**TOWN OF MORRISTOWN SELECTBOARD**
**SPECIAL MEETING NOTICE & AGENDA**
**COMMUNITY MEETING ROOM**
On Zoom and at 43 Portland St. Morrisville, VT 05661
**6:00 PM Tuesday, October 15, 2024**

Join Zoom Meeting or by phone join via conference call (audio only): 1 (646) 558-8656 | Meeting ID: 810 342 4528 | Passcode 05661
The meeting will be live streamed on the Town of Morristown's website: https://www.morristownvt.gov/community/page/meetings-agendas-minutes and on Town GMATV YouTube Channel when possible

## I. 6:00PM - CALL SELECTBOARD MEETING TO ORDER

## II. 6:01PM - AGENDA CHANGES/ADDITIONS

## III. 6:02PM - NEW BUSINESS

1. Discuss Special Town Meeting November 5, 2024 Article 1
2. Discuss Special Town Meeting November 5, 2024 Article 2
3. Discuss Special Town Meeting November 5, 2024 Article 3
4. Overview Special Town Meeting November 5, 2024 Article 2 and 3

## IV. 8:00PM - ADJOURN

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# Town Charter: The Foundation of Local Governance

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## Understanding Town Charters

- What is a Town Charter
- Local Control & Customization
- Timeline for Morristown first Charter
- Key Components of a Town Charter
- Proposed Town Charter
- Adaptability and Amendment
- Frequently asked questions
- Next Steps for Citizens

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## What is a Town Charter

A town charter is a foundational document that clarifies the organization, powers, functions, and essential procedures of a municipality.

It serves as the municipality's constitution, defining how local government operates.

A town charter shapes the governance and operational structure of a town, reflecting the preferences and needs of its residents.

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## 4 Local Control and Customization

**Allows tailoring of governance to community needs**

**Provides autonomy within state-prescribed limits**

**Enables creation of unique local offices or procedures**

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## Allows tailoring of governance to community needs

A charter is like a town's own rule book. It lets the town choose how it wants to run things, instead of having to follow a one-size-fits-all set of rules made by the state.

This means the town can pick a way of governing that works best for its size and what its residents want. This way, the town's government can be set up in a way that makes the most sense for the people who live there.

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## Provides autonomy within state-prescribed limits

Vermont is a Dillon's Rule state, meaning municipalities derive their legal authority from the state legislature. This means local governments have limited autonomy to make decisions or enact policies without state approval.

However, governance charters granted by the legislature allow towns to exercise some autonomy beyond standard state laws.

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## Enables creation of unique local offices or procedures

Charters provide towns more control over their day – to – day operations by defining specific powers and duties for local officials beyond what state law prescribes. Town charters can diverge from state law by allowing procedures to fill perceived gaps in state law and tailor governance to local preferences and concerns.

Think of it this way: State laws are like general guidelines for all towns. A charter is like a town's own personal guidebook, letting it make some of its own rules to better serve its residents.

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## Timeline for Morristown's first Town Charter

**2023**

- **November 6**: Selectboard (SB) confirms desire to move forward with the town charter, sets goal to vote in March 2024.
- **December 4**: SB discusses charter approval steps.
- **December 18**: SB approves the formation of the charter committee, charter schedule, and hiring an economist for revenue estimation.

**2024**

- **January 29**: First charter committee meeting to review the initial rough draft of the sample charter.
- **February 26**: Charter meeting to discuss content.
- **March 18**: Charter meeting to refine the charter and Local Option Tax (LOT) language.
- **April 22**: Charter meeting to finalize charter language; Economist Jeff Carr presents analysis and estimated revenue.

**May-June 2024**

- Vermont Legislature passes a state law allowing municipalities to authorize local option taxes via town-wide local vote without needing a charter.

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**2024 (continued)**

- **June 24**: Charter meeting, consensus on moving forward with the charter vote in November minus the LOT section.
- **July 16**: Charter meeting voted to accept the proposed town charter and forward to the SB for adoption.
- **August 5**: Proposed Town Charter adopted by the SB.
- **September 23**: Public info meeting to explain the November Charter question.
- **September 30**: Public info meeting to explain the November Charter question.
- **October 28**: Informational meeting to answer questions and explain charter.
- **November 5**: Vote on initial Morristown Charter.

**February 2025**

- Charter should be discussed with the selectboard. The preferred makeup of the charter amendment committee, goals, and mission of the committee should be documented.

This timeline helps ensure that all the important tasks and meetings are completed on schedule.

## Timeline for Morristown's first Town Charter

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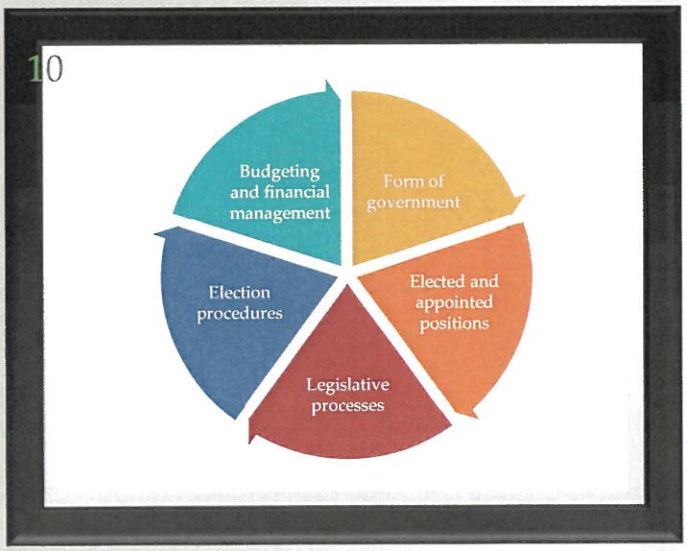


## Key Components of a Town Charter can include:

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## 11 Town of Morristown – Proposed Town Charter

**§ 1. Corporate existence retained**

The inhabitants of the Town of Morristown, within the corporate limits now established, shall continue to be a municipal corporation by the name of the Town of Morristown.

**§ 2. General law; application**

Except when changed or modified by this charter, or by any lawful regulation or ordinance of the Town of Morristown, all of the statutes of the State relating to municipalities shall apply to the Town of Morristown.

**§ 3. Town Manager**

a) The Town Manager shall be the chief executive officer and the head of the administrative branch of the Town government and shall be responsible to the Selectboard for the efficient administration of the municipal affairs of the Town.
b) The Town Manager shall have authority to hire, appoint, discipline, and remove all Town employees, subject to the provisions of personnel rules approved by the Selectboard. The Town Manager may authorize a department head to hire, appoint, discipline, or remove an employee, subject to the Manager's discretion and supervision.

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## Adaptability and Amendment

- Provides framework for addressing future challenges
- Can adapt governance to meet changing community needs
- Charters empower municipalities to make decisions and address issues without needing to seek state approval for every action.
- Customization helps fill perceived gaps in state law and allows for governance that aligns more closely with local priorities.
- Citizen participation is usually sought through hearings, surveys, and other means.

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## 13 Frequently Asked Questions (FAQ)

Q: What is the purpose of the charter vote?

A: It allows citizens to approve or reject proposed changes to the town's governing rules.

Q: Who can vote in the charter election?

A: All registered municipal voters are eligible to participate in the charter vote.

Q: How do I learn about the proposed charter?

A: Attend public meetings, review official documents, and visit our website for updated information.

Q: What happens if the charter is approved or rejected?

A: Approved charter will be sent to the Vermont General Assembly for consideration. If rejected, we can try again.

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## 14 Next Steps for Citizens

- Attend the upcoming town meetings to learn more about the proposed charter and ask questions. Informational meeting is scheduled for October 28, 2024.
- Visit the municipality's website at www.morristownvt.gov for detailed information and resources regarding the charter vote.
- Engage with neighbors and discuss the implications of the charter changes to ensure everyone is informed before voting.
- Register to vote before the deadline on to ensure your voice is heard in the upcoming charter vote.

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## Article 2

Shall the voters, pursuant to 24 V.S.A. § 3254, levy a special assessment not to exceed $200,000 for the purpose of constructing stormwater improvements to benefit 64 parcels. 63 parcels having frontages on Foss Street, Jersey Court, Jersey Way and Sterling Court, and one parcel with frontage on Cottage Street, said 64 parcels being designated as the "Jersey Heights Special Assessment District" with said special assessment being apportioned among these 64 parcels based on the impervious surface present on each parcel and the assessment being payable over a period not to exceed twenty (20) years in semiannual installments.

Article 3

no

Failed

yes

Passed

Use grant funds & pay any additional expenses immediately

Use grant funds & obtain long term financing to amortize the costs for the town and 64 parcel owners

## Article 3

Shall the voters of the Town of Morristown authorize borrowing an amount not to exceed $200,000, to be financed over a period not to exceed twenty (20) years, to pay for State-required stormwater infrastructure improvements in the Jersey Heights Special Assessment District?

| | Article 2 | Article 3 |
|---|---|---|
| Pass | Use grant funds & Jersey Heights Special Assessment District formed among 64 parcels. Jersey Heights responsible for 66% Town of Morristown responsible for 34% | Use grant funds and obtain long term financing to amortize costs for town and 64 parcel owners |
| Fail | Use grant funds & the Town of Morristown responsible for 100% of the cost | Use grant funds and town pays any additional expenses immediately |

**Town of Morristown moves forward with compliance to meet Vermont State mandate on the "3-Acre Rule for Impervious Surfaces" regarding the Jersey Heights Subdivision.**

**History:** The Environmental Protection Agency required the State of Vermont to come up with a plan to reduce the amount of phosphorus entering the Lake Champlain and Lake Memphremagog watersheds. In 2011 the state's plan was rejected and the Legislature moved forward in 2015 with Act 64, incorporating into 10 V.S.A 1264 requirements for "3-acre sites". It stipulates that any Storm Water Permit that predates the 2002 Vermont Stormwater Management Manual must comply with new storm water regulations if the impervious surface(s) are greater than 3-acres. This would include paved roads, sidewalks, driveways, and roofs.

**Why does Jersey Heights need to comply with this regulation?**
Jersey Heights Subdivision was created in December 1986 with the approval of an Act 250 permit. The stormwater discharge permit for the Subdivision was issued on November 12, 1991. The Subdivision has 10.46 acres of impervious surface according to the state and is one of 14 sites in Morristown that are required to meet the new regulations.

**Why is the Town of Morristown involved with this?**
In 2007 the Town of Morristown Selectboard agreed to take over the road and sidewalks of the Subdivision. They did not assume responsibility for the Subdivision Stormwater Permit. Additionally, when the Subdivision Stormwater permit was about to expire and there was no Jersey Heights Homeowners Association (HOA) to contact, the Town was informed of the pending lapse of renewal of the Stormwater Permit. The covenants governing the Jersey Heights Subdivision did not require a Homeowners Association to be created. With these unforeseen circumstances, the Town agreed to renew the permit at Town expense to have the system remain in compliance and has subsequently renewed this permit every five years as required by the state. Back in 2007 when the Selectboard agreed to assume responsibilities for the Jersey Heights subdivision roads, it had no way of knowing that stormwater runoff rules would change, particularly for a permitted project, and that the state would make any new regulations retroactive.

Because the Town took over the roads and sidewalks (impermeable surfaces) of the Subdivision, the Town is a party to the stormwater improvement requirements. The Selectboard and Administration strongly feel that, unlike other town and village streets and roads that are not part of subdivisions, the Jersey Heights Subdivision should be responsible for its share of the infrastructure improvements. Their driveways and roofs comprise 66% of the subdevelopments impervious surface area.

**What are the costs?**
Of the 700+ sites around the state that have been found to be non-compliant with the 3-acre rule, the Town of Morristown is one of seven entities to be awarded a grant that would cover approximately 70% of the total cost for the required improvements. The balance

would be shared by the Town and the residents of the Jersey Heights Subdivision. The grant's value is $316,675.00.

Current estimates of the required improvements, based on plans submitted to the state for approval, is estimated at $439,900.00. Based on the percentages of impermeable surface, the Town would be responsible for 34% of the cost balance. The Subdivision's residents would be responsible for 66% of the cost balance.

**How do we pay for this?**
The Selectboard and Administration is proposing to voters that we borrow an amount not to exceed $200,000.00 for a period not to exceed 20 years to pay for State-required infrastructure improvements in the Jersey Heights Subdivision. In addition, the Selectboard and Administration is proposing to the voters to create the Jersey Heights Special Tax Assessment District (consisting of 64 homesteads directly tied to the original subdivision stormwater permit) which would be established to collect and help pay the indebtedness of the project the Subdivision is responsible for.

For the average resident of the Subdivision paying for 66% of the project, the estimated cost annually is around $200.00.

**Precedent:**
The Selectboard and Administration strongly feels that creating a tax assessment district for a public/private infrastructure improvement is the best path forward. It clearly delineates responsibilities and sets the precedent for future boards and administration on future unknown regulations that may come to bear.

There are two articles for the November 5th vote that pertain to the Stormwater Infrastructure Improvements. One is to allow the borrowing of funds to pay for these improvements over time. The other is to establish a special tax assessment district to collect and help pay the indebtedness the Subdivision is responsible for. It should be noted that the Special Tax Assessment District would only be for paying the prorated share of the balance of the infrastructure improvements to the stormwater system by the Subdivision not covered by grant funding, and would expire at the time the indebtedness is paid in full.

The Town would appreciate your support for both articles. For more information, please visit the Town website homepage (https://morristownvt.civicpluswebopen.com/) and click on the link titled Jersey Heights Three-Acre Rule.

Chris Palermo
Morristown