



TOWN MEETING 2023  
**QUESTIONS and ANSWERS**

## Amendments to the Town Charter

Town of Essex  
February 10, 2023

### **1. What are the charter amendments being proposed on the Town Meeting ballot?**

The ballot contains questions about five charter amendments:

- i. Shall the Town of Essex reorganize its charter as recommended by the Charter Review Committee?
- ii. Shall the Town of Essex amend its charter to have the authority to adopt and enforce ordinances for the purposes of regulating, licensing, and fixing reasonable and necessary license fees?
- iii. Shall the Town of Essex amend its charter to give the Selectboard the power to enact an ordinance to protect residential tenants from eviction without just cause?
- iv. Shall the Town of Essex amend its charter to allow for the recall of Selectboard members?
- v. Shall the Town of Essex amend its charter to create a Development Review Board to replace the Zoning Board of Adjustment by January 1, 2025, following passage by the Vermont Legislature?

### **2. Why are these amendments being proposed?**

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 a number of charter amendments. The Selectboard reviewed the proposed amendments in December 2022 and decided to focus on the five items that appear on the ballot.

### **3. What is the importance of a charter?**

The Vermont League of Cities and Towns describes the purpose of a charter as follows:

“Governance charters are, in effect, a constitution for the municipality that provides a framework for self-rule. Once a municipality has been granted a governance charter by the state, that charter becomes the primary source of power and structure for the local government. Where the charter provides for procedures other than those established by statute, the provisions of the charter will generally prevail unless the statute or charter specifically provides otherwise. ... Municipalities choose to adopt charters for various reasons. Primarily, it gives the local government the flexibility to design a system of self-governance suited to its particular needs and concerns. A charter may also diverge from state

law by allowing such things as voter initiatives and recall of elected officials, allowing local governments to fill in what they may perceive as gaps in state law.”

The existing Essex charter is online at

<https://legislature.vermont.gov/statutes/chapter/24appendix/117>

#### **4. What is the purpose of each of the proposed amendments?**

Let’s review each amendment.

*i. Shall the Town of Essex reorganize its charter as recommended by the Charter Review Committee?*

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 into the Essex Westford School District.

*ii. Shall the Town of Essex amend its charter to have the authority to adopt and enforce ordinances for the purposes of regulating, licensing, and fixing reasonable and necessary license fees?*

Within the past few years, the Town Clerk’s Office proposed increasing dog licensing fees to better account for the administrative time spent on licensing. The Town Clerk found that state law sets dog licensing 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.

*iii. Shall the Town of Essex amend its charter to give the Selectboard the power to enact an ordinance to protect residential tenants from eviction without just cause?*

The Charter Review Committee made the suggestion to include language protecting residential tenants from eviction without cause. In other words, 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 passes, the Selectboard would review more detailed language as part of the ordinance adoption process.

- iv. *Shall the Town of Essex amend its charter to allow for the 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 a recall provision before proposing language to the Selectboard. The Selectboard then adjusted the language that is being considered by voters.

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 to vote as in the election wherein an 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.

- v. *Shall the Town of Essex amend its charter to create a Development Review Board to replace the Zoning Board of Adjustment by January 1, 2025, following passage by the Vermont Legislature?*

This item would adjust how planning and zoning is conducted in Essex.

Under the existing Planning Commission and Zoning Board of Adjustment model, the Planning Commission fills both legislative roles (conducts outreach to the 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 review and hearing all appeals from the Zoning Administrator.

**5. Where can I see the proposed language for each amendment?**

Electronic copies of each amendment are online at [www.essexvt.org/1110/Charter-Review-Committee](http://www.essexvt.org/1110/Charter-Review-Committee).

Hard copies are available at the Town Clerks Office, 81 Main St., Essex Junction.

**6. Will each amendment be voted on separately, or are they being considered as a combined package?**

Each of the proposed amendments will be a separate question on the Town Meeting ballot.

**7. When will the changes take effect, if approved by Essex voters?**

Once approved by voters, charter amendments need to be approved by the Vermont Legislature. Because of that requirement, it is difficult to know exactly when the charter amendments will become law.

**8. When and where do voters vote on each of the proposed amendments?**

Voting on the charter amendments will occur by Australian ballot at the polls, which will be open on Tuesday, March 7 from 7 a.m. to 7 p.m. at Essex Middle School, 58 Founders Dr., Essex.

Voters can also request an early ballot (see below for more info; the Town is not sending ballots to all voters this year).

Voters are encouraged to attend the annual Town Meeting at 7:30 p.m. on Monday, March 6 at the Essex Cinemas (Double E Performance Center entrance), 21 Essex Way #300, Essex. Town Meeting will include an informational presentation about the proposed charter amendments, as well as the proposed FY2024 budget and a proposed increase to the capital tax rate.

**9. Will I receive my ballot early and how do I return it?**

Voters will only receive a ballot early if one is requested. The Town is not mailing ballots to all voters. Early voting will start February 16.

Voters may visit the Town Offices at 81 Main St., Essex Junction to vote in the office, pick up a ballot to take home, or to request that a ballot be mailed.

Ballots can also be requested to be mailed by emailing [clerk@essex.org](mailto:clerk@essex.org); calling 802-879-0413, option 6; or requesting online at [www.mvp.vermont.gov](http://www.mvp.vermont.gov).

In order to be counted, ballots must be returned before the polls close on Town Meeting Day on March 7 (7 p.m.). Voters returning ballots on Town Meeting Day must deliver the ballot directly to the polling place (Essex Middle School).

A secure ballot box will be available at the Town Offices for returning ballots after hours or on weekends up until the morning of March 7.