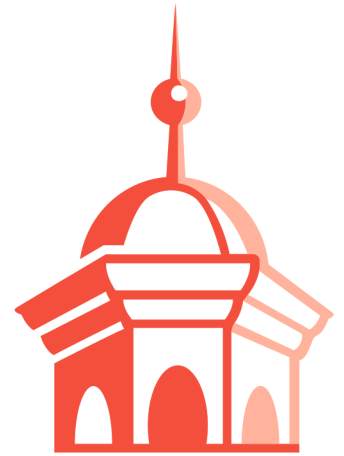


2023 VERMONT TOWN MEETING DAY PREVIEW

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Compiled and written by
Heather Law and Ted Brady



Vermont League of Cities and Towns



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[VLCT.ORG/TOWNMEETING](https://vlct.org/townmeeting)

Summary

From Executive Director Ted Brady

A few weeks ago, VLCT convened nearly 100 Town Meeting moderators to help them tune up their moderating skills ahead of Town Meeting Day 2023. Many found themselves “unemployed” for a couple of years while Vermonters voted by Australian ballot to ensure the continuity of Vermont’s democracy through the state of emergency. As they get back to work, VLCT once again invited our cities and towns to share what they were voting on this Town Meeting Day.

We combed through 225 warnings and thousands of articles to get the pulse of Vermont’s Town Meeting Day 2023. The largest takeaway is that Town Meeting is back. In 2019, pre-pandemic, we counted 185 cities and towns that had at least a partial in-person floor meeting on or near Town Meeting Day. This year, we count 182. That’s a major jump from the count of in-person meetings we tallied last year – 63. And while some towns are holding delayed or modified Town Meetings this year using temporary flexibility granted by the Legislature, 18 others are proposing to permanently change their voting methods going forward.

Vermonters will vote on nearly three quarters of a billion dollars in municipal expenditures this year. They’ll vote on almost \$200 million of infrastructure upgrades (mostly sewer and water), and they’ll consider whether this is the year for new fire trucks, graders, dump trucks, and ambulances. One of the largest responsibilities voters have at Town Meeting – and one of the ones that makes Vermont’s democracy somewhat unique – is that they have the say on how they raise the money their town needs to conduct business, who should pay, and who shouldn’t. They’ll also vote on their school budgets. Across the country, and even in some larger cities like Burlington, most Americans don’t get such a direct say on their municipal budgets. Their elected representatives do that for them. This direct democracy gives Vermonters a chance to not only say yes or no, but even an opportunity to amend budgets in a floor meeting.

This year’s Town Meeting Preview includes a summary of the bounce back from Australian balloting to floor meetings, a look at what towns are asking voters to spend money on, an observation that towns are increasingly converting elected officers to appointed officers, a look at efforts to legalize retail cannabis, and a quick summary of some novel ballot items facing Vermonters.



64

Australian ballot only



229

warnings compiled and reviewed

\$711M

in operating budgets



182



in-person floor meetings (some also with Australian ballot)

\$199M

in projects or future projects reserves



2023 VERMONT TOWN MEETING DAY PREVIEW

BY THE NUMBERS



42

articles to reduce property taxes with surplus funds

3

articles about just cause evictions



2

retail cannabis articles



56

articles on changing town operations or town officers



2

Declaration of Inclusion articles



6

local option tax articles



36

articles to use reserve funds to offset obligations



7

articles about charter changes



A Return to Normal Town Meeting, Sort of...

For many Vermonters, Town Meeting 2023 will feel a lot like pre-pandemic Town Meeting Day. Floor voting will be more common than Australian ballots this year. VLCT estimates 182 cities and towns will use some sort of floor voting method in 2023. Of those 182, we estimate 69 of them will hold pure floor meetings. This compares to only 63 that we estimated would conduct some version of a floor meeting last year.

Even before COVID, municipalities had begun to amend how they conducted their Town Meetings, with many opting to vote for their officers using Australian ballot; a few opting to put all budgetary questions to Australian ballot; and a plurality of cities, towns, and villages using some form of a combined floor meeting and Australian ballot process. This year's analysis shows that trend returning, with 113 municipalities using a combined method.

In January, VLCT successfully advocated for the extension of pandemic-era changes to the law that would allow municipalities to enjoy another year of flexibility in how and when they can hold their annual meetings. Act 1 of the 2023 legislative biennium allows for the postponement of meetings, the use of Australian ballots where not already allowed, and the ability to hold fully remote informational hearings. The bill also included the extension of several Open Meeting law flexibilities that appear to have increased citizen participation.

According to our review, at least 11 municipalities are using Act 1's authority to temporarily change a portion or all of their floor meeting to Australian ballot: Benson, Charlotte, Enosburgh, Georgia, Leicester, Lyndon, Middlesex, Morristown, Newbury, Pomfret, and Royalton. Another five appear to have postponed their annual meetings: Isle La Motte, Sheffield, Wardsboro, Vershire, and Windham. This compares to about 30 that did so last year. A handful of communities intend to vote on whether or not to permanently change when they hold Town Meeting – but, in accordance with Vermont law, usually only by a few days or hours in an apparent effort to boost participation.

VLCT has identified 18 communities that will vote on whether to permanently change to partial or full Australian ballot voting in future years: Bakersfield, Bethel, Bradford, Bridgewater, Coventry, Craftsbury, Danville, Essex Town, Franklin, Highgate, Ira, Jay, Marlboro, Marshfield, Rockingham, Stafford, Williamstown, and Wilmington. While VLCT does not have data on permanent transitions away from floor meetings in previous years, this number seems significant to us.

The following table summarizes how communities have held their Town Meetings in the past four years. This table is a compilation of the VLCT Town Meeting Preview survey and information from the Vermont Secretary of State's Office.

Year	Number of Municipalities Responding to Secretary of State Survey Using Floor Voting for Town Officers, Budgets, or Town Questions
2019 (239 municipalities responded to survey)	185 (166 that use floor votes for town budgets, 18 that require it for town questions that do not require floor votes for budgets, and 1 that reports requiring floor votes for town officers but not budgets or town questions)
2020 (208 municipalities responded to survey)	161 (148 that use floor votes for town budgets, plus 11 that report using floor votes for town questions but not for town budgets, and two that report using floor votes for town officers but not for town budgets)
2021 (161 municipalities responded to survey)	123 (114 that use floor votes for town budgets and 9 that report using floor votes for town questions.) The survey included a question asking if the community moved to Australian ballot for budgets, officers or town questions. Ninety municipalities reported moving to Australian ballot in 2021.
2022* (249 municipalities included in polling place info)	63
2023*^	182 (69 municipalities anticipated only using floor votes, 113 anticipated using a combination of floor voting and Australian ballot, and 64 anticipated only using Australian ballot)
<p>Compiled from information available at https://sos.vermont.gov/elections/election-info-resources/town-meeting-local-elections/.</p> <p>* For 2022 and 2023, VLCT analyzed the Secretary of State's polling place survey data. This data was presented in a slightly different format than the 2019-2021 Voting Methods by Town and School District, available at https://sos.vermont.gov/elections/voters/polling-places/.</p> <p>^ VLCT augmented data from the Secretary of State's polling place survey data with its own survey for 2023.</p>	

It's All About the Money

Of the thousands of articles and questions VLCT staff studied for this year's Town Meeting Preview, the vast majority of them ask voters for authority to collect money, spend money, or borrow money. While anecdotal evidence suggests municipal leaders are putting budgets forward that reflect the realities of wage and material inflation, many have found a way to offset the budget increases and avoid corresponding tax increases by applying reserve funds, using surpluses from 2022-2023, and tightening belts. No doubt the flexibility from the federal government on how towns could use their Local Fiscal Recovery Funding also helped soften the blow. The warnings we reviewed include nearly \$711 million in operating budgets. To put that in perspective, the entire state general fund is only about three times that size, at \$2.3 billion.

The largest trend we noticed is that municipalities appear to have significant surpluses and reserves from previous years that provide some relief to budget pressures. We counted 42 articles that propose to use surplus funds to reduce property taxes (from just \$30,000 in Windham to \$1 million in Hartford). We counted another 36 that intend to use reserve funds to offset various obligations in their budgets.

One of the most hotly debated Town Meeting items in any town is how much money a town will spend on the most essential and most commonly procured piece of town equipment: the truck. This is the first year VLCT's Town Meeting Preview specifically counted the trucks on the ballot. We counted 25 instances of towns asking their citizenry to weigh in on whether the town can buy, lease, or fix trucks. From a \$45,000 trailer in Underhill to a \$835,000 fire truck in St. Albans, rolling stock will be debated for hours this March. The going cost of a dump truck / plow? About \$250,000. The going price of a new grader? About \$275,000. These 25 articles don't include the dozens of other articles that ask voters to put aside a few thousand dollars into various equipment funds for future purchases.

Six Vermont communities are looking to implement local option taxes – a 1 percent tax in addition to state sales and rooms and meals taxes. In Vermont, municipalities are not allowed to levy such taxes without the permission of the Legislature (VLCT has been trying to change that). So even if a community's voters approve of the sales tax, it usually still needs Legislative approval (note that some communities have previously received authority due to Act 60). Towns seeking a local option tax in 2023 include:

- Halifax (rooms tax only)
- Jamaica (sales, meals, alcoholic beverages, and rooms taxes)
- Londonderry (rooms tax only)

- Rutland City (sales tax only)
- Shelburne (sales, meals, alcoholic beverages, and rooms taxes)
- Stowe (sales tax only) Stowe already has a meals, alcoholic beverages, and rooms tax in place.

In 2022, five Vermont communities put the sales tax before their voters. Three of them received approval. For more information about communities that have a local option tax, visit tax.vermont.gov/business/local-option-tax.

While raising taxes is an unfortunate reality of running a government, municipalities are also trying to reduce the tax burden for some organizations. Vermont laws allow municipalities to reduce or eliminate property taxes for a short list of charitable organizations – if their citizens approve of the idea on Town Meeting Day. We found about four dozen such articles proposing to exempt 16 charitable clubs (such as Masonic lodges), 14 fire and rescue organizations, four fish and game clubs, and a menagerie of other community groups. This included a trailhead parking area in East Montpelier, Mt. Ascutney Outdoors in West Windsor, a proposed community center in Putney, historic buildings in Jericho, and the New England Center for Circus Arts in Brattleboro.

Big Projects

While dump trucks and graders might rule the floor debate, it's often big projects that drive people to the polls in some of Vermont's larger communities. VLCT counted \$199 million worth of municipal spending on specific projects and allocations to future project reserves. But it's not just the big communities considering major infrastructure improvements. VLCT surmises that anticipated federal infrastructure funding and the Local Fiscal Recovery funds already in municipalities' bank accounts have led to more big-ticket items making the ballot. While water and sewer projects naturally rise to the top, there's a wide variety of projects being considered around the state this March, including:

Water and Wastewater

- Killington: \$47 million for water system and road improvements (tax increment financing district)
- South Burlington: \$33 million for upgrades to the wastewater treatment facility
- Montpelier: \$16.4 million for wastewater treatment facility improvements
- Montpelier: \$7.2 million for roadway and sewer improvements on East State Street (an amendment to a request that was approved in 2022)
- Bennington \$5.8 million for water main

- Middlebury: \$4.5 million for a water system improvement
- Rutland City: \$4.4 million in water and sewer projects
- St. Johnsbury: \$4 million in sewer work and sewer system purchase
- Springfield: \$3.4 million for water system improvements
- Bethel: \$2.5 million for water system improvements
- Brattleboro: \$2 million for water system improvement
- Shaftsbury: \$1.8 million for a water main project

Major Roadway

- South Burlington: \$15 million for City Center improvements (tax increment financing district)
- Rutland City: \$3.5 million for culverts and street work
- Brattleboro: \$1.5 million for street repair and Melrose bridge
- Cambridge: \$925,000 for a culvert
- Springfield: \$850,000 for a road and sidewalk project
- Chester: \$420,000 for a culvert

Other Notable

- Colchester: \$6.9 million for a recreation facility
- Brattleboro: \$4.1 million for generational improvements at Living Memorial Park including the Nelson Withington Ice Rink

Six communities are considering major repairs, replacement, or construction of town offices or other town facilities: Walden, New Haven, South Hero, Killington (a \$1.6 million move), Windsor (\$1 million bond for town buildings), and Wilmington.

Government Reorganization

The increasing complexity and depth of municipal governance is forcing communities to change how they recruit for historically elected or volunteer positions. Communities are proposing to change several elected positions to appointed positions, voting on whether to eliminate positions that are being replaced by professional contracts, and proposing to create new positions to increase capacity.

Since authority was granted to municipalities to vote to convert elected positions to appointed positions, dozens of communities have transitioned elected clerks, treasurers,

listers, auditors, and constables to appointed positions. Occasionally, we also see communities reverse course.

In 2023, VLCT counted 30 articles proposing to convert elected officers to appointed officers, including:

- 9 Clerks: Brighton, Chester, Elmore, Hinesburg, Norwich, Saint George, Shoreham, Stockbridge, West Haven
- 12 Treasurers: Alburgh, Brighton, Brookline, Chester, Elmore, Guilford, Hinesburg, Middlebury, Saint George, Shoreham, Stockbridge, and West Haven
- 6 Delinquent Tax Collectors: Alburgh, Brookline, Chittenden, Craftsbury, Jay, and Worcester
- 3 Constables: Bolton, Pownal, and Londonderry

One community, Waterford, proposes to rescind a previous move to make their delinquent tax collector an appointed position.

VLCT counted 24 articles proposing to eliminate municipal officers, including:

- 10 Listers: Barton, Chittenden, Fairfield, Hyde Park, Jay, Norwich, Panton, Poultney, Sheldon, and Wilmington
- 4 Auditors: Fair Haven, Jay, Stamford, and Troy
- 10 Constables: Chittenden, Concord, Kirby, Mt. Holly, Pownal, St. Johnsbury, Tinmouth, Royalton, Wells, and Weston

VLCT has repeatedly advocated in the Legislature to give municipalities the ability to reorganize. In 2017 VLCT advocated to make converting elected positions to appointed positions by vote possible. In 2022, VLCT successfully got Act 157 passed into law, allowing nonresident officers to serve in some town officer positions, allowing towns to vote to eliminate the role of constable, and providing towns with the ability to change the size of some town panels (such as planning commissions) at annual meetings.

Randolph proposes to reestablish a budget for a municipal policing district, as it intends to reconstitute a municipal police department, bringing the total number of municipal police departments in Vermont to 53.

Meanwhile, the Town of Royalton proposes to not only add a new position but also change their governance structure by voting on whether to adopt a Town Manager form of government. About 64 municipalities currently use this form of government, which delegates several powers from the legislative body (selectboard, city council or village

board of trustees) to the manager. The effort is largely seen as an effective way to increase a municipality's capacity.

Charter Changes

A charter is like a town's constitution. It defines how the town will be governed and is granted to the town by the Legislature, giving it specific authorities. Currently 62 Vermont cities and towns, and another 45 incorporated villages, operate under municipal charters.

VLCT noticed that seven municipalities are proposing charter changes this year:

- **Brattleboro:** Voters petitioned to include a just cause eviction provision in the Brattleboro charter. A similar provision shows up on three other warnings this year and would allow the selectboard to impose restrictions on when a landlord can evict a tenant or decide not to renew a lease. Burlington adopted a similar charter change several years ago that failed to become law after Governor Phil Scott vetoed the change.
- **Burlington:** Burlington is proposing to become the third community in Vermont to allow non-citizen voting in municipal elections, which the Vermont Supreme Court recently upheld as legal. Burlington voters defeated a similar proposal in 2015. In addition, the city voters will decide whether the mayor, school commissioners, and other officers should be elected by ranked choice voting. The city is also considering charter changes to grant voters the ability to initiate ballot questions and propose and repeal ordinances. City voters will weigh in on whether they want to create a new independent office to investigate police complaints and grant disciplinary powers to a police oversight board.
- **Essex Town:** Essex is one of three towns we're aware of considering implementing a just cause eviction ordinance. This charter change would give the Selectboard the ability to limit when a landlord could evict a tenant. Voters will also consider provisions establishing a recall process for selectboard members, giving the town the ability to set fees, and transitioning to a Development Review Board process.
- **Middlebury:** The town will consider whether to appoint its Treasurer instead of electing its Treasurer.
- **Rutland City:** Residents will vote on whether to implement a local option sales tax.
- **Shelburne:** Shelburne residents will vote on whether to amend their charter to allow for the collection of a local option tax.
- **Winooski:** Winooski residents petitioned to include a charter change that allows the City to implement a just cause eviction ordinance. The provision is similar if not identical to the Essex Town and Brattleboro just cause eviction charter changes.

Should voters in any or all of these towns approve these charter changes, the charters will then need to go to the Legislature where they will be debated and, with any luck, voted on. The Governor then has the opportunity to sign or veto them before the changes become law.

Cannabis

As of October 2022, recreational use of cannabis became legal in Vermont. While municipalities don't have a choice in whether cannabis is used or grown in their communities, they were given the authority to put to a vote whether they would allow retail operations in their city, town, or village. In the past three years, about 80 communities have put the question to their voters, and more than 70 have approved some variation of retail cannabis.

Unlike 2022, when 41 communities had retail cannabis on their ballot, this year it looks like only two towns will consider the question at Town Meeting 2023: Castleton and Bethel. We'll see if the third time is the charm for Castleton, which failed to pass retail cannabis during Town Meeting 2022 by 45 votes. A second vote in April of 2022 failed by 15 votes. To learn more about which towns have adopted retail cannabis and guidance on municipal roles regarding cannabis, visit: ccb.vermont.gov/municipalities.

Unfortunately, despite a windfall tax to the state as a result of legalizing cannabis in Vermont, very little of that windfall has found its way to municipalities. VLCT advocated to share the revenue from retail cannabis tax receipts and license fees. But the Legislature retained 100 percent of the revenue for the state budget. Only the 20 or so communities with local option taxes have seen any benefit from cannabis sales.

Interesting and Unusual

Tucked in the thousands of articles VLCT reviewed are several that caught our attention because they uniquely address issues Vermonters face, reflect Vermont's values particularly well, or, in some instances, make us want to tell our friends and relatives who live outside Vermont about an endearing idiosyncrasy of Vermont democracy. This year, VLCT presents the following interesting and unique articles up for debate at Town Meeting 2023.

Declaration of Inclusion

For the past three years, a group of volunteers has been traversing the state encouraging selectboards, city councils, and village trustees to adopt the Declaration of Inclusion – a

statement that affirms the municipality as a place that is welcoming and inclusive of all. To date, 95 of Vermont's municipalities have signed on to the Declaration. Many others have considered it. Two have rescinded it. In most of the municipalities that have considered signing on to it, the legislative body has done the considering. But a few have looked to the voters for a non-binding opinion on whether the city, town, or village should sign on. This year, two communities put the Declaration on their warnings: Danby and Dummerston. We understand Orwell intends to talk about it during their Town Meeting under other business.

Local Zoning and Ordinances

Local zoning and consideration of ordinances is a perennial Town Meeting topic. Some towns need to debate on such things because of their charters, while many others look for town support for controversial or significant changes being proposed, even if they don't need to.

Perhaps the most notable this year comes from Newbury, where the state is attempting to build a new facility to house "justice-involved" youth. The Town is looking for residents to weigh in on whether the site (at the end of a class 4 town highway in rural Newbury) is the right place to locate a facility the town characterizes as a juvenile detention facility. The vote comes as a court decision telling the town it can't regulate where the facility goes heads to the Vermont Supreme Court. The matter is especially timely given the Legislature's consideration of pre-emption to many local housing zoning laws, including a new exemption for homeless shelters.

Two other towns keep a perennial Vermont controversy on the Town Meeting Day ballot this year: Royalton and Waterford, where the issue of allowing ATVs on town roads pops up again, literally. Royalton voters approved an article in 2022 directing the town to create an ordinance allowing ATVs on their roads. The ordinance was passed by the Selectboard last fall. This year, there's an article to repeal the ordinance.

Fourth of July

Curious about how much fireworks cost? Think the town should cut down on the grand finale? The Fourth of July shows up on at least 10 warnings as individual articles – from \$1,000 to \$12,500.

It's Time to Feed the Bears

Stowe manages to catch our eye not once, but twice. There, voters will have the chance to vote on a single article to allocate nearly \$100,000 to repair the century-old town clock. The

Stowe Reporter wrote a nice piece about why the clock is having trouble keeping good time and the town's proposal to convert back to a mechanical clock winding system (https://www.vtcng.com/stowe_reporter/news/local_news/voters-to-decide-whether-to-fix-town-ticker/article_90d7b62e-b38d-11ed-a2cb-bb966fae57fb.html). In the same ballot article, there's also a line item for about \$60,000 for bear proof trash and recycling. I guess the bears will need to head down the street if they are looking to be good stewards of the environment.

Snow Plows

For the third year in a row, Peacham, the birthplace of Vermont's effort to give snow plows some personality by naming them, will vote on a new snow plow name for one of the town's trucks. Following a successful effort championed by school children at Town Meeting 2021 and 2022 where Peacham voters named the town's snow plows "Sparkles", Fearless Frosty", and "Ker-Plow", voters again get to weigh in on the name of another plow. Peacham received the ultimate compliment in the fall of 2021 when VTrans followed their lead, giving Vermont schoolchildren the chance to name state plows too!

About VLCT's Town Meeting Preview

This report is derived from town meeting warnings that VLCT members provided in answer to a request that we emailed to town clerks in January of 2023. VLCT also collected additional warnings from the Vermont Secretary of State's Office / Vermont State Archives & Record Administration. We stopped collecting warnings on February 17 so we could collate and analyze the articles and publish our findings before Town Meeting Day. VLCT received information for 229 municipalities and reviewed 225 town meeting warnings, representing 91% of Vermont's municipalities. A few communities that postponed their town meetings did not have warnings available at the time of publication. Many villages have town meetings later in the spring, so their warnings were not available. This report is not a comprehensive evaluation of every article on the ballot on Town Meeting Day. VLCT relied on voluntary submissions, publicly available data, and staff knowledge to compile this report. Special thanks go to Heather Law, VLCT's Research and Information Specialist; Ione Minot, VLCT's Content Specialist; and Shawna Brulé, VLCT's Creative Specialist for their assistance putting this report together. This is the second year in a row VLCT has created this report, which we aim to make an annual "holiday" tradition.