

**TOWN OF ESSEX SELECTBOARD
SPECIAL MEETING
March 25, 2021**

SELECTBOARD: Elaine Haney, Chair; Patrick Murray, Vice-Chair; Dawn Hill-Fleury; Vince Franco; Andy Watts.

ADMINISTRATION: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Sarah Macy, Finance Director.

OTHERS PRESENT: Judy Adams, Jason Baldasaro, Bob Bates, Bob Burrows, Dennis Bergeron, Andrew Brown, Jean Bull, Stephen Cluett, Annie Cooper, Patty Davis, Tracey Delphia, Jon Demeritt, Jennifer Derivan, Erin Dickinson, Betsy Dunn, Maureen Gillard, Patrick Ivory, Jeffrey Lewis, Max Levy, Brad Luck, Timothy Miller, Robyn Moore, Scott Moore, Adam Newhard, Athena Newhard, Peter Pelaia, Mary Post, Betty Poulin, Roseanne Prestipino, Angel Segarra, Brian Shelden, Ken Signorello, Gabrielle Smith, Mike Sullivan, George Tyler, Heather Woodworth, Irene Wrenner, Bill Hathaway, Jess, Karenlee, Rick & Chris, RM.

1. CALL TO ORDER

Ms. Haney called the meeting of the Town of Essex Selectboard to order at 6:32pm.

2. AGENDA ADDITIONS/CHANGES

Mr. Duggan asked to include a memo to accompany Business Item 5b, a memo from Finance Director Sarah Macy re: Cost of Separation, Specific Examples of Current v. Merger v. Separation.

3. AGENDA APPROVAL

VINCE FRANCO made a motion, and PATRICK MURRAY seconded, to amend and adopt the agenda with the following changes: Add memo to 5b outlining examples of separation costs.

VOTING (by roll call): Vince Franco – aye, Patrick Murray - aye, Dawn Hill-Fleury – nay, Andy Watts – nay, Elaine Haney – aye. The motion passed 3-2.

4. PUBLIC TO BE HEARD

Mr. Franco read the following Invocation of Civility: *“We are gathered together in civil assembly. We gather as a community, in the oldest sense of the word. We gather to come together and try to make decisions; about what is right, about what is wrong. Let us advocate for our positions, but not at the expense of others. Let us remember that there is an immense gap between saying, ‘I am right’ and saying, ‘I believe I am right.’ And that our neighbors with whom we might disagree are good people ‘with hopes and dreams as true and high as ours.’ And let us always remember that, in the end, caring for each other, in this community, is far greater than any difference of opinion we might have. Thank you for being here this evening.”*

47 Mr. Levy wished Ms. Haney luck with her future endeavors as she ends her term on the
48 Selectboard.

49
50 Mr. Bergeron asked for clarification on who would be receiving ballots in the mail. Mr. Duggan
51 replied that all active, registered voters would be receiving ballots. Mr. Bergeron also asked why
52 there is a revote and Mr. Murray replied that 400 people had petitioned for a revote, which is
53 over the 5% threshold.

54
55 Mr. Signorello voiced concern for a piece of information being added to the agenda that hadn't
56 been included in the packet, which no one has been able to see (referring to the memo appended
57 to business item 5b).

58
59 **5. BUSINESS ITEMS**

60 **a. Question and Answer session regarding April 13th vote for reconsideration on**
61 **whether the Town of Essex shall adopt the Plan of Merger of the Town of Essex,**
62 **Vermont and Village of Essex Junction, Vermont dated January 11, 2021 and the**
63 **proposed Charter for the merged communities.**
64

65 Ms. Haney said that the purpose of the session is to hear and answer questions on the
66 forthcoming revote on merger. Mr. Teich commended the Town administration for its efforts to
67 get the new ballot out, noting that 15,000 ballots have gone out to active voters. He said there is a
68 ballot box out in front of the Town Offices. Mr. Teich advised voters to return their ballots by
69 mail with plenty of time to allow for mail delivery.

70
71 Ms. Haney opened the forum up to the public.

- 72 • Ms. Derivan voiced her concern that this revote is occurring, since the voters voiced their
73 opinion the first time and additionally expressed concern that a revote is occurring within
74 such a short time period.
- 75 • Ms. Davis asked about the Town's attorney and his qualifications and also asked where
76 in the statute allows for this type of revote. Ms. Haney replied that the specific statute is
77 17 V.S.A. § 2661, adding that the attorney has worked for the Town for many years and
78 is a qualified municipal attorney.
- 79 • Ms. Dunn noted that the ballots were folded such that the merger question is on the
80 opened-up side. She also noted that there are four subchapters that discuss
81 reconsideration votes in state statute, and that they are 17 V.S.A. § 2640-2642 and 17
82 V.S.A. § 2661. She said she had asked the Secretary of State to help clarify that.
- 83 • Mr. Signorello wants the notification to be corrected from "registered" to "active" voters.
84 Mr. Duggan confirmed that correction has been made.
- 85 • Ms. Dickinson asked for clarification between an active voter and a registered voter. Mr.
86 Teich replied that a voter can be registered but never vote and the act of voting is what
87 makes someone an active voter. He advised that people can contact the Clerk's Office to
88 get back on the active roll. Ms. Dickinson asked about the lookback to be considered an
89 active voter still. Ms. Hill-Fleury replied that the Town looks at the last two national
90 election cycles. Ms. Dickinson also asked how people are being notified that this vote is
91 occurring. Mr. Teich replied that according to the statute for a reconsideration of vote, it
92 must occur no less than 30 days and no more than 60 days after the original vote. He

- 93 added that they are outreaching to voters by mail and are also exploring whether the
94 Selectboard would like to pursue other outreach. He added that information will also be
95 posted on the Town and Village websites, Front Porch Forum, the Essex Reporter,
96 WCAX, and Town Meeting Television.
- 97 • Mr. Bergeron noted that the mail is collected and sent to a processing facility and which
98 facility that is depends on the day that it is mailed. He said mail could go to Burlington or
99 could go to White River Junction, which could take additional days. He suggested that
100 voters make decisions now and mail their ballots back as soon as possible.
 - 101 • Mr. Sheldon said he understands some of community's concern about turnaround for this
102 election, said this is a day on which parts of Essex are having elections anyway, and
103 asked what the general outreach is that Essex normally does to let people know there is
104 an election? Ms. Haney replied with what Mr. Teich had outlined above. She said they
105 are not deviating from normal processes other than additionally mailing a postcard. Mr.
106 Teich added that the Town normally puts out banners to let people know that a vote is
107 coming but that they haven't decided if they will put out banners or not for this
108 reconsideration.
 - 109 • Ms. Dickinson asked if postcards are being sent to everyone or just to active voters. Mr.
110 Duggan replied that they were mailed to all households of Essex.
 - 111 • Ms. Davis said there are a lot of older people who aren't necessarily electronically
112 connected and can't get updates and asked how they are being informed other than
113 verbally and when they should expect to see postcards. Mr. Murray said the postcards are
114 going out later this week.
 - 115 • Mr. Signorello asked what effort was spent on reconsideration vote in 2007? Ms. Hill-
116 Fleury replied that the information was in the Essex Reporter and there were banners out,
117 but that the Town didn't start mailing postcards until the last few elections.
 - 118 • Ms. Moore asked when the school budget votes were moved to early April instead of in
119 March. Ms. Hill-Fleury replied that the school budget vote has been held in April since at
120 least 1995.
 - 121 • Ms. Smith asked what the number of registered voters versus the number of active voters
122 is. Staff will follow up with this information. Ms. Wrenner noted that out of 16,000
123 voters, only 812 were challenged and the rest were active.
 - 124 • Mr. Bates asked for clarity around the date of the school vote. He said that he believed
125 the rationale for changing it from March to April was that teacher salary negotiations
126 were not completed in February in time to warn the budget for the March meeting, so
127 pushed it back to April.
 - 128 • Ms. Poulin said the Town's ballot has the back side first, which considers the
129 reconsideration vote. She said that the ballot does say to vote both sides, but says it on the
130 back. She asked what has changed between the last merger vote and this merger vote and
131 said she is worried that voters don't have the full story and that half of the community is
132 in the dark. Ms. Haney replied that when the first merger vote was put on the ballot, the
133 majority of the Selectboard and Trustees agreed that they supported the merger and so did
134 not pursue investigating separation because there was general agreement that merger was
135 the better path to take. She said this reconsideration vote has no changes from that merger
136 plan. She said the Village has an advisory question about whether to pursue separation as
137 a Plan B.

**SELECTBOARD
(DRAFT)**

March 25, 2021

- 138 • Mr. Moore said there is no page number on the ballots, so no such thing as the front or
139 the back.
- 140 • Mr. Teich clarified Trustees' comments. He said that if the citizens of the Village vote in
141 the advisory for separation, he and others will take it very seriously that it is the will of
142 the people.
- 143 • Ms. Davis asked about separation and what that would mean for shared resources. Ms.
144 Haney said the question on the Village ballot would like the Trustees to pursue a
145 separation that does not include any municipal agreements other than sharing of police
146 services.
- 147 • Ms. Dunn asked if the Selectboard has been able to consider the ramifications of
148 separation. Ms. Haney replied that it's premature because the outcome of the vote has not
149 yet occurred.

150
151 **b. Consider approval of additional outreach regarding April 13th vote.**
152

153 Mr. Teich reiterated that the Selectboard is following state law, in that it needs to put out a ballot
154 no fewer than 30 days and no more than 60 days after the original vote, noting that it selected
155 April 13 as the date for a vote to correspond with the school budget vote. He said the Town has
156 been receiving questions about why it doesn't put out information about separation and noted
157 that most elected officials felt that they didn't want to put out information about separation since
158 it was not on the ballot and is not the preferred path to pursue for the Selectboard and Trustees.
159 He said the Village and Town have been sharing personnel, services, buildings, and equipment,
160 and that it is not easy to put together separation cost estimates, especially around budget
161 assumptions, but that Finance Director Macy has put together several examples of the effects of
162 separation.

163
164 Ms. Macy noted that estimating separation costs is a difficult exercise and talked about the
165 assumptions that are unable to be made, such as how to cost police services. She provided
166 summary information of the effects of merger. She said that if the Town's tax levy is
167 approximately \$14.2 million in the upcoming budget and the Town loses 42% of its grand list by
168 the Village separating, then that would result in a 31% increase to the tax rate outside the
169 Village. She said that if the Town wants to maintain its current tax rate with a reduced grand list,
170 it needs to find a \$6 million cut in the tax levy. She said that \$3.3 million would be cut by
171 unwinding agreements between the Town and Village and sharing police, but that there would
172 still be a \$2.7 million gap, all else being equal. She said that her analysis also includes concrete
173 examples around fire, capital, and bonding.

174
175 Mr. Duggan noted that this discussion is about whether to do additional outreach and wanted the
176 Selectboard to have the chance to review and discuss Ms. Macy's memo to determine if they
177 would like to share this information with the public. Ms. Haney said the board needs time to
178 review the memo and its contents. Ms. Haney asked how this new information would be
179 conveyed. Mr. Teich said it would be posted on the website.

180
181 Mr. Murray asked Mr. Watts and Ms. Hill-Fleury why they are opposed to discussing this
182 information. Ms. Hill-Fleury replied that the vote for reconsideration is on the same question as
183 posed in March, and that putting out too much information could confuse voters. Mr. Watts said

**SELECTBOARD
(DRAFT)**

March 25, 2021

184 that he has concerns with making any analysis too simple and that the current analysis overstates
185 the budget needs of the Town and understates the budget needs of the Village. Mr. Murray said
186 that the entire community needs to be aware as much as possible of the different possibilities. He
187 said that if the Town votes down merger, there is the possibility that the Village will pursue
188 separation.

189
190 Ms. Wrenner noted the \$2.7 million in cuts, but suggested that they could be thought of as \$2.7
191 million in tax increases. She said that with that assumption, and the assumption that a merger
192 would cost the Town outside the Village around \$2 million, then separation would really be
193 costing the Town around \$700,000 net. She asked if the benefits of status quo versus the benefits
194 of merger be explicitly stated somewhere.

195
196 Mr. Brown said that status quo is not tolerable and that separation could happen. He said if
197 merger fails, and if the Village voters decide to approve the non-binding resolution regarding
198 separation, and given our representative democracy, that is absolutely the next step for the
199 Village. He said this information needs to be shared with all voters so that they are informed that
200 this could be a ramification.

201
202 Mr. Bates said this is not an either/or proposition. He suggested taking the best of what's been
203 suggested and looking at the needs of the community. He said this either/or mode implies a
204 threat, which isn't the approach that should be taken as a community.

205
206 Ms. Bull said that separation needs to be discussed because it is a consequence of merger not
207 passing. She said that if merger doesn't pass, the Village will go forward with separating, which
208 would mean a significant tax increase all at once for Town outside the Village residents, which
209 will be unreasonable and not do-able.

210
211 Ms. Wrenner said that with the consolidations that have been done in the last 5 to 7 years, there
212 is a lot of tax equity going on. She pointed out that the Village also approves the Town's budget,
213 of which they are a part. She also said that the Town would lose 42% of its tax base, but also
214 wouldn't have to be providing services to that portion of the Town. Mr. Brown said that when
215 they are talking about departments, they only talking about the Town outside the Village and that
216 the Village has their own departments. He said the Town outside the Village would end up losing
217 42% of the people who pay for those Town outside the Village departments. He said that in a
218 separation scenario, the Village would see a tax reduction.

219
220 Ms. Haney asked if the Board wished to provide additional outreach to residents on this ballot
221 item. Mr. Watts said he is not in favor of the content as written, and that the communication
222 needs to be clear in which assumptions are included and what assumptions have been left out.
223 Mr. Franco suggested that an explanation of assumptions and calculations be included in the
224 memo. Mr. Murray said that they should be releasing as much relevant information as possible to
225 the public.

226
227 The Selectboard agreed to have staff update memo with comments made this evening, and then
228 send to Board members for review and input before reposting the memo, along with a similar
229 analysis conducted in September 2020.

230
231
232
233
234
235
236
237
238
239
240
241
242
243

6. ADJOURN:

DAWN HILL-FLEURY made a motion, and VINCE FRANCO seconded, to adjourn the meeting. The motion passed 5-0 at 9:05 pm.

Respectfully Submitted,
Amy Coonrad
Recording Secretary

Approved this _____ day of _____, 2021

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

DRAFT