



January 5, 2024

Good afternoon,

My name is Tracey Delphia and I am providing written testimony regarding H.518 as the Vice Chair of the Essex Town Selectboard. I will also note that I am a State Employee but am providing this testimony solely in my capacity as a private citizen and elected official of Essex Town.

Due to unforeseen circumstances, I am unable to be present with you to discuss these following voter-approved amendments to the Town of Essex Charter. I apologize for having to miss the opportunity to discuss this with you in person.

Background

In the Summer of 2022, the Selectboard created a Charter Review Committee to examine the existing Town Charter and propose any revisions. The Committee met weekly from September through November and suggested several charter amendments. The Selectboard reviewed the proposed amendments in December 2022 and decided to focus on the five items contained within the Charter being considered in H.518.

Article VII, Charter Reorganization

The Charter Review Committee proposed a reorganization of the charter with the intention of making it flow better and be easier to read for the average person. The reorganization includes the deletion of a reference to the Essex Town School District and the Village of Essex Junction Graded School District, neither of which exists following their consolidation in the Essex Westford School District.

Article VII, Ability to set license fees

Within the past few years, the Town Clerk's Office proposed increasing dog licensing fees to better accounts for the administrative time spent on licensing. The Town Clerk found that state law sets dog license fees and municipalities cannot deviate from those fees unless the municipal charter allows it.

The Charter Review Committee looked at other charters that allow municipalities to set their own fees, and recommended language used in the South Burlington charter. In addition to dog licensing fees, the proposed language would allow the Town to adopt and enforce ordinances for fees such as places of public resort and accommodation, fireworks displays, itinerant vendors, and more.

Article IX, Just cause eviction ordinance

The Charter Review Committee suggested language protecting residential tenants from eviction without cause. As you well know, this means that a landlord could only evict tenants when they have a solid reason to do so, such as nonpayment of rent.

Although the Committee had proposed detailed language about what should go into a just cause eviction ordinance, the Selectboard ultimately decided to present voters with simpler language. If the

charter amendment received approval from the Legislature, the Selectboard would review more detailed language as part of the ordinance adoption process.

Article X, Recall of Selectboard members

The idea for a recall provision in the Town charter was proposed by a resident in 2021. The Charter Review Committee reviewed other municipal charters that include recall provisions before proposing language to the Selectboard. The Selectboard then adjusted the language that was approved by voters of the municipality.

A recall vote would require a petition signed by at least 15 percent of the registered voters and would have to happen within 60 days of receiving a valid petition. A successful recall vote would require at least as many registered voters of the Town to vote as in the election wherein the officer was elected, or at least one-third of the registered voters of the Town to vote, whichever is greater. A recall vote could only be brought against an individual once in 12 months.

Article XI, Transition from Zoning Board of Adjustment to Development Review Board

This item would adjust how planning and zoning is conducted in Essex. Under the existing model, the Planning Commission fills both Legislative roles (outreach to community, amends Land Use Regulations, does long-range planning such as updating the Town Plan, reviews Capital Plan) and quasi-judicial roles (reviews applications for subdivisions and development site plans). The Zoning Board hears appeals from the Zoning Administrator and reviews conditional use applications.

Under a Planning Commission and Development Review Board model, the Planning Commission holds the legislative role of conducting outreach to the community, amending Land Use Regulations, doing long-range planning, and reviewing the capital plan. The Development Review Board has the quasi-judicial role of conducting all development reviews and hearing all appeals from the Zoning Administrator.

This change in approach would introduce a separation of duties, similar to how the Legislature enacts laws, but others decide what constitutes violation of those laws on a case-by-case basis. There has been frequent feedback by the Planning Commissioners themselves regarding the time constraints that the existing model presents, given the breadth of the role that the Planning Commission currently fulfills. Prior to the most recent Land Use Regulations update dated October 9, 2023, the prior update occurred on February 28, 2017. In recent discussions regarding the timing of Land Use Regulations and the Town Plan, it was noted that one of the reasons was due to the volume of work the Planning Commission has on their task list in general. Separating the overall workload will allow each body to focus on their areas of expertise (planning vs. review) and relieve the time constraints that exist.

In addition to the rationale listed above, these are changes that the voters in the Town of Essex have approved.