



**CITY OF ESSEX JUNCTION CITY COUNCIL  
SPECIAL MEETING AGENDA**

Online & 2 Lincoln St.  
Essex Junction, VT 05452  
Monday, March 13, 2023  
6:30 PM

E-mail: [admin@essexjunction.org](mailto:admin@essexjunction.org)

[www.essexjunction.org](http://www.essexjunction.org)

Phone: (802) 878-6944

This meeting will be in-person at 2 Lincoln Street and available remotely. Options to watch or join the meeting remotely:

- **JOIN ONLINE:** [Join Zoom Meeting](#)
- **JOIN CALLING:** (toll free audio only): (888) 788-0099 | Meeting ID: 944 6429 7825; Passcode: 635787

1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
  - a. Comments from Public on Items Not on Agenda
5. **PUBLIC HEARING**
  - a. Second Public Hearing on the Proposed Charter Changes
6. **BUSINESS ITEMS** - none
7. **CONSENT ITEMS** - none
8. **READING FILE** - none
9. **EXECUTIVE SESSION** - none
10. **ADJOURN**

*Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the President, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the President. This agenda is available in alternative formats upon request. Meetings of the City Council, like all programs and activities of the City of Essex Junction, are accessible to people with disabilities. For information on accessibility or this agenda, call the City Manager's office at 802-878-6944 TTY: 7-1-1 or (800) 253-0191.*



## MEMORANDUM

**To:** City Council  
**From:** Regina Mahony, City Manager  
**Meeting Date:** 3/13/2023  
**Subject:** Proposed Charter Change Amendments

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### Issue

The issue is to hold a second public hearing on the proposed charter amendments.

### Discussion

The purpose of these amendments is described in the attached memo dated 1/20/2023 from City Council President, Andrew Brown.

The amendments are included in the attached Annual Meeting warning as approved by the Council on 3/8/23.

While there is a required second public hearing for these changes, the second public hearing falls outside of the window to warn the annual meeting. Therefore, no changes to the charter changes would be allowed at the second public hearing.

If these changes are approved by the voters, they will be sent to the state Legislature for approval. That approval would not be likely until the end of the 2024 legislative session. Therefore, the changes to 302 and 401 will not take effect until the City's 2025 annual meeting and election.

### Recommendation

No action needed.

**Date:** 1/20/2023

**To:** Essex Junction City Council

**Cc:** Regina Mahony

**From:** Andrew Brown

**Subject:** Proposed City Charter Changes

There are four charter changes I am proposing to better align with state statute and other Vermont municipalities. The first is to add “, unless allowed by state statute” to the second sentence within 206a. State statute requires each Town or City to have at least one health officer who is nominated by the municipal board and is then approved of by the Commissioner of Health. According to the Town Health Officer Manual, if the municipal board has not appointed a health officer (as is the case for Essex Junction), “the Commissioner will appoint the chair of the Selectboard to this position” (p.1). The City Council has not appointed a Health Officer and the Commissioner of Health has appointed me to fill the role of Town Health Officer. Regina has sought Claudine’s opinion and Claudine has said that being the Health Officer for Essex Junction is a form of employment by the City – thus we are in conflict with state law. By adding this language we will be able to prevent current City Councilors from being City employees unless in circumstances where state law deems it appropriate.

The second change is to remove the final sentence in section 206a of our charter. In reviewing all other Vermont City charters and a majority of Town charters, this is an area in which Essex Junction is an outlier. In my review no other municipalities require one year to pass after the end of their elected term before a former City Councilor can be employed by the municipality.

Third is to remove section 302 of our charter which would remove the role of Moderator from our municipality. The role of the Moderator, as defined within our charter, is to “preside at the next annual meeting.” In Essex Junction our annual meeting is no longer an in-person meeting where votes are taken by those physically present, instead our annual meeting is held via Australian ballot and decisions are made through the ballot. In essence, there is no annual meeting which needs moderating. In a review of the charters for Barre City, Montpelier, City of St. Albans, Rutland City, and Winooski none of these municipalities have a moderator as, just like Essex Junction, their annual meeting is held via Australian ballot.

Fourth is to no longer have the community vote on when to hold the annual meeting (Australian ballot voting) but to have the City Council make this decision. The intent of this is to continue the long-desired practice of having our community vote once on municipal and school items, just as we do now. Should the school district have a desire to change when they vote this would allow the City to collaborate with the school district quickly. In my review of the same municipal charters as the third change, all municipalities have their annual meeting date defined by their charter as the first Tuesday in March. To be clear, the intent of this proposal is not to change our annual meeting to Town Meeting Day.

Included with this memo is a draft of the charger with proposed amendments. Changes one and two can be found on page 7 of the charter. The third change is on pages 9 and 10, with the fourth change on page 10.

In order for us to make a change to the charter here is the timeline we must follow:

Jan 25th – Council proposed charter changes introduced

Feb 8th – Council warns public hearings

Feb 22nd – First public hearing

March 8th – Second and final public hearing and finalize warning

April 11th – Vote

**Recommendation:** This memo is for discussion purposes, no vote is required. The council can either agree to move forward with the charter changes as presented, make changes, or not move forward with the charter changes.

**WARNING  
CITY OF ESSEX JUNCTION  
INFORMATIONAL HEARING APRIL 10, 2023 AND  
ANNUAL MEETING APRIL 11, 2023**

**Informational Hearing – Online Only**

**Monday, April 10, 2023, at 6:00 PM**

Available options to watch or join the meeting:

- **WATCH:** the meeting will be live-streamed on Town Meeting TV.
- **JOIN ONLINE:** [Join via Zoom](#).
- **JOIN CALLING:** (*toll free, audio only*) 1(888) 788-0099, Meeting ID: 944 6429 7825; Passcode: 635787
- **MODERATOR:** All instructions for conduct of the meeting will be guided by the Moderator.

If you have difficulty accessing the hearing, please call or email [admin@essexjunction.org](mailto:admin@essexjunction.org).

Under the City of Essex Junction Charter, voting in the Annual City Meeting is entirely by Australian ballot. A public informational hearing on the Articles to be voted on at Annual Meeting will be held according to 17 V.S.A. § 2680. **No voting will take place during this hearing.** If you wish to make a public comment but do not have the ability to comment remotely during the meeting, please email your comment(s) to the City Manager at [admin@essexjunction.org](mailto:admin@essexjunction.org).

**AGENDA will include:**

- **Discussion of Article 1 – Adopting the budget**
- **Discussion of Article 2 – Charter amendment regarding Conflict of Interest**
- **Discussion of Article 3 – Charter amendment regarding Conflict of Interest**
- **Discussion of Article 4 – Charter amendment regarding Moderator**
- **Discussion of Article 5 – Charter amendment regarding annual meeting**
- **Discussion of Article 6 – Next annual meeting date**
- **Discussion of Article 7 – Planning loan**
- **Announcement of offices up for election in Article 8**
- **Public to be heard (to be moderated)**

**Annual Meeting - Australian Ballot**

**Tuesday, April 11, 2023 – 7:00 AM to 7:00 PM**

The legal voters of the City of Essex Junction are hereby notified and warned to meet at the Champlain Valley Exposition in the Blue Ribbon Pavilion, 105 Pearl Street in the City of Essex Junction on Tuesday, April 11, 2023 to transact the following business by Australian ballot. Said voting by Australian ballot to begin at 7:00 AM and close at 7:00 PM.

**ARTICLE 1.** Shall the voters approve an annual General Fund Budget in the amount of \$ 11,421,171 for fiscal year July 1, 2023, to June 30, 2024, \$10,420,986 of which is to be levied in taxes against the City Grand List?

**ARTICLE 2.** Shall the voters approve the following amendment to Section 206 of the city Charter (strikethrough represents a deletion, and underline represents an addition):

§ 206. CONFLICT OF INTEREST; PROHIBITIONS

- (a) Holding other office. No Council member shall hold any City employment during the term for which they were elected to the Council, unless allowed by state statute. A Council member may be appointed to represent the City on other boards except as pursuant to 17 V.S.A. § 2647. No former Council member shall hold any compensated appointive municipal office or employment,

except for poll worker, until one year after the expiration of the term for which they were elected to the legislative body.

**ARTICLE 3.** Shall the voters approve the following amendment to Section 206 of the city Charter (strikethrough represents a deletion, and underline represents an addition):

§ 206. CONFLICT OF INTEREST; PROHIBITIONS

- (b) Holding other office. No Council member shall hold any City employment during the term for which they were elected to the Council. A Council member may be appointed to represent the City on other boards except as pursuant to 17 V.S.A. § 2647. ~~No former Council member shall hold any compensated appointive municipal office or employment, except for poll worker, until one year after the expiration of the term for which they were elected to the legislative body.~~

**ARTICLE 4.** Shall the voters approve the following amendment to Section 302 of the city Charter (strikethrough represents a deletion, and underline represents an addition):

§ 302. MODERATOR

~~The voters Council at the City Annual Meeting shall elect~~ appoint a Moderator who shall preside at the next City Informational Annual Meeting. The term of Moderator shall be one year. Only qualified voters of the City of Essex Junction shall be eligible to hold the office of Moderator.

**ARTICLE 5.** Shall the voters approve the following amendment to Section 401 of the City Charter (strikethrough represents a deletion, and underline represents an addition):

§ 401. CITY MEETINGS AND ELECTIONS

- (a) By January 1 of each year, ~~the voters Council shall at each annual meeting vote to set~~ the date of the next annual meeting, at which time the voters shall vote for the election of officers, the voting on the City budget, and any other business included in the warnings for the meetings.

**ARTICLE 6.** Shall the voters approve holding the 2024 Annual Meeting on Tuesday, April 9, 2024, at which time the voters shall vote by Australian ballot for the election of officers, the voting on the City budget, and any other business included in the warning for the meeting?

**ARTICLE 7:** Shall the voters authorize a planning loan through the Drinking Water State Revolving Fund for a project in the Water Enterprise Fund to complete a service line inventory and lead service line replacement plan in an amount not to exceed \$433,700 to be financed over a period not to exceed ten years.

**ARTICLE 8.** To elect City officers required by law including: Moderator (one-year term), two City Council members (three-year terms), and one Library Trustee (five-year term)?

Dated this 8th day of March 2023 by the Essex Junction City Council.

\_\_\_\_\_  
Andrew Brown, President

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Raj Chawla, Vice President

\_\_\_\_\_  
George Tyler

\_\_\_\_\_  
Daniel Kerin

\_\_\_\_\_  
Amber Thibeault

Received for record this \_\_\_\_\_ day of \_\_\_\_\_, 2023 in the records of the City of Essex Junction.

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Susan McNamara-Hill, Clerk