



## TOWN MEETING 2025

### **QUESTIONS and ANSWERS**

#### **Amendments to the Town of Essex Charter**

November 22, 2024

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

The ballot contains questions about seven charter amendments:

- i. Shall the Town of Essex amend its charter to provide a clearer description of the role of Town Moderator?
- ii. Shall the Town of Essex amend its charter to change the timing of approval of Selectboard minutes?
- iii. Shall the Town of Essex amend its charter to change the appointments made by the Selectboard and the Town Manager?
- iv. Shall the Town of Essex amend its charter to require a mailed notice to residents regarding the availability of the Town Auditor's report and Annual Report?
- v. Shall the Town of Essex amend its charter to amend Subchapter 10: Department of Real Estate Appraisal?
- vi. Shall the Town of Essex amend its charter to remove the description of transacting business for Annual Meeting that is now voted on by Australian ballot?
- vii. Shall the Town of Essex amend its charter for de minimis changes that include wording, formatting and spelling?

#### **2. Proposed amendments were considered with the 2023 Town Meeting ballot; why are there more amendments to consider?**

The Charter Review Committee presented proposed amendments to the Selectboard in 2022. The Selectboard focused on five of those proposed amendments which were passed by voters in 2023. Vermont Legislature enacted four of those items in 2024. The remaining proposed amendments were sent back to the reconvened Charter Review Committee for further research. The committee met monthly from January through August and provided additional information to the Selectboard as requested. After reviewing the supporting documentation from the committee, the Selectboard has approved seven articles for voter consideration.

#### **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 Town of Essex charter is online at [www.essexvt.org/charter](http://www.essexvt.org/charter).

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

Let's review each amendment.

**i. *Shall the Town of Essex amend its charter to provide a clearer description of the role of Town Moderator?***

The word "incapacity" is defined further and the role of the Town Moderator is separated from the role of Selectboard members. The definition of "incapacity" as it is defined in the existing charter does not apply to the Town Moderator and the recommended amendment corrects that.

**ii. *Shall the Town of Essex amend its charter to change the timing of approval of Selectboard minutes?***

The charter requires the minutes of each meeting to be approved by the Selectboard at its next meeting. However, there are occasions when the Selectboard may not receive the draft minutes in time to approve them at the next meeting. For example, if the Selectboard holds a special meeting two days after a regular meeting, the draft minutes of the regular meeting may not be ready in time for approval. This amendment changes the timing to prevent a violation of the charter if this happens. The Vermont Open Meeting Law requires that a draft copy of the minutes is posted within five days of the meeting, and minutes are publicly available according to the law. This amendment proposes only to change the wording for final approval of the minutes.

**iii. *Shall the Town of Essex amend its charter to change the appointments made by the Selectboard and the Town Manager?***

The charter lists several Town Manager appointments that are already required by Vermont Statutes to be appointed or recommended by the Selectboard. The proposed amendments to this section either move said appointments under the Selectboard or delete them from the charter since statute already provides for these appointments if necessary.

The Town Manager has charge, control, and supervision of the fire department and shall appoint, fix the compensation of, and may remove all officers and employees. As such, the Fire Chief appointment was added to the Town Manager appointments.

The addition of "45 days from the day the position becomes vacant" is recommended to provide a timeframe on appointments.

**iv. *Shall the Town of Essex amend its charter to require a mailed notice to residents of the availability of the Town Auditor's report and Annual Report?***

The Town spent \$10,339 in printing and postage to distribute annual reports in February 2024. [24 V.S.A. § 1682](#) allows the Town to vote to provide notice of the availability of the Auditor's Report in lieu of mailing or otherwise distributing the report itself. The Annual Report, which does not have an applicable statute requirement as separate from the Auditor's Report, may be made available as is deemed the most transparent and cost-effective method.

The Town meeting warning and budget section (§603) that is deleted is repeating statute [17 V.S.A. § 2680](#). Removing this section permits the Town to follow the law as it may change without being in violation of the charter.

**v. *Shall the Town of Essex amend its charter to amend Subchapter 10: Department of Real Estate Appraisal?***

The recommended changes to the wording of Subchapter 10 are more in line with the Assessing Department as opposed to a “Real Estate Appraisal”. The recommendations include changing the term “Real Estate Appraisal” because it is slated toward “fee appraisers” vs. mass appraising/assessing.

**vi. *Shall the Town of Essex amend its charter to remove the description of transacting business for Annual Meeting that is now voted on by Australian ballot?***

The Town has previously voted to transact all business including approval of the budget by Australian ballot and to no longer hold Town Meeting votes from the floor. The proposed changes to this section of the charter are to align with the way Town residents now cast their vote.

**vii. *Shall the Town of Essex amend its charter for de minimis changes that include wording, formatting and spelling?***

The proposed changes are a “clean-up” of the charter. Proposed changes in this article are not substantive and do not change the meaning or context of the charter language.

References to the “Board” were edited to be worded throughout the document as “Selectboard” for clarity and consistency. Some text was reworded or changed to flow better and improve readability. The word, “contract” to §209 was added by the Town Attorney.

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

Electronic copies of each amendment are online at [www.essexvt.org/charter2025ballot](http://www.essexvt.org/charter2025ballot).

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 4 from 7 a.m. to 7 p.m. at Essex Middle School, 60 Founders Road, Essex.

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

Two public hearings will take place regarding the proposed charter amendment articles. The first will be on Monday, December 16<sup>th</sup> at 6:35 p.m. and the second will be on Monday, January 6, 2025, at 6:35 p.m.

Voters are encouraged to attend an Informational Hearing at 7:30 p.m. on Monday, March 3 at the Essex Middle School, 60 Founders Rd., Essex. The Informational Hearing will include an informational presentation about the proposed charter amendments, as well as the proposed FY2026 budget.

**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 mid-February.

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 4 (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 4.