

**Essex Charter Review Committee Meeting Minutes
(Draft)**

Town of Essex Charter Review Committee
Draft Regular Meeting Minutes
Tuesday September 27, 2022

Charter Review Committee: Lauren Layman, Charles Tabone, Alexis Dubief, Bruce Post, Margaret Smith.

Administration and Staff: Greg Duggan – None

Others Present: None.

1. Call to Order

- a. Ms. Layman called the Essex Charter Review Committee to order at 5:39 PM.

2. Agenda Additions/Changes

- a. None.

3. Approve Minutes

- a. Mr. Post made a motion to approve minutes: September 20, 2022 and Mr. Tabone approved. Motion passed 5-0

4. Discuss existing Essex Town Charter

- a. § 177-101 Remove below
 - i. Notwithstanding the provisions of any other municipal charters, territory within the corporate limits shall not be annexed to or become a part of any other municipal corporation except by annexation procedures as set forth in the statutes of the State of Vermont.
- b. § 117-103 (d) What's the point of having municipal utility language?
 - i. (d) The Town may establish and maintain an electric power system and regulate power line installations; provided, however, that the Town shall have no authority under this charter that conflicts with that authority granted to the Public Service Department or any other State regulatory agency.
- c. § 117-105 - 108 Compare 105-108 of merger charger
 - i. 105. Ordinances- Method of adoption and enforcement
 - ii. 106. Introduction; first and second readings; public hearing
 - iii. 107. Effective date
 - iv. 108. Filing
- d. § 117-109 Town employee salaries to be incorporated into Town Report?
- e. § 117-110 Investigate to clarify or re-write following
 - i. General or special enactments in force or effect or hereafter enacted; and the powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments.
- f. § 117-110 Consider moving to another section for better document flow

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- g. § 117-202 (a) Keep it at five or another number?
- h. § 117-202 (b) Add a note that the terms are staggered
- i. § 117-202 (d) Continue as at-large or have districts? See KSV and EGG report.
- j. § 117-203 Add a recall provision?
- k. § 117-203 (a) Which election to certify? Of officers or town meeting? If town meeting, specify that's what's being certified. Administer oath here too.
 - i. "...shall file a certificate of election for record..."
- l. § 117-203 (c) Who is eligible?
 - i. "...person eligible to fill that position..."
 - ii. In the event of death, resignation, or incapacity of the Moderator, the Selectboard shall appoint a person eligible to fill that position. At the next annual meeting, the vacancy shall be filled. § 117-204. Meetings
- m. § 117-203 (c) Clarify text
 - i. Until the next annual meeting
 - 1. Change "At next annual meeting" to "Until next annual meeting" and further clarify as needed.
 - ii. Change "forthwith" to more modern word
- n. § 117-203 (d) Make this language consistent with 313
 - i. the Board shall vote that any particular session shall be an executive session in accordance with 1 V.S.A. § 313.
- o. § 117-205 Record of proceedings. An "official record"
 - i. Should the minutes be more robust and comprehensive? If so, should it be in the charter.
 - ii. Extensive minutes are easier to go through than a video recording
 - iii. Video meetings should be transcribed
 - iv. Are minutes part of the official record.
- p. § 117-206 (a) Add Cemetery Commission
- q. § 117-206 (a) Remove ZBA and put in DRB
- r. § 117-207 Jurisdiction over other officers or employees
 - i. Make the language consistent with § 117-209 (b) (1)
- s. § 117-208 (a) Compensation of Selectboard; appointees
 - i. Change the minimum salary to \$1500 per year. They already get this.
- t. § 117-302 Time of holding
 - i. Change "7:30 P.M. of the day specified" to 7:30 P.M.
- u. § 117-303 Budget - An annual budget shall be adopted at Town meeting by the vote of a majority of those eligible to vote present at the meeting.
 - i. Revise to reflect actual process: vote on budget next day by Australian ballot. Incorporate the provision voted on by town in previous election that permitted the process. This will need to be revised because it's not folks present at the meeting.
- v. § 117-303 Budget – Consider if the following needs to be changed or revised
 - i. No specific explanation need be given for any normal annual operating expense in any office, department, or agency that may be increased over the budget amount by an amount not more than 10 percent of the office's, department's, or agency's budget.
- w. § 117-304 Recission of ordinances

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- i. Does this work? Simplify? Are the numbers ok? Compare with other towns?
- ii. Change qualified voters to registered voters
- x. § 117-305 Petition for enactment of ordinance; special meeting
 - i. Consider process. Apply numbers (5%, majority vote)?
 - ii. Why is it stated that ordinance takes effect on the 10th day after the conclusion of the meeting?
- y. § 117-401 Planning
 - i. Insert DRB here?
 - ii. Include conflict of interest provisions here or authorize town or Selectboard to establish?
 - iii. "... as may be amended from time to time hereafter" Specify parameters (e.g., roles and number of members) or leave to Selectboard?
- z. § 117-503 Business personal property for tax purposes
 - i. Do we want to keep this per statute or change it?
- aa. § 117-602 Town Manager Appointment
 - i. Let residents have an option to weight in? Express views during review? Should this be in the Charter?
 - ii. Remove many of these positions: fence viewers, lumber and shingles, constables, grand juror
- bb. § 117-701 Fiscal Year – Eliminate school district references
- cc. § 117-702 (b)
 - i. What needs to happen for preliminary adoption by the Selectboard
 - ii. Consistent use of meeting term, and make it reflect the actual process
- dd. § 117-705 Amount to be raised by taxation
 - i. Conform to new process of Australian ballot; see 302-303
- ee. § 117-707 Is unencumbered appropriation a well understood term. Distinct from unobligated.
- ff. § 117-802 Penalty
 - i. Eight Percent penalty – replace with index (check statutes)? Grace period of 2-3 days for late taxes or late fees may begin to accrue within 24 hours after a payment is due?
 - ii. Interest as authorized by Vermont statutes needs clarification. Specify index and interest on what (you can add interest to the penalty).
- gg. § 117-901 Appointment and removal
 - i. Does this reflect state law?
 - ii. Does town attorney require this index
 - iii. Remove third sentence from Charter or provide less specific authorization?
 - iv. Change insure to ensure
- hh. § 117-903 Prohibitions
 - i. Reinforce the conflict of interest provision.
- ii. **ADDITIONAL NOTES, SUGGESTIONS, AND REVISIONS:**
 - i. Standard for Special Meeting notice (more than at least 24-hours in advance)?
 - ii. Comparison between Merger Charter and current charter for SB composition, governance powers, and powers of the Town Manager

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- iii. Address conflicts of interest (e.g., with DRB/Planning commission)
- iv. Add something like South Burlington Ordinance section specific to fees and ordinances
- v. National Civic League:
 - 1. Preamble speaking to town goals, including values such as diversity and inclusiveness
 - 2. Source of authority
 - 3. Intent section with “equal opportunity”
 - 4. Switch all references to voters as Registered voters
- vi. MISCELLANEOUS FROM COMMITTEE
 - 1. Alexis: incorporate equity and inclusion, accessibility, into charter
 - 2. Recall provision (proposed by Brad Kennison)
 - 3. Possibly put Charter Review meeting notice in Front Porch?

5. Public Comment

- a. No public present at meeting.

6. Next Meeting

- a. The next scheduled meeting of the Essex Charter Review Committee is scheduled for Tuesday, October 4, 2022 at 5:30 PM at Town of Essex 1st Floor Conference Room.

7. Adjourn

- a. Ms. Dubief made a motion seconded by Mr. Tabone to close the meeting. Motion passed 5-0
- b. Meeting Adjourned 7:34 PM

Respectfully Submitted,
Charles Tabone
Minute taker