ms. Myers asked why Mr. Safford's and Mr. Overton's language was not included in their packets
191 so they had the opportunity to read it ahead of time? Mr. Safford stated that it should have been
192 included in the packet. Mr. Blanchard stated that he found it difficult to vote on an item that he had
193 not had a chance to read yet. Mr. Overton suggested that he not vote on it and stated that he thought
194 the language was a good beginning point for discussion and developing a decision. Mr. Overton
195 added that he thought the language had been included in the packet, but understood if members
196 wanted to study it before taking a vote. Mr. Sweeney stated that he would have preferred it in the
197 packet as well, but pointed out that it was on the Agenda to vote on the library that night and had
198 expected a member to offer language to define what the Task Force wanted to recommend. Mr.
199 Safford pointed out that he felt the language developed by he and Mr. Overton was in the spirit of
200 beginning that process. Ms. Billado asked where that language would fit in the Charter? Mr.
201 Overton stated that it would be added to section 206 perhaps as #5 because of the word "additional"
202 in (b), and he suggested that there might be other numbers in that section to include Fire,
203 Recreation, etc.

204
205 Ms. Billado clarified that the Perpetual Board needed to be dissolved before adding the language.
206 Mr. Lajza stated no, not the way the language was written, and Mr. Overton agreed and explained
207 that the language began with 11 members and a Perpetual Board. One member confirmed that it
208 would not be 11 members appointed by the Town Council. Mr. Overton explained that he added a
209 parenthetical sentence, which he would reread. After the first sentence of his proposed language,
210 Mr. Overton stated that he would insert, " Until the Perpetual Brownell Library Board is legally
211 disbanded, the Town Council shall appoint 6 citizens to join with the Perpetual Board." Mr. Nye
212 confirmed that the Town Council shall appoint 6 citizens. Mr. Sweeney asked whether it should say
213 that the Task Force recommended that the Permanent Board be disbanded. Ms. Myers did not think
214 that recommendation should be in the Charter, and Mr. Overton agreed. Ms. Billado confirmed the
215 process as being that the language in the motion would be included in the Charter and once the
216 Charter was approved, it became active and then the legal process of disbanding the Perpetual
217 Board would begin, and Mr. Overton agreed. Mr. Overton suggested that the Village or Town
218 attorney might advise against pursuing the disbanding of the Perpetual Board. Ms. Billado asked if
219 Mr. Overton had reviewed the doctrine. Mr. Overton stated that he had a personal opinion about the
220 doctrine, but had not studied it.

221
222 Ms. Myers confirmed there would be 6 appointed members. Mr. Overton asked if members
223 understood the language, and members agreed. Mr. Sweeney understood that the Task Force's
224 recommendation to disband the Permanent Board should not be put in the Charter. Mr. Overton
225 suggested putting it in the Transition Plan, but to draft the language in the Charter that if the
226 Permanent Board did not disband, there would still be a system in place that both communities
227 approved. Ms. Myers, for consistency purposes in the Charter, suggested editing section 206 as
228 heading #5 Library Trustees and including (a) under #5 to include Mr. Overton's motion. Mr.
229 Overton asked if Mr. Odit understood, and Mr. Odit agreed. Mr. Overton stated there might not be a
230 (b), but did not think it would matter. Mr. Lajza suggested that there may be a (b) and a (c), and Mr.
231 Overton agreed. Mr. Sweeney stated that there would be a #6 and a #7. Members deliberated the

232 process of gathering this language for the meeting and Mr. Safford apologized for
233 miscommunication about it being circulated prior to the meeting.

234

235 Mr. Scheidel asked Mr. Overton that if the language was approved for the Charter, would it
236 supersede any other statutes governing libraries? Mr. Overton stated only to the extent that it was
237 directly inconsistent with the statute. Mr. Overton added that any other library statute would still
238 pertain. Mr. Scheidel was concerned about the policy setting role in Mr. Overton's proposed
239 language. Mr. Overton wanted to hear from the library representatives in regards to the last
240 sentence, "The Library Board of Trustees shall establish library policies regarding collection,
241 censorship issues and programs, so long as they do not contradict policies adopted by the town
242 council." Ms. Overfield stated that there were other policies that were not included in the language.
243 Ms. Packard stated that it would be difficult to begin identifying every single policy. Ms. Overfield
244 felt it would be adequate to say "library policies" as there may be new ones that develop in the
245 future, and members agreed with that suggestion. Ms. Packard stated that the language described
246 how the current libraries operated.

247

248 Ms. Myers, in regards to Mr. Overton's motion, asked whether the Task Force wanted the addition
249 of the phrase after the first sentence as a parenthetical phrase or as a sentence? Mr. Overton felt that
250 if the phrase he added after the first sentence was parenthetical, then it underscored the point that
251 later on, the new government should disband the Perpetual Board. Ms. Packard stated that they
252 should refer to it accurately as the Permanent Board, which was in the Trust. Mr. Safford suggested
253 saying, "the Permanent board as is established in the Brownell Trust". Ms. Overton stated that it
254 was the Permanent Self-Perpetuating Board. Ms. Packard looked through her document of the
255 Brownell Trust and apologized because it actually stated, "which said Board of Library Trustees
256 shall be perpetual with power". Members decided to use the Brownell Perpetual Board. Ms. Myers
257 asked Mr. Odit if a parenthetical phrase would be accepted in a Charter. Mr. Odit stated that he
258 could not advise them on a legal point. Mr. Overton believed that it would be accepted. Mr. Safford
259 reminded the members that the Charter would be reviewed by the municipal attorneys, and
260 members agreed.

261

262 Ms. Evans asked if the Task Force could clarify the use of Library Director in the discussion and
263 whether that was a Director for both libraries. Ms. Myers stated that the Task Force had not had that
264 discussion yet. Ms. Evans stated that it would have to be addressed. Ms. Myers stated that at some
265 point in time, there would be a single library director, but that did not necessarily mean initially
266 after the merger. Ms. Billado suggested that the discussion of the library organization might be
267 discussed during the organizational discussion in the Transition Committee. Mr. Safford stated that
268 they could always return to this language when they discussed the organizational structure. Ms.
269 Myers stated that at some point in time there would be a single Library Director. Ms. Evans
270 confirmed that the decision had not been voted on yet, and Ms. Myers agreed. Mr. Sweeney asked
271 if the members wanted to discuss this issue. Ms. Myers did not think it needed to be part of the
272 discussion of the current motion, because she would assume that in the future, there would be one
273 Executive Library Director. Mr. Safford suggested including Library Director, singular or plural in
274 the language and adding (s) after "director". Mr. Sweeney felt that may suggest that there would be
275 two directors indefinitely, and Ms. Myers disagreed. Mr. Sweeney felt the more important
276 discussion was the structure initially after the merger than into the future, because he felt everyone
277 agreed there should ultimately be only one director. He recommended that they begin with the two

278 directors presently in their current roles at each library. Ms. Myers agreed, but stated that if they
279 were making this issue part of the Charter, they did not want to add language that stated that they
280 would begin with two directors and end with one. Mr. Sweeney was not in favor of adding an (s)
281 after director. Mr. Safford stated that the (s) after “director” allowed the new government to decide
282 either way. Mr. Scheidel stated that he had a question to #4 of the joint library memo. Mr. Sweeney
283 wanted to finish the present discussion first. Mr. Sweeney asked if there was consensus to put
284 Library Director with a parenthetical (s), and members agreed. Mr. Overton commented that in a
285 statute it did not matter if you put (s), as it could always be changed, but he understood the
286 reasoning. Mr. Lajza stated that the intent was to add language to identify and clarify the
287 responsibilities and roles and therefore, he was in favor of the proposed language being part of the
288 Charter. He added that in the Plan of Merger, additional recommendations could be made that
289 included dissolving the Perpetual Board. Ms. Billado asked if the motion could be read. Mr.
290 Overton stated the motion, which would be added to section 206 as #5, Library Trustees or Board.

291
292 **AL OVERTON MOVED AND JOHN LAJZA SECONDED A MOTION THAT THE**
293 **BROWNELL LIBRARY AND ESSEX FREE LIBRARY SHALL BE ORGANIZED AS A**
294 **DEPARTMENT OF THE TOWN OF ESSEX JUNCTION AND HAVE ONE BOARD**
295 **MADE UP OF 11 CITIZENS APPOINTED BY THE TOWN COUNCIL. (UNTIL THE**
296 **PERPETUAL BROWNELL LIBRARY BOARD IS LEGALLY DISBANDED, THE TOWN**
297 **COUNCIL SHALL APPOINT 6 CITIZENS TO JOIN THE SELF-PERPETUATING**
298 **BOARD.) THE LIBRARY DIRECTOR(S) SHALL BE HIRED BY THE TOWN MANAGER**
299 **WITH THE ADVICE OF THE LIBRARY TRUSTEES AND THE TOWN COUNCIL. THE**
300 **LIBRARY DEPARTMENT SHALL FOLLOW ALL MUNICIPAL POLICIES ADOPTED**
301 **BY THE TOWN COUNCIL, INCLUDING, BUT NOT LIMITED TO FINANCIAL AND**
302 **PERSONNEL POLICES. THE LIBRARY BOARD OF TRUSTEES SHALL ESTABLISH**
303 **LIBRARY POLICIES SO LONG AS THEY DO NOT CONTRADICT POLICIES**
304 **ADOPTED BY THE TOWN COUNCIL.**

305
306 Ms. Myers thanked Mr. Safford for drafting this language, but suggested being consistent with how
307 to punctuate Town Council. Mr. Sweeney asked if there were further comments and there were
308 none.

309
310 **THE MOTION PASSED 8-0.**

311
312 **Charter Discussion-Library Organization**

313
314 Mr. Sweeney suggested the Task Force begin discussing any Transitional Provisions for the library.
315 Ms. Myers reminded Mr. Sweeney that Mr. Scheidel had another question. Mr. Scheidel, in
316 regards to answer #4 in the Joint Library Memo, which stated, “By implementing pay and funding
317 equity for the two Essex libraries....” asked the library representatives, who would be conducting
318 the hiring? Ms. Overfield stated it was similar to the current hiring process, which included the
319 advice from the Library Board. Mr. Scheidel asked how much advice was given to the Town
320 Manager? Mr. Scheidel noted that he had not hired a Library Director in his career and understood
321 that with his powers and duties currently, he would be in charge of the hiring and making a job
322 offer. He asked how the process would work with the Library Board acting as an advisory board
323 and what would happen if they did not like his choice? Mr. Scheidel wanted to hear about the

324 library representatives' intentions for the hiring process.

325

326 Ms. Overfield responded that she felt the Town Manager would want a Hiring Committee that
327 included staff, Trustees, etc. Mr. Scheidel asked if he would make that choice? Ms. Overfield stated
328 that it would be in the Town Manager's best interest to include library representatives as they
329 brought their expertise to the decision-making process as a benefit. Mr. Scheidel felt that he would
330 want to know his role so that he could carry out his responsibilities and duties of a Town Manager
331 and commented that if there were elected officials, it would make the roles difficult to distinguish.
332 Mr. Sweeney felt that the Task force had already addressed that issue with their proposal in the
333 Charter, and asked Mr. Scheidel if he was comfortable with the current Charter that stated the Town
334 Manager's powers and duties. Mr. Scheidel stated that he would certainly give due diligence to
335 consulting with whomever he needed in order to hire the best Library Director.

336

337 Mr. Odit pointed out that in section 602 of the Charter, there was a proposed change from
338 "approval" to "advice", which Mr. Sweeney understood, and Mr. Scheidel clarified that he wanted
339 to be clear on the intent of the library representatives in their memo. Mr. Sweeney confirmed that
340 the memo language was not in the Charter. Mr. Overton quoted section 602, "The Town manager
341 shall appoint with the advice of the Town council: Town clerk, librarian, fire chief, assistant Town
342 clerk..." Mr. Odit suggested that there might be contradictory language in the Charter at the present
343 time. Mr. Sweeney asked how? Mr. Odit explained that in one section, it stated "shall appoint the
344 librarian and the library director with the advice of the Town Council and the libraries" and in a
345 another section, it stated that it would be with "the advice of the Town Council". Ms. Myers asked
346 for clarification, and Mr. Odit repeated section 602. Mr. Sweeney pointed out that in Mr. Overton's
347 motion, it stated that the Library Director shall be hired by the Town Manager with the advice of
348 the Library Trustees and the Town Council and stated that Mr. Odit was pointing out that the
349 language was different in section 602. Members understood and thanked Mr. Odit for his attention
350 to the language. Mr. Safford recommended putting the libraries at the end of the list or just having
351 the libraries included in the new motion that was just adopted.

352

353 Ms. Myers stated that if the Town Manager was going to be appointing the members, along with the
354 approval from the Town Council, how unique of a role was it for the librarian, aside from the fact
355 that there were Library Trustees? Mr. Safford stated that for consistency, he suggested keeping it
356 the advice from the Town Council. Mr. Overton did not see any inconsistency and stated that in his
357 motion, it was consistent that the Town Manager would do the hiring and suggested that the Library
358 Trustees could and should participate in bringing forth viable candidates. Mr. Sweeney stated that
359 the question was what would be appropriate for the Charter? Mr. Overton repeated that he did not
360 see his motion and what was currently in section 602 of the Charter as inconsistent. Mr. Overton, in
361 regards to section 602, pointed out that it stated that ultimately, the Town Manager needed to get
362 approval from the Town Council. Members pointed out that both the Charter and the motion stated
363 "advice" not "approval". Mr. Scheidel stated that if they did not like the Town Manager's choice,
364 then the Town Manager would be held accountable. Mr. Sweeney reminded the members that the
365 issue had already been discussed in previous meetings. Mr. Overton did not see any issue if it stated
366 "advice" in both his motion and in section 602. Mr. Sweeney explained that Mr. Odit stated that it
367 might be a conflict. Mr. Odit stated that he wanted it to be clear so that there would be no
368 opportunities for confusion or disagreement based on the language. Mr. Scheidel cautioned the
369 Task Force to be consistent and clear with the language so that everyone would be on an even

370 playing field and that Mr. Safford's past comments about the difficulties in defining roles at the
371 present time was very useful in this process and should be considered. Mr. Nye suggested moving
372 the libraries to the end of the list in section 602 and adding, "with the advice of the Library Board
373 Trustees as well", which would be consistent with the new language just adopted in section 206.
374 Mr. Overton agreed. Mr. Sweeney asked Mr. Scheidel if he was uncomfortable with the language?
375 Mr. Scheidel did not understand the legal definition of "advice". Mr. Overton suggested that a
376 customary way of hiring a Library Director would be to solicit the recommendations from the
377 Library Board for candidates for the new position. Ms. Myers pointed out that there needed to be
378 advertising for the position and wondered who would handle the advertising? Mr. Overton and the
379 Managers agreed that the Managers would be the ones to advertise and would include the head of
380 the Library Board, and librarians from other communities to be on the interview panel. Mr.
381 Scheidel asked if that would be considered advice? Members agreed, and Mr. Scheidel understood.
382 Ms. Wrenner pointed out that it was librarian in one section and Library Director in another and
383 suggested they be consistent. Mr. Safford confirmed from the statute that it was Library Director.
384 Ms. Myers pointed out that other people who helped in the library were librarians as well and it was
385 better to use Library Director to make a distinction between the positions.

386

387 **Charter Review-Using Update 1999 Charter as Base-Continue Charter Review of**
388 **Transitional Provisions; b, c, e, f**

389

390 Mr. Sweeney asked the members if there was any additional language in regards to the libraries to
391 add to the Transitional Provisions? Mr. Overton understood that the Task Force would anticipate
392 that there would be some activity to disbanding the Perpetual Board and requested from Mr. Odit to
393 create the language to complete that intent. Mr. Lajza suggested that the Task Force could
394 recommend that the Transition Committee, comprised of the two Boards, initiate the effort of
395 dissolving the Perpetual Board. Mr. Overton confirmed it as a motion and seconded it. Mr.
396 Sweeney asked Mr. Lajza to restate his motion.

397

398 **JOHN LAJZA MOVED AND RENE BLANCHARD SECONDED A MOTION THAT THE**
399 **TASK FORCE RECOMMENDS THAT THE TRANSITION COMMITTEE INITIATE**
400 **DISSOLVING OF THE BROWNELL PERPETUAL BOARD.**

401

402 Mr. Odit questioned whether this action needed to be initiated by the Trustees. Mr. Overton agreed
403 that it eventually had to be taken by the Trustees. Mr. Odit confirmed that it was the Trustees that
404 would have to initiate the change. Ms. Myers stated that it was the Village Trustees, and Ms.
405 Billado pointed out that the Village Trustees were part of the Transition Committee. Mr. Odit
406 wondered if the Permanent Trustees had to initiate this action. Mr. Overton stated that the Perpetual
407 Library Trustees could commence a cy pres action, but that the Village Trustees were the ones who
408 employed an attorney for the decision to take action. Mr. Safford understood that the Village
409 Trustees were the legal agent that accepted the Trust, and were responsible for the municipal
410 corporation including the Library Department, and would engage in the proceedings of a cy pres
411 action to dissolve the permanent Board. If it was not completed prior to the merger, the new Town
412 Council would undertake the rest of that action. Mr. Sweeney stated that in both the motions, Mr.
413 Lajza said "initiate", which he did not think meant any legal ramifications, but rather to start the
414 process, which would be the Task Force's recommendation. He asked if there was any further
415 discussion and there was none.

416

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

418

419 Mr. Sweeney asked members if they wanted to address the issue of how many Library Directors
420 there would be in a merged community as part of the Transitional Plan? Mr. Safford suggested
421 waiting until the Managers had a chance to make their projected organizational presentation in a
422 merged community. Ms. Billado suggested that the issue of library directors was included in page
423 16, section (h) Personnel. Mr. Sweeney understood, but asked if any member wanted to make a
424 recommendation as to when there would be one director and when there would be two directors.
425 Mr. Lajza stated that since they had not discussed any financial issues and other organizational
426 issues, that it would probably be too early to make that recommendation. He suggested that there
427 might be more information available so that the Transition Committee could make that decision. He
428 was in favor of hearing the Manager's presentation and having the Transition Committee approve
429 the organizational structure. Mr. Overton felt that members of the Board were included in the
430 Transitional Committee and would know the intent of the Task Force in regards to the library
431 director issue. He was also in favor of that issue being decided by the Transition Committee
432 because it related to the organizational structure. Ms. Billado felt that the Task Force could make a
433 recommendation, but would like to see the organizational structure presentation from Mr. Scheidel
434 and Mr. Safford before making any recommendation to the Transition Committee. Mr. Scheidel
435 asked what would happen if they disagreed with the joint library memo that supported an Executive
436 Director for the merged libraries? He asked if they should follow some agreement or expectations
437 from the Task Force, and members disagreed. Ms. Billado stated that her expectation was that Mr.
438 Scheidel and Mr. Safford would be developing a "manpower" plan to recommend to the Task
439 Force, which would then be reviewed and discussed with possible changes and finally
440 recommended to the Transition Committee. Mr. Lajza suggested that the libraries return when the
441 Task Force discussed the organizational structure, which would include the Library Department.

442

443 Mr. Safford recommended striking "transitional" from section (h) on page 16 of Transitional
444 Provisions section because there was no transitional personnel plan, but a personnel plan, and
445 members agreed.

446

447 **Charter Review-Transitional Provisions**

448

449 Mr. Sweeney pointed out the changes completed by Mr. Odit of the proposed Charter that
450 incorporated many of the Task Force's decisions and motions, and he referred members to page 14
451 where most of the changes were made per the last discussion. He began with page 14 (c) where it
452 described the transition districts in place for the beginning of the transition to a new merged
453 community. One district was the Village transition district with boundaries the same as the
454 incorporated Village and the other district was the Town district outside of the boundaries of the
455 transition district for the purposes of appointing and electing initially. Mr. Nye stated that would be
456 for the second year also, and Mr. Sweeney agreed and asked for confirmation from Mr. Odit who
457 stated that it had been awhile since he had read this section. Mr. Sweeney felt that the language was
458 adequate. Ms. Myers pointed out (d) and the paragraph at the bottom of page 14 and the top of
459 page 15 that addressed the number of years for the elected versus appointed members. Mr.
460 Sweeney, in his review of the changes in the Charter, felt that the Charter complied with their
461 discussions and motions and wanted reassurance that the Task Force members felt comfortable with

462 it as well. Mr. Nye asked if the First Annual Town Meeting was the Town Meeting after the
463 creation of the community? Mr. Sweeney stated that the Charter read that the first Town Meeting
464 would be after the effective date of Charter. Mr. Odit confirmed that it would be March of '09, and
465 members agreed. Mr. Blanchard clarified that the Charter addressed the terms until July 1, 2008.
466 Mr. Sweeney stated that the Charter addressed the second round of appointments and then the next
467 paragraph stated from then on, it would be all three years. Mr. Sweeney stated that he noticed that
468 Mr. Odit added one more section about the terms that stated, "The terms of all councilors either
469 elected or appointed under this paragraph shall not commence until July 1, 2008." Mr. Overton had
470 not put his new revised version in his notebook and was reading off the old version and confirmed
471 this with members.

472

473 Mr. Lajza asked if there was any place in the Charter where the terms were extended, and members
474 stated yes, in (l). Mr. Odit clarified with the members that the Trustees' terms did not end on March
475 30. Mr. Safford stated that they met the first Wednesday of every April and ended April 31. Mr.
476 Odit asked when their organizational meeting was? Mr. Safford stated essentially the next day they
477 took office after the Australian ballot. Members deliberated this issue, and Mr. Nye suggested using
478 "in 2008" and striking "on March 31, 2008", and Ms. Myers agreed. Mr. Overton asked for
479 clarification. Mr. Nye quoted his proposed language for (l), "The Selectboard and Trustee terms set
480 to expire in 2008 shall be extended without further action necessary, until June 30, 2008."
481 Members agreed with this proposed change.

482

483 Mr. Sweeney referred the members to section (c) and (d) and asked whether there were any
484 comments or changes to those sections. Mr. Overton agreed with (d). Mr. Sweeney asked about (e),
485 which related to the Transition Committee which developed recommendations for the policies for a
486 smooth transition, etc. as well as being responsible for the first annual budget for consideration
487 along with the adoption at the annual Town meeting during the transitional period, which would be
488 in the spring of 2008. There were no comments or changes from the members.

489

490 Mr. Sweeney reviewed the Zoning and Planning section (f), which he quoted and asked members if
491 they had any comments or changes to add, and there were none.

492

493 Mr. Sweeney continued with section (g) Local Legislation and asked if there were comments or
494 changes from members. Mr. Overton thought that in the 1999 Charter, they provided for some study
495 of the bylaws and ordinances during the Transition Process. Mr. Safford clarified that the language
496 stated that both Boards would be active side by side until they could merge. If the Transition
497 Committee could not complete that work, then the new administration would complete it over time.
498 Mr. Lajza thought all of the ordinances were automatically approved or adopted by the Town based
499 on what he knew of the Police Department. Mr. Overton suggested that the new Town Council
500 could be given a list of inconsistencies between the bylaws and ordinances between the two
501 communities. Mr. Safford felt that the current language in the Charter was reasonable and viable.
502 Mr. Nye pointed out that there was a noise ordinance in the Village and not in the Town, as well as
503 one community having a firearms ordinance and one that did not. Mr. Scheidel stated that there
504 may be some minor differences that needed to be studied along the way. He commented on the
505 projects in process from developers that should not be expected to have new ordinances to follow
506 due to a merger and agreed with Mr. Safford that it would be a process overtime. Mr. Overton
507 asked if that was something the Managers would be considering specifically, and Mr. Scheidel

508 agreed. Mr. Overton asked if Mr. Scheidel wanted the Task Force to included language that
509 supported that action, and Mr. Scheidel stated, no. Mr. Safford stated that the Managers knew what
510 needed to happen and felt that the presented language supported the length of time it may take to
511 merge the bylaws and ordinances.

512

513 In regards to (h) Mr. Sweeney pointed out the change already made to strike “transitional”, which
514 was recommended by Mr. Safford and agreed upon by the members that night. Mr. Safford asked
515 for a definition of “personnel plan”, whether it was policies, organizational structure or all of the
516 above? Ms. Myers stated that she did not think it was all of the above. Mr. Safford asked in regards
517 to the protection following the Town union agreements whether they would follow the Town
518 personnel regulations or not? Mr. Nye stated that he felt it should be left open to see how they
519 differed or not. Ms. Myers referred that issue to (i) Contracts. Mr. Safford stated that the language
520 in (i) was flexible, and Mr. Scheidel agreed that flexible language was needed. Mr. Sweeney read
521 (i) Contracts, and members had no changes. In regards to (j) Finances, members had no changes.
522 Mr. Sweeney made reference to the second paragraph in (j) as deriving from the 1999 Charter. In
523 regards to (k) Intergovernmental Relations, there were no comments or changes by members. In
524 regards to (l) Terms Extended, Mr. Sweeney pointed out that they agreed to striking “on March 31,
525 2008” and replacing with “in 2008”. In regards to Administrative Seat (m), members reminded
526 each other that it related to the motion provided by Linda Myers with a friendly amendment from
527 Mr. Lajza. Mr. Sweeney read the language in Administrative Seat (m) to the members. Mr.
528 Blanchard asked for clarification on “The Town of Essex Selectboard”, and members confirmed it
529 was the correct language because it was before the merger. Mr. Overton confirmed it was Ms.
530 Billado who asked to define the Administrative Seat. Mr. Nye reminded Ms. Billado that she had
531 defined it as the Managers, Clerk, Finance, Assessor. Mr. Overton added, administrative offices,
532 zoning, planning, and members disagreed with zoning and planning being part of the definition.
533 Members agreed with the definition of Administrative Seat as the Managers, Clerk, Finance and
534 Assessor. Mr. Overton confirmed that the members had all understood that if there was room for
535 other offices then more would be added. Mr. Sweeney stated that the language left some flexibility.

536

537 **Discussion of Redistricting Commission**

538

539 Mr. Sweeney directed the members' attention to page 8 (6) under 209. Powers and Duties, which
540 described the powers of the Town council in making changes in the districts if necessary upon
541 approval from the voters. He explained that Mr. Overton had proposed new language, which
542 included a Districting Commission. Mr. Sweeney asked Mr. Overton to explain his proposal. Mr.
543 Overton stated that he derived his language from (6) and added to it. He discussed a change in his
544 original language as reading, “Every ten (10) years, but no more than every five years”. Mr. Nye
545 asked on what basis, and Ms. Myers had the same question. Mr. Overton explained that it was
546 possible that there could be a dramatic shift in population in the interim that needed attention and
547 pointed out that (6) stated, “not more often than every five years” Mr. Sweeney asked for
548 clarification from Mr. Overton. Mr. Overton restated the language as being, “At least every ten (10)
549 years, but not more than every five years” Mr. Sweeney suggested that it read, “At least every five
550 (5) years” to be similar to (6), and Mr. Overton agreed. Mr. Overton pointed out that every ten (10)
551 years was the Federal Decennial Census and it occurred to him the reason the 1999 Charter had
552 every five (5) years was due to a probable shift in population and at the time, the current
553 government felt it necessary to add that they could appoint a Commission. Mr. Safford stated that

554 he thought the reason for the language was that it was from Montpelier and that it kept it from being
555 redistricted every year, and Mr. Overton agreed. Mr. Sweeney confirmed with the members that a
556 census would not be necessary if the districts changed from some districts to no districts, and
557 members agreed.

558

559 Mr. Overton, in regards to his second sentence of (A) in his proposal, stated that he thought about
560 Mr. Nye's suggestion to use the Board of Civil Authority and was in favor of using five (5)
561 independent people appointed to a Redistricting Commission to bring in new perspectives from the
562 community as opposed to the Trustees, Selectboard or those on the new Town Council, who were
563 already a part of the Transition Committee. Mr. Overton then summarized the rest of his proposal
564 as being in (b) that it described that they would decide on the number of districts and in (c) that it
565 described how the Redistricting Commission would prepare a description and plan of the districts
566 and make it available for public review and comment with at least 30 days notice and take public
567 input and make such changes as deemed appropriate within 15 days of the public hearing and there
568 upon submit it to the Town Council. In (d), Mr. Overton noted a change and read," The Council
569 may amend the plan, but only after a duly warned special meeting to be held within forty five (45)
570 days. Once approved, and there are changes, they shall be approved by legal voters of the
571 community at a special meeting of the Town and it shall be affective upon approval.". Mr. Sweeney
572 and Mr. Nye asked for clarification. Members deliberated the clarity of Mr. Overton's proposal
573 about any changes from public input.

574

575 Mr. Nye suggested a scenario that in 2010 there was one at-large district. Therefore, there would
576 not be any redistricting needed. Mr. Sweeney mentioned that the second paragraph stated, to create
577 districts. Ms. Billado asked Mr. Overton if he was referring to districts for Town Councilors, as
578 opposed to districts for legislative purposes, and Mr. Overton agreed. Ms. Billado argued that the
579 legislative districting happened every ten (10) years. Mr. Nye stated that it was set by statute, and
580 Mr. Sweeney stated that it was not by the local government. Ms. Billado understood and stated that
581 for simplicity reasons, why would there be two districting plans if they were starting the merged
582 community with a single district for councilors, and legislative districts were based on population,
583 4000 people per representative? If you were going to redistrict for councilors, would it not make
584 sense to have the same district plan similar to that for your legislative representatives? Mr. Overton
585 disagreed because there was one district in the new community that belonged to Essex and
586 Westford and secondly, the idea of coterminous with the legislative districts and up until now, it
587 had not been a factor. Therefore, within the new community of 20,000 people, he supported a more
588 hands-on system of whether the districts met the needs of the community, whether that decision
589 came from the Board of Civil Authority or 5 people at large. He heard a discussion on the radio
590 that suggested possible constitutional issues that could occur with a large community that had one
591 district. One argument with an at-large community was that five years after elections, all members
592 could be elected from one part of the community and not from other parts of the community. This
593 would signal the need for a Redistricting Committee to take action, if the Town was not getting
594 representation from different parts of the community, which could possibly happen in their new
595 community. Ms. Billado stated that was one of the arguments against a single district, and Mr.
596 Overton agreed. Mr. Lajza reminded members that he was strongly in favor of districts, but
597 changed his mind when he heard Mr. Nye's argument about multiple districts in Burlington, which
598 had merit. Mr. Lajza noted that they had a transition period during which there would be some
599 observation by 2013 for the new Town Council to determine whether there was reasonable

600 distribution from the entire Town. He was in favor of a Redistricting Commission to review that
601 into the future to determine the need for redistricting. He stated that the intent from Mr. Overton
602 was to allow that change without having to go to the legislature for approval, as it would already be
603 defined in the Charter.

604

605 Mr. Blanchard pointed out that when he ran for state office, trying to get a checklist was almost
606 impossible. Ms. Myers stated that the State of Vermont was in the process of having possibly same-
607 day registration and that there would supposedly be a state-wide voter checklist. Mr. Blanchard
608 stated that he would like to use another measure to determine increases or decreases in population,
609 but did not know what they could use. Ms. Myers asked the Managers was there a way to compute
610 the population on off-census years? Mr. Safford stated there was an estimate through the Health
611 Department every year, but did not know the equation for that figure.

612

613 Mr. Nye asked Mr. Overton whether he considered that with a 2010 date, there would only have
614 been one election and did not think it was fair to force the new government into action that year
615 when there had only been one election. Mr. Overton agreed that he had thought about that as well.
616 Mr. Lajza suggested including language that stated that the earliest a redistricting could occur was
617 2015 and the latest would be 2020. Mr. Scheidel suggested a date that aligned with the
618 implementation of the census in 2012, which would give the new government four years. Mr.
619 Overton suggested 2013, which gave them five years so that in 2013, the Commission would be
620 active. He added that he was still in favor of adding “not more often than every five years”. Ms.
621 Myers argued that it was already every ten years and if redistricting occurred in 2013 then the next
622 time would be 2023. Members deliberated the timing of the census and the reports thereafter. Mr.
623 Lajza was in favor of stating “no later than two years or within a two-year period of the report of
624 the decennial census”. Mr. Sweeney clarified that it was simple to say 2013. Mr. Overton
625 summarized his intent with the proposed Redistricting Committee in that he wanted to create a
626 process that allowed for change if it became obvious that districts needed to be changed without
627 having to go the legislature, and members agreed. Members determined that more discussion was
628 needed before voting.

629

630 **Future Agenda Items**

631

632 Mr. Sweeney noted that they would put the Redistricting Commission topic on the Agenda for next
633 week. Mr. Sweeney confirmed that next week the Fire Department would return, and Mr. Scheidel
634 stated that they would be invited and would be present. Mr. Sweeney asked about the progress of
635 the Charter Review for next week. Mr. Overton reminded the members that they needed a meeting
636 or two to conduct a final review of the Charter and asked Mr. Odit to provide a clean version of the
637 Charter, and Mr. Odit agreed. Mr. Sweeney summarized that next week, they would have the Fire
638 Department discussion, continue with the Redistricting Commission discussion with hopefully a
639 decision and then begin a final review of the Charter if time allowed. Mr. Nye asked for
640 clarification about the final review of the Charter. Mr. Overton felt it could be reviewed quickly to
641 crosscheck the changes. Mr. Sweeney asked for an update on the Fact-Finding Group for the
642 Recreation issue. Ms. Wrenner stated that they met yesterday and would have information for the
643 Task Force in two weeks. Ms. Billado asked when the Manager's were going to make their
644 organization structure and future financial presentation for a merged community. Mr. Scheidel
645 stated that they needed more time. Mr. Sweeney suggested asking for the organizational structure

MERGER TASK FORCE

January 18, 2005

646 recommendation first, and Mr. Scheidel stated that they could begin that presentation soon. Mr.
647 Safford stated that as soon as the Task Force decided on the Fire Department and Recreation, then
648 the Managers could make their presentation, and Mr. Sweeney agreed. Mr. Scheidel asked what
649 happened in a merged community if a fire district existed in one of the communities and it was
650 determined that there were no fire districts in the Village of Essex Junction. Mr. Sweeney opened
651 up the discussion to the public.

652

653 **Public Input-General Comments**

654

655 There were no comments from the public.

656

657 **HUGH SWEENEY MOVED AND DEB BILLDO SECONDED A MOTION TO ADJOURN**
658 **AT 9:00 P.M.**

659

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

661

662

663 **Respectfully submitted,**

664 **Saramichelle Stultz**

665

666 *Saramichelle Stultz*

667 **Recording Secretary**

668

669

670

671 (THESE MINUTES ARE SUBJECT TO CHANGE AT THE NEXT MERGER TASK FORCE
672 MEETING)

673

APPROVED

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**MERGER TASK FORCE
ESSEX/ESSEX JUNCTION
MEETING MINUTES
January 25, 2006**

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

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

OTHERS PRESENT: Bob Marcotte, Chuck Willard, Howard Rice, Town Fire Chief, Chris Gaboriault, Village Fire Chief.

BUSINESS AGENDA

Public Input on Agenda Items

There was no public input.

Approve minutes of January 18, 2006

ALAN NYE MOVED AND IRENE WRENNER SECONDED A MOTION TO APPROVE THE MINUTES OF JANUARY 18, 2006 WITH THE FOLLOWING CORRECTIONS:

Line 58: After “of the” insert “Library”. Line 107: Replace “work” with “word”. Line 336: Add quote mark for “approval”. Line 409: Replace “cypress” with “cy pres”. Line 474: Replace “31” with “30”. Line 479: Add quote mark after “2008.”. Line 505: Replace “overtime” with “over time”. Line 574: Replace “2001” with “2010”.

THE MOTION PASSED 5-0-3. (Linda Myers, George Boucher, Hans Mertens abstained)

Discussion and Decision Regarding Fire Department Organization Structure

Mr. Sweeney mentioned that the Fire Chiefs had already made their presentation to the Task Force but that they were both present that night. Mr. Sweeney asked if there were any questions from the Task Force.

Mr. Safford, in regards to section 602 in the Charter where it stated that the Fire Chief would be appointed by the Manager, asked members if there was any further action to be taken? Mr. Sweeney confirmed that the appointment of the Fire Chief was in the Charter in section 602. Mr. Mertens reassured the Fire Chiefs that the lack of questions from the members was not because it was not an important issue, but that they had already discussed it and were close to a consensus. Ms. Myers asked the Fire Chiefs to confirm that they both agreed with section 602 in the Charter, which stated that the Fire Chief would be appointed by the Town Manager in a merged community, and Mr. Gaboriault and Mr. Rice both agreed. Mr. Mertens noted that there were a number of

48 recommendations that would be under the purview of the Manager, which were not for the purpose
49 of the discussion that night, and Mr. Safford agreed. Mr. Sweeney asked if any member could offer
50 a motion.

51

52 **LINDA MYERS MOVED AND JOHN LAJZA SECONDED A MOTION THAT IN**
53 **SECTION 602 OF THE CHARTER FOR THE TOWN OF ESSEX JUNCTION THAT THE**
54 **FIRE CHIEF WILL BE APPOINTED BY THE TOWN MANAGER WITH THE ADVICE**
55 **OF THE TOWN COUNCIL.**

56

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

58

59 Mr. Nye commented that he was surprised with the ease and the efforts from both Fire Chiefs to
60 consider what was in the best interest of the community as a whole and commended them for their
61 exceptional work on this issue, and members agreed.

62

63 **Charter Review-Discussion of Redistricting Commission**

64

65 Mr. Sweeney referred to Mr. Overton, who had revised his proposed amendment for a Redistricting
66 Commission, which was circulated to members.

67

68 Mr. Overton, in regards to his hand-out, pointed out that he changed the language in the first
69 paragraph (a) to be “every ten (10) years, but not more often than every five (5) years, commencing
70 with 2013,” which he stated was the consensus from the last Task Force meeting. He read the
71 second sentence in the first paragraph, which stated, “The Commission shall consist of five (5)
72 members appointed by the Town council within two (2) months following report of the Federal
73 Decennial-Census.” He informed the members that he also changed a few words in the second
74 paragraph (b) to clarify that the Commission could keep the districts as one or change it to more
75 than one and quoted, “The Commission may create a single district, or multiple districts, of equal or
76 nearly equal population and shall provide for equal council member representation from each
77 district...” In regards to the content in the third paragraph (c), Mr. Overton stated that after a plan
78 was developed by the Redistricting Commission, a Public Hearing would be held and after which,
79 the Commission would submit the plan to the Town Council. In regards to paragraph (d), Mr.
80 Overton quoted, “The plan shall be subject to approval by the Town Council. The Council may
81 amend the plan but only after a duly warned special meeting to be held within forty-five (45) days
82 of submission of the plan to them. Once approved by the Town Council, the plan shall be submitted
83 for approval by the legal voters at a general Town Meeting or special meeting. Once approved, the
84 district(s) shall be binding until the next such change, and the new districts shall be effective as of
85 the next town general election.”

86

87 Mr. Nye described a “what-if” scenario in 2013, with seven members of the councils, the
88 Districting Commission decided on three districts, and at the next election, there were only two
89 seats up for re-election. In that scenario, Mr. Nye asked, what districts elected those two seats? Mr.
90 Overton stated that it depended where the two incumbents lived. Mr. Nye stated that the
91 redistricting process was not supposed to take into consideration where candidates or incumbents
92 lived, and Mr. Overton agreed. Mr. Nye pointed out that the amendment proposed by Mr. Overton
93 had potential problems and recommended illustrating the potential situations. The two questions of

94 concern to Mr. Nye were, what districts would vote to elect and how were you going to decide
95 which of the districts would vote to elect? Mr. Overton understood.

96

97 Mr. Overton felt that the fundamental question was whether the Task Force should provide for
98 redistricting? He was in favor of redistricting because the future outcomes for representation were
99 uncertain. He stated that currently the members agreed upon recommending an at-large district for a
100 merged community. However, after several years, how would people be elected and what changes
101 would there be in population growth? Mr. Overton was open to any suggestions for solutions to this
102 problem. Mr. Nye stated that, in a scenario of redistricting, if there were any number of districts
103 other than two, there would be issues because people in those districts that did not participate in an
104 election would not have equal representation. Mr. Overton returned to the original scenario
105 presented by Mr. Nye of two incumbents in 2013 with three districts. Mr. Lajza stated that one
106 solution would be that once redistricting had occurred, all the council members' terms would expire
107 and all seats would be up for election. Mr. Overton stated that Mr. Lajza's solution would end the
108 council members' terms prematurely, but did not think there was any other solution. Mr. Overton
109 commented that in Mr. Nye's scenario with three districts, and only two incumbents, there would be
110 a third district un-represented. Mr. Nye pointed out that if the scenario was two districts and three
111 incumbents, one seat could represent each district, unless one district felt un-represented and
112 wanted all three seats from their district.

113

114 Mr. Sweeney recommended adding language to Mr. Overton's amendment that included an
115 introduction and transition plan, similar to the work that the Task Force had done on appointing or
116 electing in the Charter. He pointed out that there was language in the Charter presently that had the
117 same problem and also did not define how to make a transition. Mr. Nye stated that even with a
118 transition plan, the same problem existed. Mr. Overton confirmed that the problem raised by Mr.
119 Nye was also in section 209 of the Charter, and Mr. Nye agreed and stated that he was in favor of
120 the Town being one district. Mr. Overton suggested adding language in paragraph (c) of his
121 amendment to include if necessary which districts would first vote under the new districting system
122 and which other districts would follow. Mr. Sweeney recommended a transition plan, and Mr.
123 Overton agreed. Mr. Overton stated that the problem existed in both Mr. Overton's amendment and
124 in section 209, which needed to be addressed. Mr. Nye recommended changing the language in
125 paragraph (d) of Mr. Overton's amendment by striking "Once approved by the Town Council, the
126 plan shall be..." and replace it with "The plan approved by the Town Council shall be....", with the
127 reasoning that the plan that the Town Council approved might be different than the original plan,
128 and members agreed. Mr. Mertens asked for clarification and asked whether the Decennial
129 Redistricting Commission was able to modify the districts of sitting elected members? He stated
130 that the Committee would meet in 2013, but the report would not be effective until about 2016. He
131 asked whether the issue was that they could potentially upset the elected officials. Mr. Nye clarified
132 that if the decision from the Redistricting Commission was to change the system from one at-large
133 district to three districts, the year the new districts were in effect, there would only be two
134 incumbents and asked Mr. Mertens, how would he select which districts would vote for those two
135 incumbents? Mr. Mertens asked whether the Commission had the deciding power to determine
136 which districts would elect those incumbents? Mr. Nye and Ms. Myers reminded him that the
137 incumbents needed to live in those voting districts, and Mr. Mertens understood. Mr. Mertens asked
138 if there was any way the Districting Commission could meet in 2013 and begin the transition so that
139 by about 2016, there would be seven seats up for election. Ms. Myers pointed out that the issue was

140 how to transition without immediately disenfranchising a number of residents.
141
142 Mr. Overton suggested that in 2013, the Commission would have to decide that there would be 2
143 representatives in each of the three districts and one at-large, and they would have to determine
144 who could run for election and whose terms would end. Mr. Mertens suggested that some seats
145 might be eliminated because they did not live in the newly created district. Members agreed that
146 one member from a district would be at-large. Mr. Overton stated that if this scenario occurred,
147 there could simply be a system of randomly pulling one name out of a hat to determine whose term
148 would be either at-large or end. Mr. Nye reminded Mr. Overton that the person whose term ended
149 would be the random term. Mr. Overton stated that there would be one vacant seat under his
150 scenario. Mr. Overton stated that there would be too many seats in district one and district two, so
151 that they would need to remove one seat in each district. Mr. Mertens stated that alternatively, the
152 Districting Commission could redistrict to seven districts in which case, all the seats would be in
153 three of the seven districts. He wondered if there was some way to provide a transition. Members
154 determined that this problem was a test of math skills. Mr. Overton stated that there had to be a way
155 to transition regardless of the scenario and suggested there be a transition period of two years. He
156 proposed adding language that gave the Redistricting Commission the decision-making authority
157 and agreed with the proposal to add a transition plan in his amendment. Mr. Mertens, in response to
158 the problem created by the scenario, suggested that a council member who lived in district one
159 might have to represent the people in district seven. Mr. Safford recommended referring to how
160 other communities transitioned their districts and suggested that it might be easier to redefine a
161 certain number of districts, such as in Montpelier, as opposed to changing the numbers of districts.
162 Ms. Myers stated that she was opposed to Mr. Overton's amendment. Mr. Overton asked if she was
163 opposed to redistricting. Ms. Myers clarified that she was opposed to developing a specific plan and
164 was in favor of the more general language in section 209, that stated from time to time the Town
165 council would review the districting. She stated that in 2013, if the Town of Essex Junction desired
166 to redistrict, it would not be a difficult process to accomplish a Charter change in respect to the
167 districts. She believed that Mr. Overton's amendment created problems and assumptions that may
168 not even be in existence into the future. Mr. Overton felt that even if the Town Council had to go to
169 the legislature to make a Charter change for redistricting, they would be faced with the same
170 problem. Ms. Myers stated that she was in favor of the language and the process in section 209 (6).
171 Mr. Overton stated that the problem raised by Mr. Nye existed in both his amendment and section
172 209 (6). He stated that the only difference between the two was that his amendment set forth a
173 Commission and a process, but understood if Ms. Myers was opposed to a Commission and a
174 process. Mr. Safford stated that the difference between the two proposals was that if the Council
175 wanted to change districts, they would proceed with a change through the ordinance as opposed to a
176 Charter change. He suggested that in that scenario, if the voters were not in favor of that action,
177 they had the right to rescind the ordinance. Mr. Sweeney pointed out that in section 209 (6), the
178 voters did not have to rescind because they were approving the ordinance already. Ms. Myers was
179 also in favor of having the districting be under the purview of the Town Council and did not see any
180 need for a Redistricting Commission. Mr. Overton stated that he was concerned about possible
181 gerrymandering and thought it would be more clear for objective members on a Commission to be
182 part of this process as opposed to the members of the Council. However, he did not want to place an
183 obstacle to the progress members had made on the Charter and explained that he had thought a
184 process for redistricting was needed. Ms. Myers, in response to gerrymandering, stated that in
185 regards to a legislative body and congressional districts, etc., she felt it hard to believe that the

186 citizens of the Town would not be savvy enough to notice a lack of representation or imbalance of
187 power. She wanted to have faith in the Town Council and the people in the community. She
188 understood Mr. Overton's intent, but did not agree it was necessary. Mr. Overton stated that he also
189 had faith in the community, but recognized the same problem in both proposals and recommended a
190 plan be developed to provide a solution. He noted that if the representation on the Town Council
191 became unbalanced, he felt the community would respond to remedy that problem.

192

193 Mr. Blanchard reminded the Task Force that the discussion was similar to one they had in the
194 beginning of their work, where he raised an issue of finding a way to include more people from the
195 community to be involved in local government. He felt the Redistricting Commission could be an
196 opportunity to include more participation from the community and that his opinion had nothing to
197 do with trust. Mr. Blanchard recommended soliciting the advice from the League of Cities and
198 Towns and suggested taking action similar to the State when they increased districts, which was to
199 create another district, such as the district that included both a part of Westford and Essex. Mr.
200 Sweeney argued that the State did not take that action all at once and that every seat was elected at
201 the same time, and Mr. Blanchard agreed. Mr. Safford recommended language that stated should
202 the Town move from an at-large to a district system, as of that day, members' terms would expire
203 and all seats would be re-elected, but noted that there may be some loss in experienced members.
204 Ms. Myers stated that the reason for having staggered elections was that there would always be
205 people on the Board who had experience, and Mr. Safford agreed. Ms. Myers stated that
206 theoretically, with his suggestion, there could potentially be seven people on the Town Council who
207 had never served in Town government. Mr. Lajza suggested that the terms that expired would end
208 and the terms with one year left would be re-elected, which would provide four experienced
209 members. Mr. Nye asked how it would be decided which three districts those four members would
210 represent? Mr. Lajza stated that one member would be at large, but understood that the problem still
211 remained. Mr. Overton stated that the problem was the process, but felt that with time, there would
212 be a solution.

213

214 Mr. Safford recommended referring to other communities with districts to see if in their history,
215 there had been redistricting and researching how they addressed those issues. He suggested that
216 perhaps they would find that those communities, over time, remained with the same number of
217 districts. Mr. Sweeney felt that the transition to a number of districts would depend on the desired
218 end result, and members agreed. Mr. Sweeney, in his opinion, stated that the greatest factor did not
219 know what the end result needed to be, so that they could work out all the possibilities to solve the
220 problems, and members agreed. Mr. Safford did not think a change would occur, unless there was
221 an impetus for change and if so, at that time, it might be more evident to the community what
222 needed to happen to reach that end result.

223

224 Mr. Sweeney stated that the question was whether the Task Force wanted to include in the Charter
225 language that allowed local reconsideration of districts? He stated that the future Town Council
226 could always go to the legislature for a Charter change. Ms. Myers stated that there was already that
227 language in section 209 (6). Mr. Overton argued that even if they went to the legislature to get a
228 Charter change, they were faced with the same issue of staggered terms and how they would
229 transition to districts. Mr. Nye stated that, in his opinion, the only solution to Mr. Overton's
230 amendment was to include that the Redistricting Commission also needed to develop a transition
231 plan, which had to be reviewed and approved by the voters, and Mr. Overton understood. Mr.

232 Mertens asked whether the plan would be limited with rules or more flexible, and Mr. Nye stated
233 that it would be flexible as the Commission needed to review the districts and representation. Mr.
234 Overton, in regards to the paragraph (c) in his amendment, suggested including, “The Districting
235 Commission shall prepare a description, map and plan of transition of the districts...” and
236 understood it would be a challenge. Mr. Overton remarked that he could not find anything in the
237 model City Charter on redistricting, and Mr. Safford stated that an at-large district was
238 recommended in the model City Charter.

239

240 Mr. Scheidel noted that Ms. Myers raised the issue about the necessity of a Redistricting
241 Commission and proposed a change in the language that may help Ms. Myers feel more
242 comfortable with the amendment and may help members reach a consensus. He suggested changing
243 “shall” to “may” in the first paragraph (a) of Mr. Overton's proposal, which would leave it up to the
244 conditions of the time and the Town Council at the time. Mr. Sweeney questioned whether they
245 would have to change the beginning of that sentence which read, “At least every ten years but not
246 more often than every five years..” to be consistent with Mr. Scheidel's change. Mr. Scheidel stated
247 that the district review might simply mean to look at it, to ask a question at the Town council, or to
248 put it on the Agenda as whether they needed to do review it or not. Mr. Sweeney confirmed that
249 Mr. Scheidel was proposing that every ten years, the Town Council would review the districts in
250 the way he described, and Mr. Mertens remarked that Mr. Scheidel had an interesting idea. Ms.
251 Myers also felt it was a good suggestion and was in favor of “may” versus “shall”, but still did not
252 know if she was in favor of Mr. Overton's amendment at that point in time.

253

254 Mr. Safford confirmed that if there was an impetus to change from one-at large to districts, then it
255 would be a Charter change. Mr. Sweeney commented that, in essence, the members were
256 participating in the similar process with the beginning of the merger in 2008, in regards to the new
257 Town Council, which would be comprised of a few existing members and newly elected members.
258 He stated that in a redistricting scenario it was what had to happen and was not impossible. He felt
259 that, depending on the end result at the time, the government would be charged with taking the
260 appropriate action with all the parameters of maintaining experience and having staggered three-
261 year terms and felt that eventually it would all become balanced. Mr. Sweeney did not think this
262 problem could be solved that night without knowing the end goal, as there were too many outcomes
263 possible, and Mr. Safford agreed. Mr. Sweeney concluded that if there was a desire for change in
264 the future community, the redistricting language would provide a vehicle to do so and would be
265 approved by the voters, which he felt was very important. He confirmed that with the State
266 redistricting program, there was no local control, and Mr. Blanchard agreed. Mr. Nye stated that
267 there were representatives from the Towns and Cities that were involved. Ms. Myers stated that
268 there was a Redistricting Committee, and Mr. Sweeney understood. Mr. Overton pointed out that in
269 his amendment, the voters voted twice, and Mr. Lajza strongly supported that idea. Mr. Nye asked
270 for clarification about voting twice. Mr. Overton stated that in paragraph (c) in his proposal, it
271 stated that the Districting Commission had to hold a special meeting, and Mr. Nye stated that the
272 special meeting was not a vote, and Mr. Overton agreed. Members confirmed that a public meeting
273 did not constitute a public vote. Mr. Overton agreed and pointed out that there was a vote after the
274 plan was reviewed.

275

276 Mr. Safford cautioned members about the use of “may” versus “shall” because it might give the
277 message that appointing the Districting Commission was not mandatory, and Mr. Overton agreed.

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278 Mr. Safford suggested using language that said, “If the Town Council found an impetus, they could,
279 but not more than every five years, develop a redistricting Commission.” Mr. Overton remarked
280 that he felt that the Task Force could find a solution. Mr. Safford recommended that the solution
281 was to include language that the Redistricting Commission be mandated to provide a transition
282 plan, similar to the work at the present time by the Task Force. He felt the question was whether
283 they wanted to put general language that would require a Charter change or more specific language
284 that would include the need for a transition plan.

285

286 Mr. Sweeney asked the members about the next step in their deliberations. Mr. Lajza, in regards to
287 paragraph (b) of Mr. Overton's proposal, asked whether the plan needed to be approved by the
288 Town Council, and Ms. Myers replied, yes. Mr. Overton confirmed that the plan had to be an
289 approved plan from the Town Council before it went to the voters. Mr. Lajza pointed out that the
290 Town Council could gerrymander at that point in time, if they felt their situations would be
291 compromised. Mr. Overton stated that in that situation he would bring a writ of mandamus to force
292 the Town Council to be reasonable and Mr. Overton noted it was the reason for specific dates in the
293 language. “The plan shall be subject to approval by the Town Council. The Town Council may
294 amend the plan but only after a duly warned special meeting to be held within forty-five days of
295 submission.” Mr. Overton stated that he did not include that the plan approved by the Town
296 Council shall be within 30 days, because that might occur within two months of the Town meeting,
297 which would be an appropriate time to vote. Mr. Lajza suggested placing the redistricting issue as
298 an article at the Town Meeting that would determine whether the voters wanted a redistricting
299 study. If they voted against a redistricting study, then everything would remain the same, but if they
300 voted for a study then the Town Council would be mandated to begin the process of appointing a
301 Redistricting Commission, which would provide reasonable districts and a transition plan. Mr.
302 Lajza was in favor of putting that decision immediately in the hands of the voters. Mr. Nye asked
303 who would make the decision that there would be a vote? Mr. Lajza stated that it would be included
304 in the Charter, as every ten (10) years, to have a Town vote. Members were not in favor of that
305 idea. Mr. Safford, in response to Mr. Lajza, recommended including language in paragraph (c)
306 which stated, “ The Districting Commission shall prepare a plan of the districts and shall make a
307 plan available for public review and comment at a special meeting duly warned at least (30) days.
308 The Plan shall include how to transition to the plan, similarly to the merger plan, which would
309 include a transition provision”, and one member added “into the new districts” and Mr. Safford
310 agreed.

311

312 Mr. Safford stated that there still needed to be language in paragraph (b) to address whether there
313 needed to be a mandated review or vote for every ten years to create the Commission along with
314 whether the Commission needed to provide a vote if they determined no change was needed and
315 pointed out that there may be times that a vote would be unnecessary. Mr. Blanchard stated that if
316 they were going to go the public, he would prefer to ask them at the present time, how many
317 districts they wanted instead of waiting until six or seven years from now. Mr. Overton understood
318 but stated that the problem was not how many districts, but that if there was an impetus for change,
319 such as a major change in population or the trend of representation, whether there was a need for
320 districts. Mr. Overton gave an example in Burlington in regards to Mr. Bernie Sanders' campaign
321 that might have determined a change for future districting for that community. Mr. Boucher pointed
322 out that Mr. Sanders won by ten votes. Mr. Overton summarized that the concern was what would
323 happen in the future if there was a major shift in population or a centralization of elected

324 representatives and asked the members if they felt there should be a vehicle in place to solve that
325 problem? Mr. Nye stated that he had faith in elected officials in 2023 to listen to the public and take
326 the necessary action to provide fair representation. He suggested that if all the members lived on
327 Pleasant Street and 85% of the budget was going to Pleasant Street, the problem would be obvious.
328 He wondered whether other members were in favor of the Charter language or not having any
329 language about redistricting and asked Mr. Sweeney to take a consensus of the Task Force as to
330 their preference, so they could resolve the discussion. Mr. Sweeney asked Mr. Overton if he
331 intended his proposal to replace section 209 (6), and Mr. Overton agreed. Mr. Overton listed the
332 choices for members to decide on as being 1) the language in 209 (6) 2) Mr. Overton's amendment
333 to section 209 (6) and 3) No redistricting language. Mr. Mertens confirmed that the 3rd choice was
334 to eliminate section 209 (6), and Mr. Overton agreed.

335

336 Ms. Myers, in response to Mr. Blanchard's comment about asking the public what they wanted for
337 districts, felt that if they asked the public about that item, it would set a precedent for all the other
338 items in the Charter. She was concerned that it would result in asking the public to design the
339 Charter, which would be problematic. She believed that the Task Force should develop the Charter,
340 place it before the public for review and then for public approval. Mr. Blanchard, in regards to
341 future voting on the Charter, asked whether there would be a line item veto for the Charter or
342 whether it would be a vote on the entire Charter? Ms. Myers agreed with a vote on the entire
343 Charter. Mr. Lajza perceived the process as being to hold several public meetings for consideration
344 about what had been deliberated between the representatives on the Task Force and then the next
345 step being how to make it palatable to everybody to reach a positive vote, and Ms. Myers agreed.
346 Mr. Blanchard argued with Ms. Myers as to presenting a vote about redistricting to the public. Ms.
347 Myers reminded the Task Force about a situation in the 1980s when Essex presented the public
348 with 32 issues on the Town Plan, which resulted in much confusing and hard work for the voters.

349

350 Mr. Sweeney asked if there was a consensus to hear from all the members about the redistricting
351 issue, and members agreed. Mr. Overton stated that he was in favor of his proposal as amended by
352 Mr. Nye. Mr. Lajza stated that he would probably favor the amended proposal, but was not
353 comfortable with any of the three choices. He was in favor of having an Australian ballot to
354 determine whether the public felt they needed to have redistricting. Ms. Myers asked for
355 clarification. Mr. Lajza wanted the public to have a say if they thought the representation was not
356 equitable and should be able to have the right to vote for redistricting if necessary. Mr. Mertens
357 stated that he was in favor of having a separately appointed group rather than the incumbents
358 determine future districting because of possible gerrymandering. Secondly, he was also convinced
359 that making redistricting mandatory was not desirable and favored the "may" language as opposed
360 to "shall" and felt that if Mr. Overton's proposal could be simplified and modified, he would be in
361 favor of that proposal. Mr. Nye was in favor of eliminating 209 (6) and being silent on the issue.
362 Ms. Myers was in favor of the current Charter language in section 209 (6). Mr. Blanchard referred
363 to the time when he served on the Local Government Committee, which had changed its name, and
364 Ms. Myers confirmed that it was the Government Operations Committee. He explained that he had
365 testified for the Village for Charter changes when he was on that Committee and felt that the
366 present Task Force discussion would be too complicated for the legislature to bother with and was
367 difficult to discuss with those representatives who were from Towns that did not even have zoning
368 laws. He suggested allowing the voters to bring it up for petition. Mr. Safford, in response to Mr.
369 Blanchard's idea, suggested language to include "If petitioned by 10% of the registered voters, the

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370 Town Council shall appoint a districting commission...” and also suggested that they could include
371 that action occur through a petition or the Town Council. Members were pleased with Mr.
372 Blanchard's idea. Members asked Mr. Odit if he would develop language for that intent.

373

374 Ms. Myers pointed out that the Government Operations Committee was currently proposing a bill
375 to request that in order for a group of citizens to petition, there needed to be 20% of registered
376 voters of the population of the community. Mr. Nye argued that the Charter would override that
377 bill, and Ms. Myers disagreed. Mr. Sweeney confirmed that the present figure for a petition was
378 5% of the registered voters and that the Committee wanted to raise it to 20%. Mr. Odit asked if the
379 bill was in regards to a petition to rescind an ordinance adopted, and Ms. Myers thought it was a
380 petition for any item. Ms. Sweeney reminded the Task Force that they had not finished hearing
381 from all of the members.

382

383 Ms. Wrenner stated that she liked the Charter language with Mr. Blanchard's amendment. Members
384 clarified her preference and Mr. Blanchard's preference as being the language that was currently in
385 the Charter in section 209 (6) with Mr. Blanchard's amendment, which provided fourth option. Mr.
386 Sweeney stated that he could support the Commission idea, and Ms. Myers confirmed that he
387 supported Mr. Overton's amendment. Mr. Sweeney also felt Mr. Blanchard's idea was feasible as
388 well. Mr. Sweeney was in favor of including redistricting language in the Charter that did not
389 require them to go to the legislature for a change. He asked if Mr. Scheidel or Mr. Safford wanted
390 to comment. Mr. Scheidel abstained from any comment. Mr. Nye stated that Mr. Blanchard's
391 petition created the Commission, and Mr. Safford agreed. Mr. Overton asked Mr. Blanchard what
392 percentage of the voters needed to petition, and Mr. Blanchard stated that he did not give a
393 percentage. Mr. Nye recalled one member suggesting 10%. Members deliberated on the bill that
394 would increase the percentage to 20% and felt it was very high and would probably not pass in
395 Montpelier. Mr. Lajza felt 20% would be appropriate if it were in terms of rescinding an ordinance.
396 Ms. Myers' concern was that in a large community, 5% was a rather small number of registered
397 voters and confirmed that currently, 5% in the community was equal to about 750 registered voters.
398 Therefore, she was in favor of 10% for a petition percentage. Mr. Overton asked how many voters
399 they had in Essex/Essex Junction, and Mr. Sweeney stated about 15,000. Mr. Sweeney asked
400 whether they had a consensus for edited language regarding a petition that implied the judgment for
401 a Commission, and members agreed. Mr. Odit clarified with members that the language would
402 make it discretionary upon the Town Council to initiate that process, but mandatory if it was by
403 petition. Mr. Sweeney asked if Mr. Odit would infer that there would be two paths to take. Mr.
404 Odit, in response to the discussion about changing “shall” to “may”, stated that if they were going
405 to include a petition, that it would be required by the Town Council to begin the process, but if
406 there was not a petition, then it would be under the Council's discretion as to whether or not to
407 begin the Commission process.

408

409 Mr. Safford asked who would create the redistricting plan? Members stated that the Commission
410 would be charged to develop the plan. Mr. Blanchard asked for clarification from Mr. Odit. Mr.
411 Blanchard asked if in ten years, there was no petition, would the Council not have to take action?
412 Mr. Odit stated that unless the Town council was getting public pressure other than a petition, they
413 would not be mandated to act. Mr. Blanchard confirmed that the language included “may” not
414 “shall”. Mr. Overton informed Mr. Blanchard that it was very common in the statutes to have
415 language that Mr. Odit was suggesting and Mr. Odit agreed. Ms. Myers requested that the process

416 not begin prior to 2013, and Mr. Overton agreed. Mr. Safford suggested, “After 2013, the Town
417 Council may or by petition of 10% of the registered voters.” He asked whether members wanted to
418 keep the language that stated, “At least every ten (10) years, but not more often than every five
419 (5).” Mr. Nye was in favor of a time frame, but felt five years was too short and that it should be
420 every ten years for consideration of redistricting. Mr. Sweeney suggested keeping language that
421 stated, “within two (2) months following the report of the Federal Decennial-Census.” Mr. Mertens
422 understood why the Town Council might not want to begin a process in 2013, but rather in 2016.
423 Mr. Nye pointed out that if the Town Council wanted to review districts in 2016 and 2017 and then
424 they needed to review them in 2027, instead of waiting until 2031. He was in favor of using 10-year
425 increments for a district review.

426

427 Mr. Sweeney stated that there were many new changes developed from their discussion. Ms.
428 Myers suggested giving Mr. Odit the opportunity to develop language with the intent of their
429 discussion for review next week. Mr. Mertens clarified that they were asking Mr. Odit to refer to
430 Mr. Overton's amendment. Members agreed it would include his amendment, the Charter and the
431 minutes as well. Mr. Odit clarified that section 202 (d) would also have to be amended to say, “or
432 as otherwise provided” by whatever section districting ends up being, and members agreed. Mr.
433 Safford asked clarifying questions regarding the petition idea. He noted that the Districting
434 Commission could potentially recommend keeping an at-large system, and members agreed. He
435 confirmed that the petition would be a vehicle to create a District Commission and to examine the
436 question for districts, and members agreed. Mr. Lajza reviewed the process and modifications of
437 Mr. Overton's amendment. Mr. Safford asked when the creation of the transition plan was due after
438 the decennial report? Mr. Nye suggested that it would be determined when a concern about unfair
439 representation was made. Mr. Sweeney asked if there were any further discussion about
440 redistricting and there were none. He moved the discussion to the review of the updated Charter.

441

442 **Review Charter**

443

444 Mr. Sweeney pointed out that there were two copies of the updated Charter. One had revisions
445 noted and the other was a “clean” copy of the revisions.

446

447 Mr. Sweeney noted that there was a draft dated 1/18/06 and referred members to page 1, section
448 101. CORPORATE EXISTENCE. Mr. Nye asked if “state” should be capitalized in statutes. Ms.
449 Myers stated, no. Mr. Odit stated that only “Vermont” should be capitalized. Mr. Sweeney moved
450 to section 102. GENERAL LAW; APPLICATION. Mr. Mertens, in regards to Corporate
451 Existence, asked if there was not a (b), did they need a (a)? Members agreed there did not need to
452 be an (a) before the language. Mr. Nye clarified that “state” did not need to be capitalized when
453 referencing state of Vermont, and Ms. Myers stated, it did not. Mr. Overton stated that it was the
454 “statutes of the state of Vermont”, so it was referring to the statutes and he did not think it needed
455 to be capitalized. Mr. Nye was still confused about why “state” was not capitalized

456

457 Mr. Safford suggested striking the end of the last sentence in section 101., “except by annexation
458 procedures as set forth in the statutes of the state of Vermont” and ending the sentence with
459 “corporation.” To his knowledge, Mr. Safford stated that the only annexation procedures were
460 Villages that could annex parts of Towns. He did not think it was necessary to open themselves up
461 to the statutory process, unless the State said otherwise. Mr. Overton confirmed his suggestion, and

462 Mr. Safford agreed. Mr. Scheidel asked whether there was any reason to voluntarily have an
463 annexation sometime in the future? Mr. Blanchard suggested keeping the process open. Mr.
464 Safford did not think there were annexing procedures unless in the case of a merger process of two
465 municipal corporations. Mr. Scheidel stated that if there was a piece of property that the owner,
466 after several years, discovered had an incorrect boundary line, the owner might want a simplified
467 process because a boundary adjustment may not work legally after the fact. Mr. Safford suggested
468 referring the issue to legal counsel to determine whether it needed to be included or not. Mr.
469 Sweeney asked for clarification. Mr. Safford stated he proposed the last sentence in section 101 to
470 end with “corporation.” unless the legal counsel recommended leaving it in the Charter, and
471 members understood.

472

473 In regards to section 102. GENERAL LAW; APPLICATION, members had no changes.

474

475 In regards to section 103. POWERS OF THE TOWN, members remembered that (b) had been
476 previously discussed in detail. Mr. Lajza wanted to clarify that the Charter took precedence over
477 state statute. Mr. Sweeney asked if Mr. Lajza had any proposed language to add. Mr. Lajza
478 wondered if there was any stronger language to use. Mr. Lajza clarified with Mr. Mertens that he
479 was referring to section 103. (a) in the last sentence, “regulations not inconsistent with the
480 constitution and laws of the state of Vermont or with this charter,” Ms. Myers stated that it was not
481 possible to make the Charter supersede state law. Mr. Lajza read in Chapter 24 that the Charter was
482 law when it was adopted and wanted to confirm that it was regulated. Mr. Blanchard asked Mr.
483 Lajza who adopted the Charter? Mr. Lajza felt that it was adopted by the people of the community
484 and by the legislature as law, and Mr. Blanchard agreed. Mr. Lajza stated that in his opinion, the
485 constitution clearly stated that the Charter was a constitutional right of the community. He stated
486 that there was a contradiction in the state constitution between article 69 and article 67. Mr.
487 Sweeney asked Mr. Lajza if he had any changes to propose. Mr. Lajza reminded the Task Force
488 that they had discussed this issue before and had added changes to the Charter that had strengthened
489 it already and wanted to be consistent. Mr. Safford reassured Mr. Lajza that Section 111 addressed
490 his issue when it stated, “Nothing in this charter shall be so construed as in any way to limit the
491 powers and functions conferred upon the Town of Essex Junction and the Town council by general
492 or special enactments in force or effect or hereafter enacted; and the powers and functions conferred
493 by this charter shall be cumulative and in addition to the provisions of such general or special
494 enactments”, and Mr. Lajza agreed.

495

496 Mr. Mertens referred to the last sentence in (b) that stated, “Any sale or mortgage...” and asked
497 whether it would be appropriate to add “any permanent disposition, sale or mortgage?” Mr. Safford
498 recommended distinguishing between real property and personal property. Mr. Nye asked about a
499 permanent sale versus a sale. Mr. Mertens explained that he stated, “permanent disposition, sale or
500 mortgage.” and wondered if disposition was broad enough and that “disposition” to him meant
501 donating the land. Mr. Nye had understood that donations were not accepted, so he thought it did
502 not need to be included. Mr. Sweeney stated that a property could be sold for a penny and
503 confirmed that Mr. Nye supported not having “donation” in the language, and Mr. Nye agreed. Mr.
504 Mertens asked if “donation” could be construed to be permissible, and Mr. Sweeney stated, no. Mr.
505 Mertens stated that the use of “disposition” would be broader. Mr. Nye suggested “transfer”.
506 Members clarified the topic as being one they had spent much time on before in their deliberation
507 process. Mr. Safford proposed a change that stated, “Any sale or mortgage of real property owned

508 by the Town of Essex Junction shall require a municipal vote,” which distinguished it from
509 personal property. Mr. Nye clarified the meaning of the Charter language as to whether the
510 councilmen could donate a piece of property without a municipal vote and if true, then he felt that
511 any “sale” should be any “transfer”. Mr. Safford and Mr. Overton disagreed because “transfer”
512 would be too broad. Mr. Nye stated that he did not want the Town making any donations of
513 property and preferred it through sales. Mr. Safford suggested adding “donation”. Mr. Blanchard
514 asked if the Town could transfer property? One member stated, not without a municipal vote, and
515 Mr. Scheidel asked to define municipal vote. Mr. Blanchard stated that with a vote, the Town could
516 create property for a school district. Ms. Myers asked Mr. Scheidel to restate his comment. Mr.
517 Scheidel stated that he questioned the meaning of municipal vote, whether it was Australian ballot
518 after a Town meeting or whether it was a vote of the Town Council of the Town of Essex Junction.
519 Mr. Nye stated that it was not the vote of the Town Council. Members argued the definition of real
520 property. Mr. Scheidel created the scenario that he wanted to switch properties with a developer for
521 the purposes of putting a pump station in and needed to adjust boundaries to make the project work,
522 and Mr. Nye stated that he did not want the Town giving someone 16 acres for one acre for a Pump
523 Station without the community voting on that issue. Mr. Scheidel stated that he was referring to a
524 much smaller parcel of land.

525

526 Mr. Overton proposed an amendment that stated, “Any donation, sale or mortgage of real property
527 owned by the Town of Essex Junction shall require a municipal vote.” Mr. Blanchard and Mr. Lajza
528 added, “by Australian vote.” Ms. Myers stated that municipal vote meant Australian vote. Mr.
529 Mertens asked if there was any definition section to refer to. Mr. Safford stated that it was the
530 municipal vote of the electorate by Australian ballot. Ms. Myers had reservations about having to
531 go the electorate for any single piece of property when it could be handled by the Town Council.
532 Mr. Overton reminded Ms. Myers of the previous discussion in regards to this issue. Mr. Nye
533 reminded Ms. Myers that the Town of Essex or perhaps the Village of Essex Junction had not had a
534 good track record when they had that capability. Mr. Overton stated that when it came to acquiring
535 property, he supported those transactions through the Town Council, but when it was a sale, he
536 thought it should be approved by the voters first. Ms. Myers asked whether the Water Tower by the
537 Fort Ethan Allen was a sale. Mr. Scheidel replied that Essex had made a deal with the neighboring
538 owner to swap properties so Public Works could access the water line located under a concrete
539 basement for maintenance and access purposes and that the Town Council had that flexibility to
540 take care of this situation, which was a normal course of business. He stated that he supported that
541 process based on the ease of doing business and managing the assets of the community that were
542 governed by other rules and regulations, such as in the event of disposing any property real or
543 otherwise. He noted that it was necessary to go to the Selectboard to declare the property a surplus
544 first, however. Mr. Scheidel explained, and then if it was real property, it would go out for a bid for
545 sale, which would be published and the public would be notified. He asked whether Mr. Overton's
546 proposed change in the language in section 103 would mean that they would have to cease their
547 normal course of business and bypass the rules and regulations and ordinances, to instead get the
548 approval from the public before continuing? Mr. Nye replied, for real property, yes. Ms. Myers
549 disagreed. Mr. Blanchard stated, yes to Mr. Scheidel's question. Members remembered spending
550 many hours deliberating on this issue. Mr. Overton agreed with Mr. Nye as well. Mr. Nye
551 understood that it would be different in the case of an emergency, but he felt that any land transfer
552 could wait four or five months for the next Town Meeting to get the approval of the voters and that
553 if it was important enough, the governmental body would sell it to the voters.

554

555 Mr. Overton raised another argument for his opinion being that land was a precious asset and if the
556 Town Council was allowed to divest itself of land, it could look questionable to the public and
557 preferred a vote, unless in an emergency situation, which the Town Council would get into a lease
558 for five or six months before voter approval. Mr. Overton was, however, in favor of the language
559 that read, "The legislative body may also lease for one year municipal property and shall generally
560 manage..." and the language that included boundary changes and easements because those were
561 frequent issues for the Town Council. Ms. Myers clarified that the only issue was the sale of real
562 property that the Town would sell. Mr. Scheidel added, without description of size, and members
563 agreed. Mr. Scheidel stated that it could be a strip of land next to a piece of property that was a
564 taxable piece of property that a buyer wanted to expand bigger than it would normally be used
565 under the law. Mr. Safford agreed with the importance of Mr. Scheidel's issue in regards to tax
566 sales. Mr. Overton stated that tax sales were statutory. Mr. Safford suggested including, "except for
567 tax sales". Mr. Scheidel commented that there may be unforeseen factors, perhaps as a result of
568 Montpelier or a result of normal transactions, but pointed out that in Vermont, it was difficult to do
569 business without public knowledge. Mr. Safford confirmed that presently, if you were going to sell
570 property, you had to warn it in the paper and then people had 30 days to petition a vote, so that
571 there was a public notice about the sale and the opportunity for a petition.

572

573 Mr. Scheidel explained that, under the proposed scenario, if there were some junk property adjacent
574 to a taxable piece of property, he would have to ask the Selectboard whether they wanted to place
575 that small piece of property on Australian ballot. Mr. Sweeney asked if the property was an
576 acquisition or a sale. Mr. Scheidel stated that it was a disposal of town property. Mr. Nye stated that
577 this process would allow the community to know what was going on and to have a say in it, so that
578 no matter how much sense a transaction made, the Town would be held accountable by the voters.
579 Mr. Nye referred to learning from past mistakes. Mr. Overton asked if he would accept the friendly
580 amendment that was suggested by Mr. Safford which stated, "Any sale or mortgage of real property
581 owned by the Town of Essex Junction shall require a municipal vote." Mr. Safford added, "of the
582 electorate by Australian ballot." and Mr. Overton agreed. Mr. Boucher asked if they would include
583 "donation", and Mr. Overton agreed and quoted, "Any donation, sale, or mortgage of real property
584 owned by the Town of Essex Junction shall require a municipal vote by Australian ballot." Mr.
585 Overton stated that it sounded a little bit onerous, but he did not believe it really was. Mr. Mertens
586 suggested that Mr. Scheidel could make another argument to the Transition Committee if he saw
587 some specific problems. Mr. Scheidel commented that he was concerned with the economic
588 development and that the speed with which business decisions were made, did not correspond to the
589 speed in which government operated. He argued that to have a representative democracy at any
590 time, he felt those elected members should be empowered to be able to conduct business, especially
591 if it was really important or would become important some time in the future from the collective
592 business sense. However, Mr. Scheidel stated that Mr. Nye made a good point that if there was
593 absolute zero trust amongst the public, then this process would guarantee that they would have a
594 say and agreed that the Town belonged to the people. Mr. Lajza stated that he was a bit sensitive to
595 this issue as he had once lived in a Town that completed a transaction of selling school property at a
596 very low rate to someone because they had had done a lot for the district. Ms. Myers still had the
597 problem with thinking that the community had an inherent distrust of the elected officials. Mr. Nye
598 clarified that one other person or a group of people in a community could disagree with a
599 transaction that brought financial gain to a buyer, which in that case, concerned him. He felt the

600 public should know and approve the sale of, for example, a ten foot piece of land adjacent to
601 somebody's property that was in an easement or right of way for commercial building or residential
602 lot purposes and that by doing so, would show accountability to the voters.

603

604 Mr. Safford asked whether the municipal vote would be by Australian ballot or by a voice vote at a
605 special meeting. Mr. Nye felt that a municipal vote could be a voice vote or an Australian ballot.
606 Mr. Blanchard preferred an Australian ballot due to attendance issues due to the weather, for
607 example. Members asked for the amendment to be read again. Mr. Safford stated, "Any donation,
608 sale or mortgage of real property owned by the Town of Essex Junction shall require a municipal
609 vote of the electorate by Australian ballot." Ms. Myers questioned the need for "electorate". Mr.
610 Safford said that it was not necessary, and Ms. Myers agreed. Ms. Myers reminded the Task Force
611 that in the first line of section 103. (b), they added, "may acquire real property". Mr. Blanchard
612 suggested meeting twice a week if they were going to spend this amount of time reviewing each
613 section. Ms. Myers requested that they move on to the next item of the meeting.

614

615 **Discussion of Future Agenda Items**

616

617 Mr. Sweeney asked about the progress of the Recreation Department Fact Finding Group. Ms.
618 Wrenner stated that they should be ready for a discussion next week. Mr. Mertens recommended
619 going into Executive Session to give the members an update. Ms. Wrenner suggested taking that
620 action next week. Mr. Sweeney explained that there were requirements for entering Executive
621 Session that included personnel contracts, pending litigation and that discussing their findings did
622 not constitute a reason for entering Executive Session. He asked Ms. Wrenner and Mr. Mertens if
623 they thought there could be a presentation next week, and Mr. Mertens and Ms. Wrenner agreed.
624 Mr. Sweeney asked if there were other items to put on the Agenda for next week. Mr. Mertens
625 requested to discuss the next public meeting as they had decided in the beginning of the Charter
626 review that they would have another public meeting. Mr. Nye pointed out that there were differing
627 views on that issue. Mr. Sweeney clarified that Mr. Mertens wanted to discuss it, not decide on it.
628 Mr. Nye pointed out that Mr. Mertens made a statement that members agreed on having a public
629 meeting, but that he had voiced disagreement to that idea. Mr. Mertens suggested having the
630 discussion about that next week. Mr. Sweeney asked if there were any other Agenda items to be
631 added for next week and there were none.

632

633 Mr. Lajza informed the Task Force members that the Task Force meeting on Wednesday, February
634 8th conflicted with the Circumferential Planning discussion at the High School, which he would like
635 to attend. Ms. Myers suggested that February 8th was discussing the road between Williston and
636 Essex and that the discussion on the Circumferential Highway was on the 9th. Mr. Safford clarified
637 that there were three meetings and that February 8th would be the meeting that was related to Essex.
638 Members deliberated the exact details and decided that there was a conflict with the Task Force
639 meeting and the Circumferential Meeting. Mr. Safford clarified there would be state representatives
640 and consultants making a public presentation about the alternatives in regards to Five Corners and
641 the Circumferential Highway and that the meeting would be an opportunity for public input. Mr.
642 Sweeney confirmed that Mr. Lajza was requesting that the Task Force not have a meeting on
643 February 8, and Mr. Lajza agreed. Members agreed not to have a merger meeting on February 8th.
644 Mr. Blanchard asked Mr. Safford if the February 8th discussion included the roundabout, and Mr.
645 Safford agreed. Mr. Sweeney asked if there was any further discussion about Future Agenda Items.

MERGER TASK FORCE

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646 Mr. Mertens clarified that Recreation would be on the Agenda for next week, and Mr. Sweeney
647 agreed.

648

649 **Public Input- General Comments**

650

651 Mr. Marcotte asked the Task Force members to consider having only 5 members on the new Town
652 Council.

653

654 **ALAN NYE MOVED AND LINDA MYERS SECONDED A MOTION TO ADJOURN AT**
655 **7:55 P.M.**

656

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

658

659

660 **Respectfully submitted,**

661 **Saramichelle Stultz**

662

663 *Saramichelle Stultz*

664 Recording Secretary

665

666

667

668 (THESE MINUTES ARE SUBJECT TO CHANGE AT THE NEXT MERGER TASK FORCE
669 MEETING)