



VILLAGE OF ESSEX JUNCTION TRUSTEES
TOWN OF ESSEX SELECTBOARD
SPECIAL MEETING AGENDA

Online
Essex Junction, VT 05452
Thursday, August 20, 2020
6:30 PM

E-mail: manager@essex.org

www.essexjunction.org
www.essexvt.org

Phone: (802) 878-1341
(802) 878-6951

Due to the Covid-19 pandemic, this meeting will be held remotely. Available options to watch or join the meeting:

- WATCH: the meeting will be live-streamed on Town Meeting TV.
JOIN ONLINE: Join Microsoft Teams Meeting. Depending on your browser, you may need to call in for audio (below).
JOIN CALLING: Join via conference call (audio only): (802) 377-3784 | Conference ID: 629 475 050#
PROVIDE FULL NAME: For minutes, please provide your full name whenever prompted.
CHAT DURING MEETING: Please use "Chat" to request to speak, only. Please do not use for comments.
RAISE YOUR HAND: Click on the hand in Teams to speak or use the "Chat" feature to request to speak.
MUTE YOUR MIC: When not speaking, please mute your microphone on your computer/phone.

The Selectboard and Trustees meet together to discuss and act on joint business. Each board votes separately on action items.

- CALL TO ORDER [6:30 PM]
AGENDA ADDITIONS/CHANGES
APPROVE AGENDA
PUBLIC TO BE HEARD
a. Comments from Public on Items Not on Agenda
BUSINESS ITEMS
a. Discussion and possible action to finalize the amended draft merger charter language
b. Discussion and possible action to place Merger on the November ballot
READING FILE
a. Board Member Comments
EXECUTIVE SESSION
a. An executive session is not anticipated
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 Chair or 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 Chair or President. This agenda is available in alternative formats upon request. Meetings, like all programs and activities of the Village of Essex Junction and the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Unified Manager's office at 878-1341 TTY: 7-1-1 or (800) 253-0191.

Certification: 08/18/2020 [Signature]

Memorandum

To: Trustees; Selectboard; Evan Teich, Unified Manager

From: Greg Duggan, Deputy Manager

Re: Proposed charter for merging Village of Essex Junction and Town of Essex

Date: August 14, 2020

Issue

The issue is for the Trustees and Selectboard to discuss and potentially take action to finalize the proposed merger charter language.

Discussion

The Trustees plan to discuss and potentially take action on the draft charter for a merged Village of Essex Junction and Town of Essex.

Any ballot questions for the November 2020 ballot need to be finalized by Friday, August 21.

Cost

n/a

Recommendation

This memo is for discussion and potential action.

TRUSTEE COMMENTS	SELECTBOARD COMMENTS	DETERMINATION
<p align="center">TOWN OF ESSEX</p> <p>PREAMBLE The inhabitants of the Town of Essex, including the historical, unincorporated Village of Essex Junction, are a corporate and political body under the name of "Town of Essex" As such, inhabitants enjoy all rights, immunities, powers, and privileges and are subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation.</p> <p>Subchapter 1: Transitional Provisions</p> <p>§ 101 Adoption of town and village assets and liabilities</p> <p>(a) All assets and obligations formerly owned or held by the Town and Village shall become the assets and obligations of the new Town of Essex upon the effective date of the charter. This shall include all real property, easements, rights and interests in land, buildings and other improvements; vehicles, equipment, and other personal property; assessed but uncollected taxes, rents and charges, together with lien rights and enforcement powers; moneys, rights of action in legal or</p>	<p align="center">TOWN OF ESSEX</p> <p>PREAMBLE The inhabitants of the Town of Essex, including the historical, <u>unincorporated</u> Village of Essex Junction, are a corporate and political body under the name of "Town of Essex" As such, inhabitants enjoy all rights, immunities, powers, and privileges and are subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation.</p> <p>Subchapter 1: Transitional Provisions</p> <p>§ 101 Adoption of town and village assets and liabilities</p> <p>(a) <u>All assets</u> and obligations formerly owned or held by the Town and Village shall become the assets and obligations of the new Town of Essex upon the effective date of the charter. This shall include, but is not limited to, all real property, easements, rights and interests in land, buildings and other improvements; vehicles, equipment, and other personal property; assessed but uncollected taxes, rents and charges, together with lien rights and enforcement powers;</p>	<p>Take out “unincorporated”</p> <p>Let DR wordsmith</p>

Commented [GD42]: AW: Does ‘unincorporated’ need to be in charter? Are other unincorporated entities defined or specified in VT statute or other charters?

Commented [GD43R42]: DR: recommend removal, not crucial to have

Commented [GD44]: EH: Should this paragraph include outstanding penalties and interest as well as uncollected taxes? Should uncollected water bill payments be specified? Should this section specifically exclude the Village infrastructure bond even though it is mentioned in the next section?

Commented [GD45R44]: DR: include something unusual, if not like the others. Could add something like “including by not limited to ...”. Mention MOUs

TRUSTEES	SELECTBOARD	DETERMINATION
<p>administrative proceedings; insurance policies; documents and records; debts, claims, bonded indebtedness; without any further act, deed, or instrument being necessary.</p> <p>(b) All contracts, agreements, trusts, and other binding written documents affecting the Town or Village shall remain in effect on the effective date of the charter, and the new Town of Essex shall assume all the responsibilities formerly belonging to the Town and Village unless otherwise specified. Pursuant to § 104, the unincorporated Village shall become a debt assessment district until the Village’s residual bond debt is retired.</p>	<p>moneys, rights of action in legal or administrative proceedings; insurance policies; documents and records; debts, claims, bonded indebtedness; without any further act, deed, or instrument being necessary.</p> <p>(b) All contracts, agreements, trusts, and other binding written documents affecting the Town or Village shall remain in effect on the effective date of the charter, and the new Town of Essex shall assume all the responsibilities formerly belonging to the Town and Village unless otherwise specified. Pursuant to § 104, the unincorporated Village shall become a debt assessment district until the Village’s residual bond debt is retired.</p>	
<p>§ 102 Transition Period</p> <p>The transition periods shall begin not later than July 1, following the approval of the charter by the Legislature, and end as specified below for individual transition periods. At the end of the transition period, the charter will become effective and the new Town of Essex shall be fully established and organized. Nothing in this section shall affect or limit other provisions in this subchapter or in other subchapters,</p>	<p>§ 102 Transition Period</p> <p>The transition period shall begin not later than July 1, following the approval of the charter by the Legislature, and end on June 30, 20___. At the end of the transition period, the charter will become effective and the new Town of Essex shall be fully established and organized. Nothing in this section shall affect or limit other provisions in this subchapter or in other subchapters, which serve a transitional purpose and</p>	<p>PARKING LOT</p>

Commented [GD46]: EH: able to better define transition period? Is it the period of time between a positive vote and the first merged budget year, or is it the entirety of the period from the approval of the Legislature and the end of the 12-year taxation transition? Shouldn't the new charter become fully effective on that specific July 1, in order to carry out the requirements within it?

Commented [GD47R46]: DR: consider shorter transition period, with call-outs for specific longer transition periods. Eg, transition period for moving to new governing body, charter; others for taxation, etc.

Commented [GD1]: DR: charter becomes effective upon passage

TRUSTEES	SELECTBOARD	DETERMINATION
<p>which serve a transitional purpose and which by their own provisions continue beyond the transitional period. In such cases, transitional provisions intended to extend beyond the transitional period shall be governed by specific sunset terms.</p>	<p>which by their own provisions continue beyond the transitional period. In such cases, transitional provisions intended to extend beyond the transitional period shall be governed by specific sunset terms.</p>	
<p>§ 103 Organizational Municipal Meeting</p>	<p>§ 103 Organizational Municipal Meeting</p>	<p>103. KEEP as Town Meeting Day in first year; get clarification from Dan Richardson if need a clause in case of failed budget vote for first</p>
<p>The first annual Town meeting shall occur on the same date as the Essex Westford School District preceding the July 1 effective date of the charter. This shall be a unified meeting of the new municipality and shall be noticed and warned to all residents of the Town of Essex and unincorporated Village of Essex Junction. This meeting shall be for the purpose of presenting and discussing the budget only. Other (new Town) business may also be presented and discussed but not voted on. After presentation and discussion of the budget and any other business the meeting shall adjourn. Voting on the budget shall be by Australian ballot and shall occur on the same day as the budget vote for the Essex-Westford School District. Voting for new Essex Town elected officers shall also occur at this time. Time and holding of the meeting shall be pursuant to Subchapter 5 of the Town charter. The first annual Town meeting shall be jointly warned</p>	<p>The first annual Town meeting shall occur on the same date as the Essex Westford School District preceding the July 1 effective date of the charter. This shall be a unified meeting of the new municipality and shall be noticed and warned to all residents of the Town of Essex and unincorporated Village of Essex Junction. This meeting shall be for the purpose of presenting and discussing the budget only. Other (new Town) business may also be presented and discussed but not voted on. After presentation and discussion of the budget and any other business the meeting shall adjourn. Voting on the budget shall be by Australian ballot and shall occur on the same day as the budget vote for the Essex-Westford School District. Voting for new Essex Town elected officers shall also occur at this time. Time and holding of the meeting shall be pursuant to Subchapter 5 of the Town charter. The first annual Town meeting shall be jointly warned</p>	<p>budget</p>

- Commented [GD2]:** DR: organizational meeting needs to happen when new town forms. If old boards become new board, need to start acting as new board as soon as possible ** DR to draft language
- Commented [GD3]:** DR: consider timing of Legislature approval. Consider trigger of when charter becomes effective
- Commented [GD48]:** PM/AW/EH: prefer a specific date/day, not tied to EWSD.
AW: prefer earlier date
SB: prefer Town Meeting Day
EH: would be nice to get same-day voting with EWSD, even if not specified in charter

TRUSTEES	SELECTBOARD	DETERMINATION
<p>by the Village Trustees and Town Selectboard. The election of a moderator shall be the first order of business.</p>	<p>by the Village Trustees and Town Selectboard. The election of a moderator shall be the first order of business.</p>	
<p>§ 104 Transitional Districts</p>	<p>§ 104 Transitional Districts</p>	
<p>Transitional district rates shall be set by the new Town Selectboard.</p>	<p>Transitional district rates shall be set by the new Town Selectboard.</p>	
<p>(a) For a transitional period commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Debt Assessment District for the purpose of retiring the Village’s residual bonded debt in existence before the transitional period. This residual debt is scheduled to retire in FY 2035.</p>	<p>(a) For a transitional period commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Debt Assessment District for the purpose of retiring the Village’s residual bonded debt in existence before the transitional period. This residual debt is scheduled to retire in FY 2035.</p>	
<p>(b) For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Tax Reconciliation District for the purpose of transferring the cost of the Village’s municipal operations into the Town’s operational budget.</p>	<p>(b) For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Tax Reconciliation District for the purpose of transferring the cost of the Village’s municipal operations into the Town’s operational budget.</p>	

- Commented [GD4]:** DR: make sure there are clear dates for each district to sunset
- Commented [GD49]:** EH: able to set taxation transition start date at a time in the future? E.g., 3 years after legislature approves charter; do other consolidations in that interim period?
- Commented [GD50R49]:** DR: need good reason for delay in beginning. Recommend keeping it simple. Hard-pressed to not do after first Town Meeting. Legislature would need good, solid reason to allow delay. Could take effect “July 1 after Legislature approves charter”, or something similar. Likely July 1, 2022 based on timelines. Otherwise need really good reason, or state may not approve charter
- Commented [GD5]:** Trustees: would like dialogue on tax rates for certain areas and/or reasons within the community

TRUSTEES	SELECTBOARD	DETERMINATION
<p>(c) For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Sidewalk District for the purpose of levying a special tax on properties within the Village for the purpose of maintaining the Village’s sidewalks, including snow removal and routine maintenance, but not capital repairs, in accordance with its previous sidewalk maintenance procedures prior to the merger.</p>	<p>(c) For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Sidewalk District for the purpose of levying a special tax on properties within the Village for the purpose of maintaining the Village’s sidewalks, including snow removal and routine maintenance, but not capital repairs, in accordance with its previous sidewalk maintenance procedures prior to the merger.</p>	
<p>(d) For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Capital Improvement District for the purpose of levying a special tax on properties within the Village for the purpose of paying for Village capital infrastructure projects on the Village’s Capital Reserve Plan prior to the merger. The Capital Improvement District is not required to complete all projects in the plan prior to the end of the transitional period and the (new</p>	<p>(d) For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Capital Improvement District for the purpose of levying a special tax on properties within the Village for the purpose of paying for Village capital infrastructure projects on the Village’s Capital Reserve Plan prior to the merger. The Capital Improvement District is not required to complete all projects in the plan prior to the end of the transitional period and the (new</p>	

Commented [GD6]: DR: need language that allows board to change boundaries of sidewalk district; otherwise requires a charter change

Commented [GD7]: Trustees: consider rewording to allow potential to expand sidewalk district; Village needs to ensure sidewalk maintenance for safety

Commented [GD51]: AW: could the district be modified within the 12 years if the community wants it?

Commented [GD52R51]: DR: if want permanent sidewalk district, take out of transition provisions and create separate charter provision (“minus 12-year transition period”). “Town may designate sidewalk district within Town boundaries for purpose of levying special tax ...”

DR can finalize language based on Board desire.

Commented [GD53]: AW: better to do 5 years for capital budget and planning?

Commented [GD54R53]: DR: legislature good either way, as long as well-defined. Could be reasonable argument for either time period. Reasonable being tied to Town needs, not something like unemployment

TRUSTEES	SELECTBOARD	DETERMINATION
<p>governing board) shall designate in their proposed budgets which projects are to be completed in each new fiscal year of the transitional period.</p> <p>(e) For a transitional period of 12 years commencing from the July 1 effective date of the charter, the Village Center Zone, as designated in the Essex Junction zoning plan, shall be designated as a Downtown Improvement District for the purpose of continuing the Village’s downtown revitalization efforts as outlined in the Village’s municipal plan. The new Town of Essex shall levy a special tax on commercial properties within the District at a rate up to but not to exceed an additional \$0.01 on the community-wide tax rate in each fiscal year to pay for infrastructure improvements, landscaping improvements and maintenance, and real estate purchases within the District in accordance with the revitalization objectives in the municipal plan.</p> <p>§ 105 Interim Governing Body</p>	<p>governing board) shall designate in their proposed budgets which projects are to be completed in each new fiscal year of the transitional period.</p> <p>(e) For a transitional period of 12 years commencing from the July 1 effective date of the charter, the Village Center Zone, as designated in the Essex Junction zoning plan, shall be designated as a Downtown Improvement District for the purpose of continuing the Village’s downtown revitalization efforts as outlined in the Village’s municipal plan. The new Town of Essex shall levy a special tax on commercial properties within the District at a rate up to but not to exceed an additional \$0.01 on the community-wide tax rate in each fiscal year to pay for infrastructure improvements, landscaping improvements and maintenance, and real estate purchases within the District in accordance with the revitalization objectives in the municipal plan.</p> <p>§ 105 Interim Governing Body</p>	
<p>(a) For the transition period described in paragraph § 102 following the approval of the charter by the Legislature, all members of the</p>	<p>(a) For the transition period described in paragraph § 102 following the approval of the charter by the Legislature, all members of the</p>	

Commented [GD55]: EH: want to better understand the reasoning to shrink the district to a smaller area, and ability to raise money within that district

Commented [GD56R55]: DR: recommend talking to State about Village Center designation transferring; other state designations. Consider options if want to expand or change over time.

Commented [GD57]: AW/PM: prefer “may” so new entity not locked into charging levy

Commented [GD8]: Trustees: Need Dan Richardson to weigh in on how duly elected officials retain (or do not retain) their seats until new board takes effect

DR: interim board will govern until time of new election. July 1 (or start date of new community) until next election. Charter authorizing old seat is gone, ends when new charter takes effect.
Recommend not using districts for interim governing body. Have clean slate elections for new board in July or August, or appropriate time (summer election may see low turnout)

TRUSTEES	SELECTBOARD	DETERMINATION
<p>former Town Selectboard and Village Trustees shall comprise an Interim Governing Body. In no event shall the Interim Governing Body consist of less than three trustees and three selectpersons. If one or two member(s) of one board resign(s) during the transition period, an equal number of members shall resign from the other board. <i>In the event of a resignation, the remaining members of the board on which the resignation occurred shall appoint a replacement chosen from the registered voters in the communities over which they have jurisdiction.</i> Each board shall designate its own process for determining such resignations with a preference for retaining selectpersons who reside outside the Village. The Interim Governing Body shall, schedule, warn, and hold meetings as appropriate. The <i>(former?)</i> selectpersons shall address details and issues relating to expenditures in the Essex Town budget approved by voters for the fiscal year of the transitional period. The <i>(former?)</i> trustees shall address details and issues relating to expenditures in the Essex Junction budget approved by voters for the fiscal year of the transitional period. The selectpersons and trustees shall</p>	<p>former Town Selectboard and Village Trustees shall comprise an Interim Governing Body. In no event shall the Interim Governing Body consist of less than three trustees and three selectpersons. If one or two member(s) of one board resign(s) during the transition period, an equal number of members shall resign from the other board. Each board shall designate its own</p>	
<p><i>the remaining members of the board on which the resignation occurred shall appoint a replacement chosen from the registered voters in the communities over which they have jurisdiction.</i> Each board shall designate its own process for determining such resignations with a preference for retaining selectpersons who reside outside the Village. The Interim Governing Body shall, schedule, warn, and hold meetings as appropriate. The <i>(former?)</i> selectpersons shall address details and issues relating to expenditures in the Essex Town budget approved by voters for the fiscal year of the transitional period. The <i>(former?)</i> trustees shall address details and issues relating to expenditures in the Essex Junction budget approved by voters for the fiscal year of the transitional period. The selectpersons and trustees shall</p>	<p>process for determining such resignations with a preference for retaining selectpersons who reside outside the Village. The Interim Governing Body shall, schedule, warn, and hold meetings as appropriate. The selectpersons shall address details and issues relating to expenditures in the Essex Town budget approved by voters for the fiscal year of the transitional period. The trustees shall address details and issues relating to expenditures in the Essex Junction budget approved by voters for the fiscal year of the transitional period. The selectpersons and trustees shall address all details and issues relating to the transition from a town and village to the new Town of Essex jointly. The Interim Governing Body with the assistance of the Unified Manager shall develop recommendations for whatever</p>	
<p>The selectpersons and trustees shall</p>	<p>recommendations for whatever</p>	

Commented [GD58]: EH: want to better define transition periods; rewrite sixth line or add another sentence

Commented [gt9]: This must come out. Elected board members cannot be summarily removed like this.

Commented [gt10]: This needs to come out. If any Essex citizen can serve on the selectboard now, what would be the legal argument for discriminating against village residents during the transition period?

TRUSTEES	SELECTBOARD	DETERMINATION
<p>address all details and issues relating to the transition from a town and village to the new Town of Essex jointly. The Interim Governing Body with the assistance of the Unified Manager shall develop recommendations for whatever proposals or policies are needed to ensure a smooth transition. The new Town of Essex Selectboard may implement such proposals once the charter becomes effective.</p>	<p>proposals or policies are needed to ensure a smooth transition. The new Town of Essex Selectboard may implement such proposals once the charter becomes effective.</p>	
<p>(b) <i>???????In the event of a vacancy that results in less than three members of the former Town Selectboard or less than three members of the former Village Trustees, all remaining members shall vote to appoint a member from the district with a vacancy in a manner pursuant to § 304.?????</i></p> <p>(c) The Interim Governing Body will also, with the assistance of the Unified Manager and staff, propose and warn in the manner pursuant to this charter, the first annual budget of the new Town of Essex for consideration by the voters at the first annual meeting held pursuant to § 103. This meeting shall be informational only. Voting for the budget shall occur on the same day</p>	<p>(b) In the event of a vacancy that results in less than three members of the former Town Selectboard or less than three members of the former Village Trustees, all remaining members shall vote to appoint a member from the district with a vacancy in a manner pursuant to § 304.</p> <p>(c) The Interim Governing Body will also, with the assistance of the Unified Manager and staff, propose and warn in the manner pursuant to this charter, the first annual budget of the new Town of Essex for consideration by the voters at the first annual meeting held pursuant to § 103. This meeting shall be informational only. Voting for the budget shall occur on the same day</p>	

Commented [gt11]: This is similar to the italicized recommended sentence above. Only need to keep in one. For me the question is the legality of all board members choosing a replacement vs board members on the board on which the resignation occurred.

TRUSTEES	SELECTBOARD	DETERMINATION
<p>as voting for the Essex-Westford School District budget pursuant to § 103.</p> <p>(d) The Interim Governing Body shall become the new Town Selectboard, pursuant to § 106, upon passage of first annual budget. All members of the new Town Selectboard shall serve for the duration of the terms for which they were originally elected as village trustees or town selectmen. For the next two election cycles the new Town Selectboard, with the assistance of the manager, shall propose and warn annual elections as necessary to achieve the new Town Selectboard structure and ward delineations pursuant to § 106. This could include elections exclusively for eligible residents in Ward 2, pursuant to § 106 (b), in the event that two or more members of the newly formed new Town Selectboard reside within Ward 1.</p>	<p>as voting for the Essex-Westford School District budget pursuant to § 103.</p>	
<p>§ 106 Town Selectboard</p>	<p>§ 106 Town Selectboard</p>	
<p>(a) There shall be a Town Selectboard consisting of six members. There shall be a Town Selectboard consisting of seven members.</p>	<p>(a) There shall be a Town Selectboard consisting of six members.</p>	
<p>(b) Three members shall reside within the boundaries of the former</p>	<p>(b) Three members shall reside within the boundaries of the former</p>	

- Commented [GD12]:** See comments from DR: members will only serve until first election of new town; old charter governing the previous elections will no longer be in effect
- Commented [gt13]:** One possible option, in the event of a 2 or greater majority of village residents is to hold special elections for TOV residents to achieve a better balance of ward 1 and ward 2 representatives.
- Commented [GD59]:** SB: discuss details with Trustees
- Commented [GD14]:** DR: need odd number to break tie. See letter from Gov Ops
- Commented [gt15]:** Not unless we want the Gov Ops committee to either amend to a 7-member board or send the whole thing back to us.
- Commented [GD60]:** EH: add seventh member; honor 3-3 vote, and recognize concerns from Gov Ops; potential majority limited to 1 person instead of 2-2-3 proposal.
- Commented [GD61R60]:** VF: weak mayor, or simply an at-large member?
- Commented [GD62R60]:** EH: residents didn't have desire for mayor; specific role of at-large member would be TBD
- Commented [GD63R60]:** AW: can chair vote only in instance of tie? Would that be part of charter, or Rules of Business?
- Commented [GD16]:** Trustees/Evan: get opinion from Dan Richardson on whether to put forth 6-member Selectboard and, if so, need tie breaker option. Trustees want merger to pass, but prefer odd number of members.
- Commented [GD64]:** AW: does this section need to be part of final charter, not just transitional
** need to clarify all items that are transitional and which are permanent **

TRUSTEES	SELECTBOARD	DETERMINATION
<p>incorporated Village of Essex Junction to be elected by the qualified voters within the boundaries of the former incorporated Village of Essex Junction. This area will become known as Ward 1. Boundary adjustments will be made over time as necessary pursuant to § 301. Three members shall reside within the boundaries of the Town of Essex exclusive of the former Village of Essex Junction to be elected by the qualified voters of the Town of Essex exclusive of the former Village of Essex Junction. This area will become known as Ward 2. Boundary adjustments will be made over time as necessary pursuant to § 301. One member shall reside in either Ward 1 or Ward 2 to be elected by the combined votes of the qualified voters in Ward 1 and Ward 2.</p> <p>(c) The term of office of a Town Selectperson shall be three years and terms shall be staggered. For the first election cycle six people will be elected. One seat for each ward will be for three years; one seat for each ward will be for two years; one seat for each ward will be for one year. After that, every seat shall be a three year term.</p>	<p>incorporated Village of Essex Junction to be elected by the qualified voters within the boundaries of the former incorporated Village of Essex Junction. This area will become known as Ward 1. Boundary adjustments will be made over time as necessary pursuant to § 301. Three members shall reside within the boundaries of the Town of Essex exclusive of the former Village of Essex Junction to be elected by the qualified voters of the Town of Essex exclusive of the former Village of Essex Junction. This area will become known as Ward 2. Boundary adjustments will be made over time as necessary pursuant to § 301.</p> <p>(c) The term of office of a Town Selectperson shall be three years and terms shall be staggered. For the first election cycle six people will be elected. One seat for each ward will be for three years; one seat for each ward will be for two years; one seat for each ward will be for one year. After that, every seat shall be a three-year term.</p>	

Commented [gt17]: This all needs to come out. It's my understanding that all trustees and selectmen with more than one year left in office at the time of the passage of the merger must be allowed to serve out their terms on the new selectboard. If true, then the new selectboard could have 8 members and five or more could be from the village. Therefore it could take 2 election cycles to achieve the 3-3-1 structure.

TRUSTEES	SELECTBOARD	DETERMINATION
<p>(d) Within three years after the first election of the six-member Selectboard, the Selectboard shall appoint a special commission to study the composition of voting wards within the Town of Essex, including the former incorporated Village of Essex Junction, and, having regard to an equal division of population and other considerations deemed proper, recommend changes to the boundaries by which members of the Selectboard are elected.</p>	<p>(d) Within three years after the first election of the six-member Selectboard, the Selectboard shall appoint a special commission to study the composition of voting wards within the Town of Essex, including the former incorporated Village of Essex Junction, and, having regard to an equal division of population and other considerations deemed proper, recommend changes to the boundaries by which members of the Selectboard are elected.</p>	
<p>§ 107 Budget and Municipality Administration</p>	<p>§ 107 Budget and Municipality Administration</p>	<p>107. USE DRichardson answer</p>
<p>Following the approval of the charter by the Legislature pursuant to § 103 and § 105, the Manager will propose a unified budget for the community for the next fiscal year that addresses proper service levels, contractual obligations, capital projects, debt, and that reflects any changes related to the merger.</p>	<p>Following the approval of the charter by the Legislature pursuant to § 103 and § 105, the Manager will propose a unified budget for the community for the next fiscal year that addresses proper service levels, contractual obligations, capital projects, debt, and that reflects any changes related to the merger.</p>	
<p>§ 108 Village and Town Department Transitional Provisions</p>	<p>§ 108 Village and Town Department Transitional Provisions</p>	
<p>(a) For a transitional period of 5 years commencing from the July 1 effective date of the charter, the manager, with the advice and</p>	<p>(a) For a transitional period of 5 years commencing from the July 1 effective date of the charter, the manager, with the advice and consent</p>	

Commented [GD65]: SB: look at other parts of charter that specify '2 districts,'; make sure 2 districts isn't the only option

Commented [GD66R65]: DR: good point

Commented [GD18]: AB: is this comment necessary?
DR: fine to keep

TRUSTEES	SELECTBOARD	DETERMINATION
<p>consent of the new Town of Essex selectboard shall integrate the fire departments, community development and planning offices, parks and recreation offices, and any other town and village municipal services and operations, with special provisions and considerations outlined below.</p> <p>(b) The Town of Essex shall continue to operate the former Essex Junction Fire Department and Essex Town Fire Department, and each department shall have a chief appointed by the manager. At the manager’s discretion, one person may be appointed chief for both departments. During the transitional period, pursuant to § 105, the Interim Governing Body may review options for integrating the operations of the two departments for the purpose of improving efficiency and service levels and with a preference for retaining the historic identities of the two departments and for the predominant level of service remain “paid on call.”</p> <p>(c) During the five-year transitional period the manager shall integrate and reorganize the town and village recreation and parks departments</p>	<p>of the new Town of Essex selectboard shall integrate the fire departments, community development and planning offices, parks and recreation offices, and any other town and village municipal services and operations, with special provisions and considerations outlined below.</p> <p>(b) The Town of Essex shall continue to operate the former Essex Junction Fire Department and Essex Town Fire Department, and each department shall have a chief appointed by the manager. At the manager’s discretion, one person may be appointed chief for both departments. During the transitional period, pursuant to § 105, the Interim Governing Body may review options for integrating the operations of the two departments for the purpose of improving efficiency and service levels and with a preference for retaining the historic identities of the two departments and for the predominant level of service remain “paid on call.”</p> <p>(c) During the five-year transitional period the manager shall integrate and reorganize the town and village recreation and parks departments</p>	<p>108.B. clarify, make sure neither department goes away; both will continue to operate. Take out “continue,” as it will be a new Town of Essex</p>

Commented [GD67]: Clarify wording; TOE not currently operating EJFD

TRUSTEES	SELECTBOARD	DETERMINATION
<p>and the manager shall appoint a department head.</p> <p>(d) During the five-year transitional period the manager shall integrate and reorganize the town and village community development and planning departments, and the manager shall appoint a department head.</p>	<p>and the manager shall appoint a department head.</p> <p>(d) During the five-year transitional period the manager shall integrate and reorganize the town and village community development and planning departments, and the manager shall appoint a department head.</p>	
<p>§ 109 Planning and Zoning Development</p> <p>(a) On the effective date of this charter, the former Town plan and Village plan, and the former Town zoning bylaws and subdivision regulations, and the Village's zoning bylaws and Land Development Code (land development code) shall remain in effect in their respective former geographic areas until amended or revised by the new Town Selectboard upon recommendation by the merged Planning Commission and in conjunction with the Chittenden County Regional Planning Commission and pursuant to 24 VSA 4350(a).</p> <p>(b) Prior to the effective date of the charter, the Town Selectboard shall appoint three members of</p>	<p>§ 109 Planning and Zoning</p> <p>(a) On the effective date of this charter, the former Town plan and Village plan, and the former Town zoning bylaws and subdivision regulations (land development code) shall remain in effect in their respective former geographic areas until amended or a comprehensive rewrite is presented by the merged Planning Commission and adopted by the new Town Selectboard.</p> <p>(b) Prior to the effective date of the charter, the Town Selectboard shall appoint three members of</p>	<p>109. SB okay with DRB, need to ensure transition plan. BT okay with DRB Clarify 3 or 4-year terms; make sure consistent throughout charter</p> <p>DR – can put language in; matter of timing. Current members' terms would end; period where applicants for new PC/DRB/ZBA would be heard, and appointed for staggered terms. Don't need complex language, just authorizing language.</p>

- Commented [GD19]:** AT: keep option open for volunteers to serve on one committee or the other; b
- Commented [GD20]:** DR: Village has designated downtown; helps with incentives for development
- Commented [GD68]:** SB: determine DRB or ZBA
- Commented [GD69]:** And Village Land Development Code
- Commented [GD70R69]:** DR: will ask colleague about ideas for protecting downtown Village

TRUSTEES	SELECTBOARD	DETERMINATION
<p>the then current town planning commission and the Village Trustees shall appoint three members of the then current village planning commission to serve on the new Town planning commission. Each shall appoint one member for a one-year term, one member for a two-year term and one member for a three-year term. The duration of the first terms shall be staggered so as to establish ongoing, staggered three-year appointment schedules. The new Town Selectboard shall choose a seventh member for a four-year term, once it has organized.</p>	<p>the then current town planning commission and the Village Trustees shall appoint three members of the then current village planning commission to serve on the new Town planning commission. Each shall appoint one member for a one-year term, one member for a two-year term and one member for a three-year term. The new Town Selectboard shall choose a seventh member for a four-year term, once it has organized.</p>	<p><u>Wards?</u> BT – okay with current boards each appointing PC members during transition period SB – ditto</p>
<p>(c) Prior to the effective date of the charter, the Town Selectboard shall appoint two members of the then current town zoning board of adjustment and the Village Trustees shall appoint two members of the then current village zoning board of adjustment to serve on the Development Review Board. Each shall appoint one member for a one-year term and one member for a two-year term. The new Town Selectboard</p>	<p>(c) Prior to the effective date of the charter, the Town Selectboard shall appoint two members of the then current town zoning board of adjustment and the Village Trustees shall appoint two members of the then current village zoning board of adjustment to serve on the Development Review Board. Each shall appoint one member for a one-year term and one member for a two-year term. The new Town Selectboard</p>	

Commented [GD21]: (a) Use language from section (c) re: Prior to the effective date of the charter, the Town Selectboard shall appoint three members and the Village Trustees shall appoint three members to serve on the Development Review Board. The duration of the first terms shall be staggered so as to establish ongoing, staggered three-year appointment schedules. The new Town Selectboard shall choose a fifth member for a three-year term, once it has organized.
To create flexibility of appointment

Commented [GD71]: ET: consider assigning PC seats by ward (beyond just initial appointment period)

Commented [GD72]: AW: section 803 of charter says 3-year terms; need to make sure charter is consistent. Current PC in town is 4 years

Commented [GD73]: GD: consider whether this should be PC and/or ZBA, since PC in current form handles some responsibilities of a DRB

Commented [GD74]: EH/GD: if can't define in charter, create an accompanying document to explain details of charter in layman terms

TRUSTEES	SELECTBOARD	DETERMINATION
<p>shall choose a fifth member for a three-year term, once it has organized. Prior to the effective date of the charter, the Town Selectboard shall appoint three members and the Village Trustees shall appoint three members to serve on the Development Review Board. The duration of the first terms shall be staggered so as to establish ongoing, staggered three-year appointment schedules. The new Town Selectboard shall choose a fifth member for a three-year term, once it has organized.</p> <p>§ 110 Unification and Adoption of Ordinances, bylaws, and rules</p> <p>On the effective date of this charter, all ordinances, and bylaws of the Town of Essex and the Village of Essex Junction shall become ordinances and bylaws of the new Town of Essex. The new Town of Essex Selectboard shall be fully authorized to amend or repeal any ordinance according to the provisions of subchapter 6 of the charter. Whenever a power is granted by any such ordinance, or bylaw to an officer or officers of the Town of Essex or the Village of Essex Junction, such power is conferred upon the appropriate</p>	<p>shall choose a fifth member for a three-year term, once it has organized.</p> <p>§ 110 Unification and Adoption of Ordinances, bylaws, and rules</p> <p>On the effective date of this charter, all ordinances, and bylaws of the Town of Essex and the Village of Essex Junction shall become ordinances and bylaws of the new Town of Essex. The new Town of Essex Selectboard shall be fully authorized to amend or repeal any ordinance according to the provisions of subchapter 6 of the charter. Whenever a power is granted by any such ordinance, or bylaw to an officer or officers of the Town of Essex or the Village of Essex Junction, such power is conferred upon the appropriate</p>	<p>110.</p> <p>SB – check with DR if possible to have existing ordinances still apply to current boundaries of Town and Village, until new SB determines otherwise Ex: firearms discharge, dog leashing</p> <p>See if Chief Garey has side-by-side list of where ordinances differ</p> <p>BT – recognize that different parts of community need different rules/reg/bylaws/ordinances. Find out how do, ask new SB to consider intent of original ordinance</p>

Commented [GD22]: DR: legislature seems to prefer DRB over ZBA.

Commented [GD75]: EH/PM: does charter need to determine what to do with conflicting ordinances in the Town and Village?

Commented [GD76R75]: DR: can specify more or less restrictive ordinance will apply, and raise any conflicting ordinances to SB for resolution

TRUSTEES	SELECTBOARD	DETERMINATION
<p>officer or officers of the new Town of Essex.</p> <p>§ 111 Personnel</p> <p>(a) Pursuant to § 105, the Interim Governing Body established in § 105 shall develop a pay and classification plan and make recommendations to meet the Town's needs. The new-Town of Essex selectboard may implement such proposals once the charter becomes effective.</p> <p>(b) The Town of Essex personnel regulations in effect as of 6/30/___ shall carry over and control as of July 1, 20__ until amended by the new Town of Essex selectboard.</p> <p>(c) Employees of the Town of Essex and the Village of Essex Junction shall become employees of the new Town of Essex. The dates of hire with the Town of Essex and the Village of Essex Junction will be used as the dates of hire for purposes related to benefits with the new Town of Essex and all accrued benefits shall carry over.</p> <p>(d) Upon the effective date of the charter, employees of the Village as of June 30, 20__ shall have the</p>	<p>officer or officers of the new Town of Essex.</p> <p>§ 111 Personnel</p> <p>(a) Pursuant to § 105, the Interim Governing Body established in § 105 shall develop a pay and classification plan and make recommendations to meet the Town's needs. The new-Town of Essex selectboard may implement such proposals once the charter becomes effective.</p> <p>(b) The Town of Essex personnel regulations in effect as of 6/30/___ shall carry over and control as of July 1, 20__ until amended by the new Town of Essex selectboard.</p> <p>(c) Employees of the Town of Essex and the Village of Essex Junction shall become employees of the new Town of Essex. The dates of hire with the Town of Essex and the Village of Essex Junction will be used as the dates of hire for purposes related to benefits with the new Town of Essex and all accrued benefits shall carry over.</p> <p>(d) Upon the effective date of the charter, employees of the Village as of June 30, 20__ shall have the</p>	<p>GET MORE FEEDBACK FROM DRichardson: “all existing ordinances shall apply to their pre-merger jurisdiction” (confirm wording) Or Identify conflicting ordinances in advance; make a priority to resolve those ordinances Or Choose less/more restrictive ordinance</p> <p>Legislature likely to uphold all options; language needs to be clear for residents. Difference is in timing; if only 2-3 ordinances, deal with it right away. If more, could have existing apply to old jurisdictions, and create ordinance merger committee to propose changes Ex: different parking districts, or firearms discharge areas Need to clarify where ordinances apply if they differ New unified entity will want single body of ordinances. Can create one ordinance where differences are delineated by area, e.g., firearms. Needs to be clear to citizens to be enforceable</p>

Commented [GD77]: EH: how does this work with Village employees and Essex Jet Employee Association?

Commented [GD78R77]: ET: assumption is that all employees would become employees of new entity with same pay, etc; unions would eventually need to decide what to do, because can't have two associations for same employees
 Goal is that no one loses job because of merger

TRUSTEES	SELECTBOARD	DETERMINATION
<p>option to remain in the retirement program they are enrolled in as of June 30, 20__ or to join the Vermont Municipal Employees Retirement System.</p> <p>(e) All new employees hired after the effective date of the charter will be considered Town of Essex Employees and are subject to the Town Employee Manual and/or their respective labor agreement.</p>	<p>option to remain in the retirement program they are enrolled in as of June 30, 20__ or to join the Vermont Municipal Employees Retirement System.</p> <p>(e) All new employees hired after the effective date of the charter will be considered Town of Essex Employees and are subject to the Town Employee Manual and/or their respective labor agreement.</p>	
<p>§ 112 Water and Sewer Districts</p> <p>Upon the effective date of the charter, there shall be a transitional phase to incorporate the municipal water system(s) and municipal sewer system(s) into one service area district. The one district shall be made up of multiple systems which follow the boundaries of the legacy systems including those operated separately by the Village of Essex Junction and the Town of Essex. Each system will have its own user base consistent with the legacy systems. Costs specific to each system will be charged solely to the user base within the boundaries of that system including capital and debt service costs. Any new costs incurred after the effective date of the charter of the merged municipality attributable to the entire district will be borne by all</p>	<p>§ 112 Water and Sewer Districts</p> <p>Upon the effective date of the charter, there shall be a transitional phase to incorporate the municipal water system(s) and municipal sewer system(s) into one service area district. The one district shall be made up of multiple systems which follow the boundaries of the legacy systems including those operated separately by the Village of Essex Junction and the Town of Essex. Each system will have its own user base consistent with the legacy systems. Costs specific to each system will be charged solely to the user base within the boundaries of that system including capital and debt service costs. Any new costs incurred after the effective date of the charter of the merged municipality attributable to the entire district will be borne by all</p>	<p>112. clarify with DR if new town can have different water/sewer/utility districts and rates based on needs; and retain ability to combine in future. Avoid limitations, keep flexibility</p>

Commented [GD79]: DR: this section can probably come out and be dealt with by a Personnel Policy

Commented [GD80]: DR: ditto

Commented [GD81]: AW: specifying different costs for different systems may limit flexibility in future; want to be able to consider single cost structure in entire Town in future

Commented [GD82R81]: ET: discuss with Trustees; get clarification from Dan Richardson

TRUSTEES	SELECTBOARD	DETERMINATION
<p>users. Costs attributable to specific users through a special assessment, surcharge or other contractual arrangement shall continue to be assessed to the specific users until they are paid in full.</p> <p>§ 113 Finances</p> <p>(a) The existing real property tax system of the town shall become the system of the new Town of Essex. Upon the effective date of the charter, all grand lists will remain in effect and any remaining taxes due to the Village and Town will be payable to the new Town of Essex keeping all existing due dates. The new Town of Essex will manage the existing budget of the Village and Town with oversight by the Interim Governing Body.</p> <p>(b) All Tax and indebtedness incurred by the Village tax payers at the time of merger are to remain with these properties until final payment of said obligations are made in full.</p> <p>(c) All existing legal obligations, including but not limited to tax stabilization agreements and any agreements to purchase real property, are to be considered</p>	<p>users. Costs attributable to specific users through a special assessment, surcharge or other contractual arrangement shall continue to be assessed to the specific users until they are paid in full.</p> <p>§ 113 Finances</p> <p>(a) The existing real property tax system of the town shall become the system of the new Town of Essex. Upon the effective date of the charter, all grand lists will remain in effect and any remaining taxes due to the Village and Town will be payable to the new Town of Essex keeping all existing due dates. The new Town of Essex will manage the existing budget of the Village and Town with oversight by the Interim Governing Body.</p> <p>(b) All Tax and indebtedness incurred by the Village tax payers at the time of merger are to remain with these properties until final payment of said obligations are made in full.</p> <p>(c) All existing legal obligations, including but not limited to tax stabilization agreements and any agreements to purchase real property, are to be considered</p>	

TRUSTEES	SELECTBOARD	DETERMINATION
<p>obligations of the new governmental entity.</p> <p>§ 114 Terms Extended</p> <p>The Selectboard and Trustee terms set to expire in 20__ shall be extended without further action necessary, until June 30, 20__. All other elected officials holding office at the time of Legislative approval of the charter shall remain in their seats until new elections occur or until they step down from office.</p>	<p>obligations of the new governmental entity.</p> <p>§ 114 Terms Extended</p> <p>The Selectboard and Trustee terms set to expire in 20__ shall be extended without further action necessary, until June 30, 20__. All other elected officials holding office at the time of Legislative approval of the charter shall remain in their seats until new elections occur or until they step down from office.</p>	
<p>§ 115 Transitional Tax Districts and Transitional Tax Provisions.</p>	<p>§ 115 Transitional Tax Districts and Transitional Tax Provisions.</p>	<p>115. CLARIFY WITH DAN</p>
<p>Transitional tax districts shall be established pursuant to § 104.</p>	<p>Transitional tax districts shall be established pursuant to § 104.</p>	
<p>§ 115 Repeals</p>	<p>§ 115 Repeals</p>	<p>115. CLARIFY WITH DAN; fix numbering</p>
<p>(a) 24 App. V.S.A. chapters 117 (Town of Essex Charter) and 221 (Village of Essex Junction Charter) are repealed.</p>	<p>(a) 24 App. V.S.A. chapters 117 (Town of Essex Charter) and 221 (Village of Essex Junction Charter) are repealed.</p>	
<p>Subchapter 2: Incorporation and Powers of The Town</p>	<p>Subchapter 2: Incorporation and Powers of The Town</p>	
<p>§ 201 Corporate Existence</p> <p>The inhabitants of the Town of Essex, within the corporate limits as now established, shall be a municipal</p>	<p>§ 201 Corporate Existence</p> <p>The inhabitants of the Town of Essex, within the corporate limits as now established, shall be a municipal</p>	

Commented [GD23]: Trustees: Is this necessary, since referenced above?

Commented [GD24]: Trustees: Is this necessary, since referenced above?

TRUSTEES	SELECTBOARD	DETERMINATION
<p>corporation by the name of the Town of Essex. This municipal corporation is a merger of and a successor to the Town of Essex (24 App. V.S.A. chapter 117 repealed) and the Village of Essex Junction (24 App. V.S.A. chapters 221 repealed).</p> <p>§202 General powers, law</p> <p>Except as modified by the provisions of this charter, or by any lawful regulation or ordinance of the Town of Essex, all provisions of the statutes of this state applicable to municipal corporations shall apply to the Town of Essex.</p> <p>§ 203 Specific Powers</p> <p>(a) The Town of Essex shall have all the powers granted to towns and municipal corporations by the Constitution and laws of this State together with all the implied powers necessary to carry into execution all the powers granted; and it may enact ordinances not inconsistent with the Constitution and laws of the State of Vermont or with this charter.</p> <p>(b) The Town of Essex may acquire real and personal property within or without its corporate limits for any municipal purpose, including storm</p>	<p>corporation by the name of the Town of Essex. This municipal corporation is a merger of and a successor to the Town of Essex (24 App. V.S.A. chapter 117 repealed) and the Village of Essex Junction (24 App. V.S.A. chapters 221 repealed).</p> <p>§202 General powers, law</p> <p>Except as modified by the provisions of this charter, or by any lawful regulation or ordinance of the Town of Essex, all provisions of the statutes of this state applicable to municipal corporations shall apply to the Town of Essex.</p> <p>§ 203 Specific Powers</p> <p>(a) The Town of Essex shall have all the powers granted to towns and municipal corporations by the Constitution and laws of this State together with all the implied powers necessary to carry into execution all the powers granted; and it may enact ordinances not inconsistent with the Constitution and laws of the State of Vermont or with this charter.</p> <p>(b) The Town of Essex may acquire real and personal property within or without its corporate limits for any municipal purpose, including storm</p>	<p>203b. keep vague, per DR suggestion</p>

Commented [GD83]: AW: lot of sections added in middle of this paragraph more than what's in current charter and 103b; do we want all specifics, and/or add clause to say "... and similar ..."? Or leave vague, like old language?

Commented [GD84R83]: DR: able to keep vague

TRUSTEES	SELECTBOARD	DETERMINATION
<p>water collection and disposal, waste water collection and disposal, solid waste collection and disposal, provision of public water supply, provision of public parks and recreation facilities, provision of municipal facilities for office, fire protection, and police protection, provision of public libraries, provision of public parking areas, provision of sidewalks, bicycle paths, and green strips, provision of public roadways, provision of public view zones and open spaces, and such other purposes as are addressed under the general laws of the State of Vermont. The Town of Essex may acquire such property in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, mortgage, hold, manage, and control such property as its interest may require.</p> <p>(c) The Town of Essex may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with other Vermont municipalities, the State of Vermont, any one or more subdivisions or agencies of the</p>	<p>water collection and disposal, waste water collection and disposal, solid waste collection and disposal, provision of public water supply, provision of public parks and recreation facilities, provision of municipal facilities for office, fire protection, and police protection, provision of public libraries, provision of public parking areas, provision of sidewalks, bicycle paths, and green strips, provision of public roadways, provision of public view zones and open spaces, and such other purposes as are addressed under the general laws of the State of Vermont. The Town of Essex may acquire such property in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, mortgage, hold, manage, and control such property as its interest may require.</p> <p>(c) The Town of Essex may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with other Vermont municipalities, the State of Vermont, any one or more subdivisions or agencies of the</p>	

TRUSTEES	SELECTBOARD	DETERMINATION
<p>State, or the United States or any agency thereof.</p> <p>(d) The Town of Essex 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 which conflicts with that authority granted to the Public Utilities Commission or any other state regulatory agency.</p> <p>(e) In this charter, mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers which the Town of Essex would have if the particular power were not mentioned.</p> <p>§ 204 Reservation of powers</p> <p>Nothing in this charter shall be so construed as in any way to limit the powers and functions conferred upon the Town of Essex and the Town Selectboard by 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.</p>	<p>State, or the United States or any agency thereof.</p> <p>(d) The Town of Essex 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 which conflicts with that authority granted to the Public Utilities Commission or any other state regulatory agency.</p> <p>(e) In this charter, mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers which the Town of Essex would have if the particular power were not mentioned.</p> <p>§ 204 Reservation of powers</p> <p>Nothing in this charter shall be so construed as in any way to limit the powers and functions conferred upon the Town of Essex and the Town Selectboard by 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.</p>	

TRUSTEES	SELECTBOARD	DETERMINATION
<p>§205 Form of Government</p> <p>(a) The municipal government provided by this chapter shall be known as selectboard-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this chapter, all powers of the Town of Essex shall be vested in an elective Town Selectboard, which shall enact ordinances, codes, and regulations; adopt budgets; determine policies; and appoint the Town Manager, who shall enforce the laws and ordinances and administer the government of the Town. All powers of the Town shall be exercised in the manner prescribed by this chapter or prescribed by ordinance.</p> <p>(b) Voting Districts shall be established pursuant to § 301.</p>	<p>§205 Form of Government</p> <p>(a) The municipal government provided by this chapter shall be known as selectboard-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this chapter, all powers of the Town of Essex shall be vested in an elective Town Selectboard, which shall enact ordinances, codes, and regulations; adopt budgets; determine policies; and appoint the Town Manager, who shall enforce the laws and ordinances and administer the government of the Town. All powers of the Town shall be exercised in the manner prescribed by this chapter or prescribed by ordinance.</p> <p>(b) Voting Districts shall be established pursuant to § 301.</p>	<p>CHECK WITH DR RE: 205b</p>
<p>Subchapter 3: Voting District and Governance Structure</p>	<p>Subchapter 3: Voting District and Governance Structure</p>	
<p>§ 301 Voting Wards</p> <p>(a) The former incorporated Village of Essex Junction shall be known as Ward 1. Boundary adjustments will be made over time as necessary pursuant to § 301.b. The Town of Essex exclusive of</p>	<p>§ 301 Voting Wards</p> <p>(a) The former incorporated Village of Essex Junction shall be known as Ward 1. Boundary adjustments will be made over time as necessary pursuant to § 301.b. The Town of Essex exclusive of</p>	<p>301 PARKING LOT</p>

- Commented [GD25]:** Trustees: For Dan: Is this necessary, given subchapter 3?
- Commented [GD26]:** Trustees: consider language and decide if more clarity or flexibility needed in shifting district boundaries; public hearing process for new boundaries?
- Commented [GD85]:** AW: is there a way to define ward boundaries without requiring a charter change to modify boundaries in future? Change by ordinance? Is this covered by "made over time as necessary"?
- Commented [GD86R85]:** DR: yes, Montpelier allows boundaries to change without changing charter. Burlington, on other hand, has to go to legislature to change charter when changing ward boundaries.

TRUSTEES	SELECTBOARD	DETERMINATION
<p>the former Village of Essex Junction shall be known as Ward 2. Boundary adjustments will be made over time as necessary pursuant to § 301.b.</p> <p>(b) The Selectboard is empowered to make such changes from time to time, by resolution or ordinance, in the number and boundaries of the wards of the Town as it may deem proper, having regard so far as practicable and convenient, to an equal division of population among them; provided that after the first change so made, such changes shall not be made more than once in five or seven years.</p>	<p>the former Village of Essex Junction shall be known as Ward 2. Boundary adjustments will be made over time as necessary pursuant to § 301.b.</p> <p>(b) The Selectboard is empowered to make such changes from time to time, by resolution or ordinance, in the number and boundaries of the wards of the Town as it may deem proper, having regard so far as practicable and convenient, to an equal division of population among them; provided that after the first change so made, such changes shall not be made more than once in five or seven years.</p>	
<p>§ 302 Powers and Duties of Governing body</p> <p>(a) The members of the Town of Essex Selectboard shall constitute the legislative body of the Town of Essex for all purposes required by statute, and except as otherwise herein specifically provided shall have all the powers and authority given to, and perform all duties required of town legislative bodies or selectboards under the laws of the State of Vermont.</p> <p>(b) Within the limitations of the foregoing, the Town of Essex Selectboard shall have the power to:</p> <p>(1) Appoint and remove a Town Manager and supervise, create,</p>	<p>§ 302 Powers and Duties of Governing body</p> <p>(a) The members of the Town of Essex Selectboard shall constitute the legislative body of the Town of Essex for all purposes required by statute, and except as otherwise herein specifically provided shall have all the powers and authority given to, and perform all duties required of town legislative bodies or selectboards under the laws of the State of Vermont.</p> <p>(b) Within the limitations of the foregoing, the Town of Essex Selectboard shall have the power to:</p> <p>(1) Appoint and remove a Town Manager and supervise, create,</p>	

Commented [GD87]: EH: clarify proportionality, either in charter or in cheat sheet

Commented [GD88]: AW: should we specify one or the other?

Commented [GD89R88]: DR: yes, choose 5 or 7. Proportionality may require. Final language will be precise.

TRUSTEES	SELECTBOARD	DETERMINATION
<p>change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this charter.</p> <p>(2) Appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter.</p> <p>(3) Provide for an independent audit by a certified public accountant.</p> <p>(4) Inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs.</p> <p>(5) Exercise every other power which is not specifically set forth herein, but which is granted to selectboards or legislative bodies by the statutes of the state of Vermont.</p>	<p>change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this charter.</p> <p>(2) Appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter.</p> <p>(3) Provide for an independent audit by a certified public accountant.</p> <p>(4) Inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs.</p> <p>(5) Exercise every other power which is not specifically set forth herein, but which is granted to selectboards or legislative bodies by the statutes of the state of Vermont.</p>	
<p>§ 303 Governing body composition and term of office</p> <p>(a) There shall be a Town Selectboard consisting of six members.</p> <p>(b) The term of office of a Town Selectperson shall be three years and terms shall be staggered.</p>	<p>§ 303 Governing body composition and term of office</p> <p>(a) There shall be a Town Selectboard consisting of six members.</p> <p>(b) The term of office of a Town Selectperson shall be three years and terms shall be staggered.</p>	

Commented [GD90]: Update per above

TRUSTEES	SELECTBOARD	DETERMINATION
<p>(c) Elected Selectpersons shall represent the Town and the ward they live in.</p> <p>§ 304 Vacancy in office</p> <p>In case of a vacancy of any elected Town official, such vacancy shall be filled by the Town Selectboard until the next annual election. The person then elected shall serve for the remainder of the unexpired term. If more than one vacancy occurs on an elected board at the same time the vacancy shall be filled by a special Town meeting called for that purpose. Separate filing shall be made for such unexpired term.</p>	<p>(c) Elected Selectpersons shall represent the Town and the ward they are elected by.</p> <p>§ 304 Vacancy in office</p> <p>In case of a vacancy of any elected Town official, such vacancy shall be filled by the Town Selectboard until the next annual election. The person then elected shall serve for the remainder of the unexpired term. If more than one vacancy occurs on an elected board at the same time the vacancy shall be filled by a special Town meeting called for that purpose. Separate filing shall be made for such unexpired term.</p>	<p>303c. confirm if charter needs to specify that member loses seat when moves out of ward, or if that is in statute</p> <p>304. each candidate running needs to declare which seat they want</p>
<p>§305 Election of governing body officers</p> <p>(a) At the first meeting following the annual Town meeting, the Selectboard shall organize and elect a chairperson, vice chairperson, and clerk by a majority vote of the entire Selectboard, and shall file a certificate of the election for record in the office of the Town clerk. In the event of a tie vote, the selectperson of the two with the longest most recent contiguous service on the board shall become chair. The same shall go for vice chair and clerk.</p>	<p>§305 Election of governing body officers</p> <p>(a) At the first meeting following the annual Town meeting, the Selectboard shall organize and elect a chairperson, vice chairperson, and clerk by a majority vote of the entire Selectboard, and shall file a certificate of the election for record in the office of the Town clerk. In the event of a tie vote, the selectperson of the two with the longest most recent contiguous service on the board shall become chair. The same shall go for vice chair and clerk.</p>	<p>305. need to specify when SB member term begins (e.g., see current charters)</p>

Commented [GD91]: Define if 7th member is added, what that person represents; e.g., if at large, represent entire municipality

Commented [GD92R91]: DR: When elected, represent entire town

Commented [GD93]: AW: can person be elected to represent a ward that did not elect them? What if elected official moves to a different ward when in term?

Commented [GD94R93]: DR: represent entire town. If move out of ward, need to resign and give up seat; define eligibility. See Montpelier for example; they define under "Vacancy"

Commented [GD95]: AW: What if elected official moves to a different ward when in term? Do they need to leave office?

Commented [GD96R95]: See DR answer above

Commented [GD97]: AW: see 305c, redundant

Commented [GD98]: AW: need to define when term begins, allow for recounts. etc

Commented [GD99]: SB: consider if this is relevant depending on odd or even number board

Commented [GD100R99]: DR: irrelevant if odd number board

Commented [GD27]: Trustees: consider striking this passage

TRUSTEES	SELECTBOARD	DETERMINATION
<p>(b) The chairperson of the Selectboard or in the chairperson's absence, the vice chairperson, shall preside at all meetings of the Selectboard and shall be recognized as the head of the Town government for all ceremonial purposes.</p> <p>(c) In the event of death, resignation, or incapacitation of any Selectboard member, the remaining members of the Selectboard may appoint a person to fill that position until the next annual election. At the next annual election, the vacancy shall be filled and the person so elected shall serve for the remainder of the term of office. In the event the Selectboard is unable to agree upon an interim replacement until the next annual Town election, a special election shall be held forthwith to fill the position.</p>	<p>(b) The chairperson of the Selectboard or in the chairperson's absence, the vice chairperson, shall preside at all meetings of the Selectboard and shall be recognized as the head of the Town government for all ceremonial purposes.</p> <p>(c) In the event of death, resignation, or incapacitation of any Selectboard member, the remaining members of the Selectboard may appoint a person to fill that position until the next annual election. At the next annual election, the vacancy shall be filled and the person so elected shall serve for the remainder of the term of office. In the event the Selectboard is unable to agree upon an interim replacement until the next annual Town election, a special election shall be held forthwith to fill the position.</p>	
<p>§ 306 Compensation</p> <p>(a) Compensation paid to the Selectboard members as reimbursement for expenses shall be set by the voters at the annual meeting, with a minimum of \$1500.00 a year each. Selectboard members compensation must be set forth as a separate item in the</p>	<p>§ 306 Compensation</p> <p>(a) Compensation paid to the Selectboard members as reimbursement for expenses shall be set by the voters at the annual meeting, with a minimum of \$1500.00 a year each. Selectboard members compensation must be set forth as a separate item in the</p>	<p>306. BT: 3 for minimum required amount, 2 for \$100/meeting (approx. 24 meetings) ; 3 support \$1500 minimum SB: keep at minimum (\$1500)</p> <p>Consider discussion at future SB (new town?) to consider raising amount in budget (but not in charter)</p>

Commented [GD101]: AW: see 304, redundant

Commented [GD28]: Current Town Selectboard reimbursement

Commented [GD102]: EH: consider \$2000/year, \$4000 for chair; annual raises built in

TRUSTEES	SELECTBOARD	DETERMINATION
<p>annual budget presented to the meeting.</p> <p>(b) The Selectboard shall fix the compensation of all officers and employees, except as otherwise provided in this charter.</p>	<p>annual budget presented to the meeting.</p> <p>(b) The Selectboard shall fix the compensation of all officers and employees, except as otherwise provided in this charter.</p>	<p>306b. CHECK REDUNDANCY</p>
<p>§ 307 Prohibitions and conflicts of interest</p> <p>(a) Holding Other Office. No Selectboard member shall hold any other Town office or employment during the term for which he/she/they was elected to the Selectboard. No former Selectboard member shall hold any compensated appointive municipal office or employment until one year after the expiration of the term for which they were elected to the legislative body.</p>	<p>§ 307 Prohibitions and conflicts of interest</p> <p>(a) Holding Other Office. No Selectboard member shall hold any other Town office or employment during the term for which he/she/they was elected to the Selectboard. No former Selectboard member shall hold any compensated appointive municipal office or employment until one year after the expiration of the term for which they were elected to the legislative body.</p>	<p>307. get clarification on holding other office. (school board, state rep, etc.) ET – recommend that Employees cannot be SB members</p>
<p>(b) Appointments and Removals. Neither the legislative body nor any of its members shall in any manner dictate the appointment or removal of any municipal administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the legislative body may express its views and fully and freely discuss with the manager anything pertaining to appointment and</p>	<p>(b) Appointments and Removals. Neither the legislative body nor any of its members shall in any manner dictate the appointment or removal of any municipal administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the legislative body may express its views and fully and freely discuss with the manager anything pertaining to appointment and</p>	<p>307b – let DR wordsmith, per comment</p>

Commented [GD103]: AW: want clarification; this won't work if at Australian ballot

Commented [GD104]: AW: redundant section with 312a

Commented [GD105]: AW/PM: want clarification on this and purpose. Town office, school board, etc?

Commented [GD106R105]: DR: awkward if on SB and DRB, for instance, because providing oversight of 'self. Default statute does not prevent this. Be clear and specific if this stays.

DR will do more research to see if any concerns with constitutionality of making people choose between office and job

Commented [GD107]: AW: want to strike this section; SB shouldn't criticize employees publicly; manager has authority over personnel

** check with Dan Richardson if this needs to be in charter; don't want to limit ability to discuss personnel in executive session **

Commented [GD108R107]: DR: can wordsmith. Don't want to create situation of constructive termination

TRUSTEES	SELECTBOARD	DETERMINATION
<p>removal of such officers and employees.</p> <p>(c) Interference with Administration. Except for the purpose of inquiries and investigations under Section 302 (b)(4), the legislative body or its members shall deal with the municipal officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the legislative body nor its members shall give orders to any such officer or employee, either publicly or privately.</p> <p>§ 308 Governing body meetings</p> <p>As soon as possible after the election of the chairperson and vice chairperson, the Selectboard shall fix the time and place of its regular meetings, and such meetings shall be held at least once a month.</p> <p>§ 309 Special meetings</p> <p>Special Town meetings, shall be called in the manner provided by the laws of the State, and the voting on all questions shall be by the Australian ballot system.</p> <p>§ 310 Procedure</p>	<p>removal of such officers and employees.</p> <p>(c) Interference with Administration. Except for the purpose of inquiries and investigations under Section 302 (b)(4), the legislative body or its members shall deal with the municipal officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the legislative body nor its members shall give orders to any such officer or employee, either publicly or privately.</p> <p>§ 308 Governing body meetings</p> <p>As soon as possible after the election of the chairperson and vice chairperson, the Selectboard shall fix the time and place of its regular meetings, and such meetings shall be held at least once a month.</p> <p>§ 309 Special meetings</p> <p>Special Town meetings, shall be called in the manner provided by the laws of the State, and the voting on all questions shall be by the Australian ballot system.</p> <p>§ 310 Procedure</p>	<p></p> <p>309. change header to “special Town Meetings”</p>

Commented [GD109]: SB: too restrictive? Do all special town meetings need to be by ballot?

Commented [GD110R109]: DR: not required. May make sense, especially if moving to Australian ballot in general

TRUSTEES	SELECTBOARD	DETERMINATION
<p>(a) The Selectboard shall determine its own rules and order of business.</p> <p>(b) The presence of four members shall constitute a quorum. Four affirmative votes shall be necessary to take binding Selectboard action. However, in the case of a tie vote on the budget, the Chair of the Planning Commission shall cast a vote to break the tie.</p>	<p>(a) The Selectboard shall determine its own rules and order of business.</p> <p>(b) The presence of four members shall constitute a quorum. Four affirmative votes shall be necessary to take binding Selectboard action. However, in the case of a tie vote on the budget, the Chair of the Planning Commission shall cast a vote to break the tie.</p>	<p>310b. quorum = majority of board, that number needed for a vote to pass.</p> <p>Remove PC Chair clause</p>
<p>(c) The Selectboard shall in accordance with Vermont law keep minutes of its proceedings. This journal shall be a public record.</p> <p>(d) All meetings of the Selectboard shall be open to the public unless, by an affirmative vote of the majority of the members present, the Selectboard shall vote that any particular session shall be an executive session or deliberative session in accordance with Vermont law.</p>	<p>(c) The Selectboard shall in accordance with Vermont law keep minutes of its proceedings. This journal shall be a public record.</p> <p>(d) All meetings of the Selectboard shall be open to the public unless, by an affirmative vote of the majority of the members present, the Selectboard shall vote that any particular session shall be an executive session or deliberative session in accordance with Vermont law.</p>	<p>310d. clarify if deliberative session is required to put in charter</p>
<p>§ 311 Appointments</p> <p>The Selectboard shall have the power to appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter. The terms of</p>	<p>§ 311 Appointments</p> <p>The Selectboard shall have the power to appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter. The terms of</p>	<p>311. Have DR carry over all necessary language; make sure SB keeps current powers of appointment</p>

Commented [GD29]: Trustees: Does quorum need to be defined, and if so, is this the right place? Could be good to leave in for clarity.

Commented [GD30]: Trustees: Does PC chair need to be at Selectboard meetings? Ann J. was presenting options for tie breakers.
ET: check with Dan Richardson – does this section need to even be in a charter? Let Roberts Rules apply; or a tie means a vote dies? Consider referencing Roberts Rules in charter.

Commented [GD111]: AW: don't want appointed person as de facto SB member
ET: consider Robert's Rules for procedure
Possible for charter to allow 'majority of members present'?
** get clarification from Dan Richardson **

Commented [GD112R111]: DR: If four is a quorum, need four votes for approval; majority of board, not majority of people present

Commented [GD113]: AW: copied from another section (206 of current charter), but specifics dropped. Don't want to inadvertently lose a power; cross reference to make sure language allows SB to appoint who they want/need to appoint

TRUSTEES	SELECTBOARD	DETERMINATION
<p>all appointments shall commence on the day after the day of appointment unless the appointment is to fill a vacancy in an office, in which case the term shall commence at the time of appointment.</p> <p>§ 312 Additional governing body provisions</p> <p>(a) No claim for personal services shall be allowed to the officers elected at the annual meeting, except when compensation for such services is provided for under the provisions of this chapter or by the general law. The compensation of all officers and employees of the Town shall be fixed by the Selectboard, except as herein otherwise provided.</p> <p>(b) The Selectboard may authorize the sale or lease of any real or personal estate belonging to the Town.</p>	<p>all appointments shall commence on the day after the day of appointment unless the appointment is to fill a vacancy in an office, in which case the term shall commence at the time of appointment.</p> <p>§ 312 Additional governing body provisions</p> <p>(a) No claim for personal services shall be allowed to the officers elected at the annual meeting, except when compensation for such services is provided for under the provisions of this chapter or by the general law. The compensation of all officers and employees of the Town shall be fixed by the Selectboard, except as herein otherwise provided.</p> <p>(b) The Selectboard may authorize the sale or lease of any real or personal estate belonging to the Town.</p>	
<p>Subchapter 4 Other Elected Offices</p> <p>§ 401 Brownell Library trustees</p> <p>There shall be a five-member Board of Library Trustees who shall be elected to five-year terms using the Australian ballot system pursuant to § 501. Only qualified voters of the Town of Essex shall be eligible to hold the office of library trustee. The five permanent, self-perpetuating library trustees shall</p>	<p>Subchapter 4 Other Elected Offices</p> <p>§ 401 Brownell Library trustees</p> <p>There shall be a five-member Board of Library Trustees who shall be elected to five-year terms using the Australian ballot system pursuant to § 501. Only qualified voters of the Town of Essex shall be eligible to hold the office of library trustee. The five permanent, self-perpetuating library trustees shall</p>	<p>401. Get clarification from Dan</p>

Commented [GD114]: AW: section redundant with 306b

Commented [GD115]: Determine if this section is required
AW: Brownell Board may need to update its governing document

TRUSTEES	SELECTBOARD	DETERMINATION
<p>function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925.</p> <p>Subchapter 5 Town Meetings</p> <p>§ 501 Town of Essex Meetings/Elections</p> <p>(a) Annual meetings for the election of officers, the voting on the budgets, and any other business included in the warnings for the meetings, shall be on a date established and legally warned by the Selectboard.</p> <p>(b) Provisions of the laws of the State of Vermont relating to the qualifications of electors, the manner of voting, the duties of elections officers, and all other particulars respective to preparation for, conducting, and management of elections, so far as they may be applicable, shall govern all municipal elections, and all general and special meetings, except as otherwise provided in this charter.</p> <p>(c) The election of officers and the voting on all questions shall be by Australian ballot system. The ballot boxes shall be open between 7:00 a.m. and 7:00 p.m. as shall be determined and warned by the Selectboard.</p>	<p>function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925.</p> <p>Subchapter 5 Town Meetings</p> <p>§ 501 Town of Essex Meetings/Elections</p> <p>(a) Annual meetings for the election of officers, the voting on the budgets, and any other business included in the warnings for the meetings, shall be on a date established and legally warned by the Selectboard.</p> <p>(b) Provisions of the laws of the State of Vermont relating to the qualifications of electors, the manner of voting, the duties of elections officers, and all other particulars respective to preparation for, conducting, and management of elections, so far as they may be applicable, shall govern all municipal elections, and all general and special meetings, except as otherwise provided in this charter.</p> <p>(c) The election of officers and the voting on all questions shall be by Australian ballot system. The ballot boxes shall be open between 7:00 a.m. and 7:00 p.m. as shall be determined and warned by the Selectboard.</p>	<p>501a. MAKE SPECIFIC SB – Town Meeting Day BT – Town Meeting Day</p> <p>501c. use DR recommended language allowing Clerk and BCA to set hours</p>

Commented [GD31]: Trustees: For Dan Richardson – is it possible to codify the mailing of ballots to all residents? For SB – do we want to?

Commented [GD116]: AW: too ambiguous? Provide more specifics

Commented [GD117R116]: DR: provide specifics, don't want too much leeway, eg first Tuesday of March, third Tuesday of April, etc.

Commented [GD32]: Trustees: For Dan Richardson: Do hours need to be specified? For example, Village changed hours of polls during Covid state of emergency.

Commented [GD118]: Want to keep hours? Doing so specifies hours so they cannot be reduced. Secretary of State and statute may define hours
Specify 'hours determined by state'?

Commented [GD119R118]: DR: usually set by Town Clerk and BCA; recommend doing it this way. "set by Town Clerk and Board of Civil Authority in conformance with general laws of the state"

TRUSTEES	SELECTBOARD	DETERMINATION
<p>Subchapter 6 Ordinances</p> <p>§ 601 Ordinances-Method of adoption and enforcement</p> <p>(a) The Selectboard may provide penalties for the breach of any ordinance authorized by general law or this charter; may prosecute any person violating the same through the Town attorney or police officers who for such purposes shall be informing officers; and may maintain actions to restrain actual or threatened violations of the same. The establishment of any fine or penalty shall be by ordinance.</p> <p>(b) Ordinance-making authority granted to the Town by this charter and general law shall be exercised pursuant to the provisions of sections § 602 through § 605 of this charter, except for zoning by-laws and/or subdivision regulations which shall be adopted pursuant to 24 V.S.A. Chapter 117, as amended from time to time hereafter.</p> <p>§ 602 Introduction; first and second readings; public hearing</p> <p>(a) Every ordinance shall be introduced in writing. The enacting clause of</p>	<p>Subchapter 6 Ordinances</p> <p>§ 601 Ordinances-Method of adoption and enforcement</p> <p>(a) The Selectboard may provide penalties for the breach of any ordinance authorized by general law or this charter; may prosecute any person violating the same through the Town attorney or police officers who for such purposes shall be informing officers; and may maintain actions to restrain actual or threatened violations of the same. The establishment of any fine or penalty shall be by ordinance.</p> <p>(b) Ordinance-making authority granted to the Town by this charter and general law shall be exercised pursuant to the provisions of sections § 602 through § 605 of this charter, except for zoning by-laws and/or subdivision regulations which shall be adopted pursuant to 24 V.S.A. Chapter 117, as amended from time to time hereafter.</p> <p>§ 602 Introduction; first and second readings; public hearing</p> <p>(a) Every ordinance shall be introduced in writing. The enacting clause of all</p>	<p>Subchapter 6</p> <p>– confirm that SB remains board of liquor control and retains powers</p> <ul style="list-style-type: none"> - Look at VLCT report and see if it’s worth making changes to charter based on that <p>Go with state/Village ordinance adoption process</p>

Commented [GD33]: RC: consider ways to give Selectboard authority to regulate alcohol, tobacco, cannabis; if so, is this the right spot. See St. Johnsbury example

Commented [GD120]: GD: staff prefers Village adoption process, which refers to procedure laid out by statute (24 vsa 1972). DR recommends the same

TRUSTEES	SELECTBOARD	DETERMINATION
<p>all ordinances shall be "The Selectboard of the Town of Essex hereby ordains. . . ." If the Selectboard passes the proposed ordinance upon first reading, then the Selectboard shall cause it to be published in a newspaper of general circulation in the Town in the form passed, or a concise summary of it, including a statement of purpose, principal provisions, and table of contents or list of section headings, together with a reference to a place within the Town where copies of the full text of the proposed ordinance may be examined, at least once, together with a notice of the time and place when and where there will be a public hearing to consider the same for final passage. The first such publication shall be at least one week prior to the date of the public hearing. Any published notice shall explain citizens' rights to petition for a vote on the ordinance at an annual or special meeting, pursuant to Vermont Statutes Annotated, Title 24 § 1973, and shall also contain the name, address and telephone number of a person with knowledge of the ordinance who is available to answer questions about it.</p>	<p>ordinances shall be "The Selectboard of the Town of Essex hereby ordains. . . ." If the Selectboard passes the proposed ordinance upon first reading, then the Selectboard shall cause it to be published in a newspaper of general circulation in the Town in the form passed, or a concise summary of it, including a statement of purpose, principal provisions, and table of contents or list of section headings, together with a reference to a place within the Town where copies of the full text of the proposed ordinance may be examined, at least once, together with a notice of the time and place when and where there will be a public hearing to consider the same for final passage. The first such publication shall be at least one week prior to the date of the public hearing. Any published notice shall explain citizens' rights to petition for a vote on the ordinance at an annual or special meeting, pursuant to Vermont Statutes Annotated, Title 24 § 1973, and shall also contain the name, address and telephone number of a person with knowledge of the ordinance who is available to answer questions about it.</p>	

TRUSTEES	SELECTBOARD	DETERMINATION
<p>(c) At the time and place so advertised, or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be introduced, and thereafter, all persons interested shall be given an opportunity to be heard.</p> <p>(d) After the hearing, the Selectboard may finally pass the ordinance with or without amendment, except that if the Selectboard makes an amendment, it shall cause the amended ordinance to be published, pursuant to subsection (a) of this section at least once together with a notice of the time and place of a public hearing at which the amended ordinance will be further considered, which publication shall be at least three days prior to the public hearing. At the time so advertised or at any time and place to which the meeting may be adjourned, the amended ordinance shall be introduced, and after the hearing, the Selectboard may finally pass the amended ordinance, or again amend it subject to the same procedures as outlined herein.</p> <p>§ 603 Effective date</p> <p>Every ordinance shall become effective upon passage unless otherwise specified.</p>	<p>(c) At the time and place so advertised, or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be introduced, and thereafter, all persons interested shall be given an opportunity to be heard.</p> <p>(d) After the hearing, the Selectboard may finally pass the ordinance with or without amendment, except that if the Selectboard makes an amendment, it shall cause the amended ordinance to be published, pursuant to subsection (a) of this section at least once together with a notice of the time and place of a public hearing at which the amended ordinance will be further considered, which publication shall be at least three days prior to the public hearing. At the time so advertised or at any time and place to which the meeting may be adjourned, the amended ordinance shall be introduced, and after the hearing, the Selectboard may finally pass the amended ordinance, or again amend it subject to the same procedures as outlined herein.</p> <p>§ 603 Effective date</p> <p>Every ordinance shall become effective upon passage unless otherwise specified.</p>	

TRUSTEES	SELECTBOARD	DETERMINATION
<p>§ 604 Filing and recording of ordinances</p> <p>The Town clerk shall prepare and keep in the Town clerk’s office a book of ordinances which shall contain each ordinance finally passed by the Selectboard, together with a complete index of the ordinances according to subject matter.</p>	<p>§ 604 Filing and recording of ordinances</p> <p>The Town clerk shall prepare and keep in the Town clerk’s office a book of ordinances which shall contain each ordinance finally passed by the Selectboard, together with a complete index of the ordinances according to subject matter.</p>	
<p>§ 605 Public nuisances</p> <p>The Selectboard may prosecute and seek damages and injunctive relief to end or mitigate public nuisances.</p>	<p>§ 605 Public nuisances</p> <p>The Selectboard may prosecute and seek damages and injunctive relief to end or mitigate public nuisances.</p>	<p>605. take DR advice to remove</p>
<p>Subchapter 7: Town Manager</p> <p>§701 Appointment/Hiring of Manager</p> <p>The Selectboard shall appoint a Town manager under and in accordance with Vermont Statutes Annotated, as amended from time to time hereafter. The Manager shall be appointed solely on the basis of his or her executive and administrative qualifications in accordance with the Vermont statutes.</p>	<p>Subchapter 7: Town Manager</p> <p>§701 Appointment/Hiring of Manager</p> <p>The Selectboard shall appoint a Town manager under and in accordance with Vermont Statutes Annotated, as amended from time to time hereafter. The Manager shall be appointed solely on the basis of his or her executive and administrative qualifications in accordance with the Vermont statutes.</p>	
<p>§ 702 Powers of Manager</p> <p>The Manager shall be the chief administrative officer of the Town of Essex. He or she shall be responsible to</p>	<p>§ 702 Powers of Manager</p> <p>The Manager shall be the chief administrative officer of the Town of Essex. He or she shall be responsible to</p>	

- Commented [GD34]:** Trustees: For Dan Richardson - Why is this section here? Seems out of place.
- Commented [GD121]:** AW: hard to define ‘public nuisance,’ prefer to see section removed
- Commented [GD122R121]:** GD/ET: agree, refer to ordinance
DR: okay to remove. 24 vsa 2291(14) allows municipality to define public nuisance and deal with it, if boards want to keep in and call attention to it or add powers. Simpler to keep off charter
- Commented [GD123]:** EH: does new SB need to re-sign contract with manager
- Commented [GD124R123]:** DR: new entity is successor to Town and Village, and contract would continue; doesn’t need to be part of charter

- Commented [GD125]:** AW: new section. Does it need to be in charter, or should it be contract with manager
- Commented [GD126R125]:** DR: these provisions apply if there is no contract. Outline of powers gives authority to manager

TRUSTEES	SELECTBOARD	DETERMINATION
<p>the Selectboard for the administration of all Town of Essex affairs placed in his or her charge by or under this charter. He or she shall have the following powers and duties in addition to those powers and duties delegated to municipal managers under the Vermont statutes.</p> <p>(1) The Manager shall appoint and, when he or she deems it necessary for the good of the service, suspend or remove all Town of Essex employees, and other employees provided for by or under this charter for cause, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. He or she may authorize any employee who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that employee's department, office, or agency.</p> <p>(2) The Manager shall direct and supervise the administration of all departments, offices, and agencies of the Town of Essex, except as otherwise provided by this charter or by law.</p> <p>(3) The Manager shall appoint the Town attorney.</p>	<p>the Selectboard for the administration of all Town of Essex affairs placed in his or her charge by or under this charter. He or she shall have the following powers and duties in addition to those powers and duties delegated to municipal managers under the Vermont statutes.</p> <p>(1) The Manager shall appoint and, when he or she deems it necessary for the good of the service, suspend or remove all Town of Essex employees, and other employees provided for by or under this charter for cause, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. He or she may authorize any employee who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that employee's department, office, or agency.</p> <p>(2) The Manager shall direct and supervise the administration of all departments, offices, and agencies of the Town of Essex, except as otherwise provided by this charter or by law.</p> <p>(3) The Manager shall appoint the Town attorney.</p>	<p>702.3 (NEED TO WORDSMITH) See Village charter re :appointing attorney</p>

Commented [GD127]: ET: prefer something like "Manager shall hire attorneys as needed"

TRUSTEES	SELECTBOARD	DETERMINATION
<p>(4) The Manager shall attend all Selectboard meetings and shall have the right to take part in discussion and make recommendations but may not vote.</p> <p>(5) The Manager shall see that all laws, provisions of this charter, and acts of the Selectboard, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.</p> <p>(6) The Manager shall prepare and submit the annual budget and capital program to the Selectboard.</p> <p>(7) The Manager shall submit to the Selectboard and make available to the public a complete report on the finances and administrative activities of the Town of Essex as of the end of each fiscal year.</p> <p>(8) The Manager shall make such other reports as the Selectboard may require concerning the operations of Town of Essex departments, offices, and agencies subject to his or her direction and supervision.</p> <p>(9) The Manager shall keep the Selectboard fully advised as to the financial condition and future needs</p>	<p>(4) The Manager shall attend all Selectboard meetings and shall have the right to take part in discussion and make recommendations but may not vote.</p> <p>(5) The Manager shall see that all laws, provisions of this charter, and acts of the Selectboard, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.</p> <p>(6) The Manager shall prepare and submit the annual budget and capital program to the Selectboard.</p> <p>(7) The Manager shall submit to the Selectboard and make available to the public a complete report on the finances and administrative activities of the Town of Essex as of the end of each fiscal year.</p> <p>(8) The Manager shall make such other reports as the Selectboard may require concerning the operations of Town of Essex departments, offices, and agencies subject to his or her direction and supervision.</p> <p>(9) The Manager shall keep the Selectboard fully advised as to the financial condition and future needs</p>	<p>702(4). DR: "manager or his or her designee shall be entitled to attend all Selectboard meetings." CHECK statute to see what's said about council-manager form of government. DR to wordsmith</p>

Commented [GD128]: AW: too restrictive? Can manager send representative or designee?
 DR: "manager or his or her designee shall be entitled to attend all Selectboard meetings."

TRUSTEES	SELECTBOARD	DETERMINATION
<p>of the Town of Essex and make such recommendations to the Selectboard concerning the affairs of the Town of Essex as he or she deems desirable.</p> <p>(10) The Manager shall be responsible for the enforcement of all Town of Essex ordinances and laws.</p> <p>(11) The Manager may when advisable or proper delegate to subordinate officers and employees of the Town of Essex any duties conferred upon him or her by this charter, the Vermont statutes, or the Selectboard members.</p> <p>(12) The Manager shall perform such other duties as are specified in this charter or in State law, or as may be required by the Selectboard.</p>	<p>of the Town of Essex and make such recommendations to the Selectboard concerning the affairs of the Town of Essex as he or she deems desirable.</p> <p>(10) The Manager shall be responsible for the enforcement of all Town of Essex ordinances and laws.</p> <p>(11) The Manager may when advisable or proper delegate to subordinate officers and employees of the Town of Essex any duties conferred upon him or her by this charter, the Vermont statutes, or the Selectboard members.</p> <p>(12) The Manager shall perform such other duties as are specified in this charter or in State law, or as may be required by the Selectboard.</p>	
<p>§ 703 Hearing/Removal Process</p>	<p>§ 703 Hearing/Removal Process</p>	<p>703. KEEP in charter</p>
<p>(a) The Selectboard may remove the Manager from office for cause in accordance with the following procedures:</p> <ol style="list-style-type: none"> 1. The Selectboard shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty 	<p>(a) The Selectboard may remove the Manager from office for cause in accordance with the following procedures:</p> <ol style="list-style-type: none"> 1. The Selectboard shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty 	

Commented [GD129]: AW: better off in contract?

Commented [GD130R129]: DR: should be in charter. Case in St. J a few years ago giving manager right to hearing process. Keep provisions in charter. Contract provision could take place if necessary, but this provides guidelines if not in contract or need guidance for some reason

TRUSTEES	SELECTBOARD	DETERMINATION
<p>for a period not to exceed 45 days. A copy of the resolution shall be delivered within three days to the Manager.</p> <p>2. Within five days after a copy of the resolution is delivered to the Manager, he or she may file with the Selectboard a written request for a hearing. Said hearing to be in a public or executive session by choice of the Manager. This hearing shall be held at a special Selectboard meeting not earlier than 15 days nor later than 30 days after the request is filed. The Manager may file with the Selectboard a written reply not later than five days before the hearing.</p> <p>3. The Selectboard may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if he or she has not requested a public hearing, or at any time after the public hearing if he or she has requested one.</p>	<p>for a period not to exceed 45 days. A copy of the resolution shall be delivered within three days to the Manager.</p> <p>2. Within five days after a copy of the resolution is delivered to the Manager, he or she may file with the Selectboard a written request for a hearing. Said hearing to be in a public or executive session by choice of the Manager. This hearing shall be held at a special Selectboard meeting not earlier than 15 days nor later than 30 days after the request is filed. The Manager may file with the Selectboard a written reply not later than five days before the hearing.</p> <p>3. The Selectboard may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if he or she has not requested a public hearing, or at any time after the public hearing if he or she has requested one.</p>	

TRUSTEES	SELECTBOARD	DETERMINATION
<p>(b) The Manager shall continue to receive his or her salary until the effective date of a final resolution of removal.</p> <p>§ 704 Vacancy in office of manger</p> <p>The Manager, by letter filed with the Town Clerk, may appoint an officer or employee of the Town to perform his or her duties during his or her vacation, incapacitation, or disability. In the event of failure of the Manager to make such designation, the Selectboard may by resolution appoint an officer or employee of the Town to perform the duties of the Manager until he or she shall return or his or her disability shall cease. However, if the Manager has within his or her administration, formed and appointed the position of Assistant Town Manager, said Assistant shall automatically assume the Manager's responsibilities during his or her temporary absence or disability.</p>	<p>(b) The Manager shall continue to receive his or her salary until the effective date of a final resolution of removal.</p> <p>§ 704 Vacancy in office of manager</p> <p>The Manager, by letter filed with the Town Clerk, may appoint an officer or employee of the Town to perform his or her duties during his or her vacation, incapacitation, or disability. In the event of failure of the Manager to make such designation, the Selectboard may by resolution appoint an officer or employee of the Town to perform the duties of the Manager until he or she shall return or his or her disability shall cease. However, if the Manager has within his or her administration, formed and appointed the position of Assistant Town Manager, said Assistant shall automatically assume the Manager's responsibilities during his or her temporary absence or disability.</p>	<p>704. KEEP, make sure not too prescriptive. Let DR wordsmith; refer to COOP policy for “however, if the manager ...” and strike that section</p>
<p>Subchapter 8: Boards and Commissions</p> <p>§ 801 Board of Civil Authority</p> <p>The Board of Civil Authority is comprised of the Town of Essex Selectboard members and Justices of the Peace.</p>	<p>Subchapter 8: Boards and Commissions</p> <p>§ 801 Board of Civil Authority</p> <p>The Board of Civil Authority is comprised of the Town of Essex Selectboard members and Justices of the Peace.</p>	

Commented [GD131]: AW: prefer policy, not charter item
 EH: get best practice from Dan Richardson

Commented [GD132R131]: DR: could be done by policy instead of charter. If in charter, make clear in event of actual vacancy; needs to be clear who makes managerial decisions. Default to deputy/assistant
 ET: manager shall designate person. If prolonged absence where manager is incapacitated, SB shall appoint interim manager for that time

Commented [GD133]: Too specific?

Commented [GD134]: AW: not in current charter, does it need to be included here? Combine with 802?
 DHF: combine

Commented [GD135R134]: DR: BCA and Board of Abatement are different. Both laid out in statute. Not necessary to keep

TRUSTEES	SELECTBOARD	DETERMINATION
<p>§ 802 Board of Abatement of Taxes</p> <p>The board of civil authority shall constitute a board of abatement as provided by law. The board of abatement shall meet and discharge its duties as required by the applicable statutory provisions.</p>	<p>§ 802 Board of Abatement of Taxes</p> <p>The board of civil authority shall constitute a board of abatement as provided by law. The board of abatement shall meet and discharge its duties as required by the applicable statutory provisions.</p>	
<p>§ 803 Planning Commission</p> <p>There shall be a Planning Commission and its powers, obligations and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter, and members will be appointed by the Town Selectboard for terms of three years from among the qualified voters of the Town. Members of the Commission shall hold no other Town office.</p>	<p>§ 803 Planning Commission</p> <p>There shall be a Planning Commission and its powers, obligations and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter, and members will be appointed by the Town Selectboard for terms of three years from among the qualified voters of the Town. Members of the Commission shall hold no other Town office.</p>	
<p>§ 804 Development Review Board</p> <p>A Development Review Board shall be established and its powers, obligations and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter, and members will be appointed by the Town Selectboard for terms of three years</p>	<p>§ 804 Development Review Board</p> <p>A Development Review Board shall be established and its powers, obligations and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter, and members will be appointed by the Town Selectboard for terms of three years</p>	

Commented [GD35]: GT: want way to ensure development goals of Village Center continue; could have forum, consider Rutland Redevelopment Authority as example
Dan Richardson – is there a way to get something like a redevelopment authority in a charter?

Commented [GD136]: Decide 3 year or 4-year terms; consistency elsewhere in charter

Commented [GD36]: Trustees: need to decide if we do DRB or ZBA

Commented [GD137]: See comments above re: DRB vs. ZBA

TRUSTEES	SELECTBOARD	DETERMINATION
<p>from among the qualified voters of the Town.</p> <p>§ 805 Brownell Library trustees</p> <p>There shall be a five-member Board of Library Trustees who shall be elected to five-year terms using the Australian ballot system pursuant to § 501. Only qualified voters of the Town of Essex shall be eligible to hold the office of library trustee. The trustees who are now in office shall serve until their terms are completed. The library trustees shall establish policy for the operation of the Library and shall otherwise act in conformance with the Vermont statutes. The five permanent, self-perpetuating library trustees shall function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925. The Library shall be required to follow all financial and personnel policies adopted by the Town Selectboard.</p>	<p>from among the qualified voters of the Town.</p> <p>§ 805 Brownell Library trustees</p> <p>There shall be a five-member Board of Library Trustees who shall be elected to five-year terms using the Australian ballot system pursuant to § 501. Only qualified voters of the Town of Essex shall be eligible to hold the office of library trustee. The trustees who are now in office shall serve until their terms are completed. The library trustees shall establish policy for the operation of the Library and shall otherwise act in conformance with the Vermont statutes. The five permanent, self-perpetuating library trustees shall function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925. The Library shall be required to follow all financial and personnel policies adopted by the Town Selectboard.</p>	
<p>Subchapter 9: Administrative Departments</p> <p><i>Part I</i></p> <p>§ 901 Personnel administration and benefits</p> <p>(a) The Town manager or the Town manager's appointee shall be the personnel director. The Town manager shall maintain personnel</p>	<p>Subchapter 9: Administrative Departments</p> <p><i>Part I</i></p> <p>§ 901 Personnel administration and benefits</p> <p>(a) The Town manager or the Town manager's appointee shall be the personnel director. The Town manager shall maintain personnel</p>	

Commented [GD138]: Is this necessary? Because it's dealing with elected officials? Is it redundant with other Brownell section? Only one specifies need to be qualified voter in Essex

Should this be in transitional section? Specify "transitional for Brownell"??

Commented [GD139R138]: DR: remove if redundant. ET: keep in to show that Brownell is remaining; find best place for this section in charter

Commented [GD37]: Trustees: For Dan Richardson – which of these sections are needed, if any? Do we have to specify departments?

DR: do need to specify assessor; no default statutes

TRUSTEES	SELECTBOARD	DETERMINATION
<p>rules and regulations protecting the interests of the Town and of the employees. These rules and regulations must be approved by the Selectboard, and shall include the procedure for amending them and for placing them into practice. Each employee shall receive a copy of the rules and regulations when he or she is hired.</p> <p>(b) The rules and regulations may deal with the following subjects or with other similar matters of personnel administration: job classification, jobs to be filled, tenure, retirement, pensions, leaves of absence, vacations, holidays, hours and days of work, group insurance, salary plans, rules governing hiring, temporary appointments, lay-off, reinstatement, promotion, transfer, demotion, settlement of disputes, dismissal, probationary periods, permanent or continuing status, in-service training, injury, employee records, and further regulations concerning the hearing of appeals.</p> <p>(c) No person in the service of the Town shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed</p>	<p>rules and regulations protecting the interests of the Town and of the employees. These rules and regulations must be approved by the Selectboard, and shall include the procedure for amending them and for placing them into practice. Each employee shall receive a copy of the rules and regulations when he or she is hired.</p> <p>(b) The rules and regulations may deal with the following subjects or with other similar matters of personnel administration: job classification, jobs to be filled, tenure, retirement, pensions, leaves of absence, vacations, holidays, hours and days of work, group insurance, salary plans, rules governing hiring, temporary appointments, lay-off, reinstatement, promotion, transfer, demotion, settlement of disputes, dismissal, probationary periods, permanent or continuing status, in-service training, injury, employee records, and further regulations concerning the hearing of appeals.</p> <p>(c) No person in the service of the Town shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed</p>	

TRUSTEES	SELECTBOARD	DETERMINATION
<p>appointment, promotion or proposed promotion.</p> <p><i>Part II</i> § 902 Department of Real Estate Appraisal</p> <p>There shall be established a department of real estate appraisal headed by a professionally qualified real estate assessor, who shall be appointed by the manager.</p> <p>§ 903 Appraisal of property</p> <p>The department of real estate appraisal shall appraise all real and business personal property for the purpose of establishing the grand list. Appraisals shall be reviewed periodically and kept up to date. Technically qualified individuals or firms may be employed as needed.</p> <p>§ 904 Appraisal of business personal property for tax purposes</p> <p>Appraisal of business personal property shall be in accordance with the provisions of Vermont Statutes Annotated, Title 32 § 3618, as the same may from time to time be amended, provided that all business personal property acquired by a taxpayer after September 30, 1995 shall be exempt from tax.</p>	<p>appointment, promotion or proposed promotion.</p> <p><i>Part II</i> § 902 Department of Real Estate Appraisal</p> <p>There shall be established a department of real estate appraisal headed by a professionally qualified real estate assessor, who shall be appointed by the manager.</p> <p>§ 903 Appraisal of property</p> <p>The department of real estate appraisal shall appraise all real and business personal property for the purpose of establishing the grand list. Appraisals shall be reviewed periodically and kept up to date. Technically qualified individuals or firms may be employed as needed.</p> <p>§ 904 Appraisal of business personal property for tax purposes</p> <p>Appraisal of business personal property shall be in accordance with the provisions of Vermont Statutes Annotated, Title 32 § 3618, as the same may from time to time be amended, provided that all business personal property acquired by a taxpayer after September 30, 1995 shall be exempt from tax.</p>	

TRUSTEES	SELECTBOARD	DETERMINATION
<p>§ 905 Duties of Department</p> <p>The duties and powers of the department of real estate appraisal shall be the same as those established for listers under the general statutes.</p> <p>§ 906 Purpose</p> <p>The purpose of the department of real estate appraisal is to provide for appointment of a qualified real estate assessor rather than the election of listers. The Town shall be governed by, and each taxpayer shall have rights granted by, the applicable statutes concerning real and personal property taxation, appeal therefrom, and other statutes concerning taxation.</p>	<p>§ 905 Duties of Department</p> <p>The duties and powers of the department of real estate appraisal shall be the same as those established for listers under the general statutes.</p> <p>§ 906 Purpose</p> <p>The purpose of the department of real estate appraisal is to provide for appointment of a qualified real estate assessor rather than the election of listers. The Town shall be governed by, and each taxpayer shall have rights granted by, the applicable statutes concerning real and personal property taxation, appeal therefrom, and other statutes concerning taxation.</p>	
<p>Subchapter 10 Budget Process</p> <p>§ 1001 Fiscal year</p> <p>The fiscal year of the Town shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter.</p> <p>§ 1002 Annual municipal budget</p>	<p>Subchapter 10 Budget Process</p> <p>§ 1001 Fiscal year</p> <p>The fiscal year of the Town shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter.</p> <p>§ 1002 Annual municipal budget</p>	

Commented [GD140]: DR: budget does not need to be in charter, but good governance process to lay out budget procedures

TRUSTEES	SELECTBOARD	DETERMINATION
<p>With support from the finance department, the Town Manager shall submit to the Selectboard a budget at least 50 days before annual town meeting or at such previous time as may be directed by the Selectboard. The budget shall contain:</p> <p>(1) An estimate of the financial condition of the Town as of the end of the fiscal year.</p> <p>(2) An itemized statement of appropriations recommended for current expenses, and for capital improvements, during the next fiscal year; with comparative statements of appropriations and estimated expenditures for the current fiscal year and actual appropriations and expenditures for the immediate preceding fiscal year.</p> <p>(3) An itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year; and comparative figures of tax and other sources of revenue for the current and immediate preceding fiscal years.</p> <p>(4) A capital budget for the next five fiscal years, showing anticipated capital expenditures, financing, and tax requirements.</p>	<p>With support from the finance department, the Town Manager shall submit to the Selectboard a budget at least 50 days before annual town meeting or at such previous time as may be directed by the Selectboard. The budget shall contain:</p> <p>(1) An estimate of the financial condition of the Town as of the end of the fiscal year.</p> <p>(2) An itemized statement of appropriations recommended for current expenses, and for capital improvements, during the next fiscal year; with comparative statements of appropriations and estimated expenditures for the current fiscal year and actual appropriations and expenditures for the immediate preceding fiscal year.</p> <p>(3) An itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year; and comparative figures of tax and other sources of revenue for the current and immediate preceding fiscal years.</p> <p>(4) A capital budget for the next five fiscal years, showing anticipated capital expenditures, financing, and tax requirements.</p>	

Commented [GD141]: DR: typical for Manager to submit budget; not typical to put timeframe or date in charter. Recommend: "Shall prepare and submit budget to Selectboard for review and adoption prior to annual meeting"

Important to require town budget. Subsections about details, components, dates etc. not necessary for charter

Commented [GD142]: Redundant with 1201

TRUSTEES	SELECTBOARD	DETERMINATION
<p>(5) Such other information as may be required by the Selectboard.</p>	<p>(5) Such other information as may be required by the Selectboard.</p>	
<p>§ 1003 Governing Body’s action on the budget</p> <p>The Selectboard shall review, and approve the recommended budget with or without change. The budget shall be published not later than two weeks after its preliminary adoption by the Selectboard. The Selectboard shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such hearing.</p>	<p>§ 1003 Governing Body’s action on the budget</p> <p>The Selectboard shall review, and approve the recommended budget with or without change. The budget shall be published not later than two weeks after its preliminary adoption by the Selectboard. The Selectboard shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such hearing.</p>	
<p>§ 1004 Meeting warning and budget</p> <p>(a) The Selectboard shall hold at least one public hearing at least 30 days prior to the annual meeting to present and explain its proposed budget and shall give a public notice of such hearing.</p> <p>(b) The Town Manager shall not less than 15 days prior to the annual meeting print and distribute the Selectboard recommended budget and the final warning of the pending annual meeting.</p>	<p>§ 1004 Meeting warning and budget</p> <p>(c) The Selectboard shall hold at least one public hearing at least 30 days prior to the annual meeting to present and explain its proposed budget and shall give a public notice of such hearing.</p> <p>(d) The Town Manager shall not less than 15 days prior to the annual meeting print and distribute the Selectboard recommended budget and the final warning of the pending annual meeting.</p>	
<p>§ 1005 Appropriation & Transfers</p> <p>(a) From the effective date of the budget, the amounts stated therein,</p>	<p>§ 1005 Appropriation & Transfers</p> <p>(a) From the effective date of the budget, the amounts stated therein,</p>	

Commented [GD143]: AW: redundant with 1004a

Commented [GD38]: Trustees: consider "... not less than one public hearing ..."

Commented [GD144]: AW: need to specify annual report somewhere?

Commented [GD145]: Section redundant with 1003

Commented [GD146]: AW: can we use language that does not REQUIRE print and distribute; mail postcards, or find other way to "make available"

Commented [GD147R146]: DR: The Town "... shall make available ..."

TRUSTEES	SELECTBOARD	DETERMINATION
<p>as approved by the voters, become appropriated to the several agencies and purposes therein named.</p> <p>(b) The manager may at any time transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the manager, the Selectboard may, by resolution, transfer any unencumbered appropriation balance or portion thereof within the Selectboard budget from one department, office or agency to another. Notwithstanding the above, no unexpended balance in any appropriation not included in the Selectboard budget shall be transferred or used for any other purpose.</p>	<p>as approved by the voters, become appropriated to the several agencies and purposes therein named.</p> <p>(b) The manager may at any time transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the manager, the Selectboard may, by resolution, transfer any unencumbered appropriation balance or portion thereof within the Selectboard budget from one department, office or agency to another. Notwithstanding the above, no unexpended balance in any appropriation not included in the Selectboard budget shall be transferred or used for any other purpose.</p>	
<p>§ 1006 Amount to be raised by taxation</p> <p>Upon passage of the budget by the voters, the amounts stated therein as the amount to be raised by taxes shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year, and the Selectboard shall levy such taxes on the grand list as prepared by</p>	<p>§ 1006 Amount to be raised by taxation</p> <p>Upon passage of the budget by the voters, the amounts stated therein as the amount to be raised by taxes shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year, and the Selectboard shall levy such taxes on the grand list as prepared by</p>	

Commented [GD39]: AB: for Dan Richardson – is this different from budget approved by voters?

Commented [GD40]: AB: For Dan – does this include enterprise funds, etc.?

TRUSTEES	SELECTBOARD	DETERMINATION
<p>the assessor for the corresponding tax year.</p> <p>Subchapter 11: Taxation</p> <p>§ 1101 Taxes on real and personal property</p> <p>Taxes on real and personal property shall be paid in two equal payments, with one-half of the annual tax bill for each taxpayer due and payable no later than September 15 and March 15, or in the case of a weekend, the next business day, of each fiscal year or pursuant to such other schedule as the Selectboard may adopt by resolution, bylaw or ordinance.</p>	<p>the assessor for the corresponding tax year.</p> <p>Subchapter 11: Taxation</p> <p>§ 1101 Taxes on real and personal property</p> <p>Taxes on real and personal property shall be paid in two equal payments, with one-half of the annual tax bill for each taxpayer due and payable no later than September 15 and March 15, or in the case of a weekend, the next business day, of each fiscal year or pursuant to such other schedule as the Selectboard may adopt by resolution, bylaw or ordinance.</p>	
<p>§ 1102 Penalty</p> <p>(a) An additional charge of eight percent shall be added to any tax not paid on or before the dates specified in section § 1101 of this charter, and interest as authorized by Vermont statutes.</p> <p>(b) The Selectboard shall have the authority to waive penalty on late payments in the case of natural disaster, pandemic, or economic downturns at their discretion.</p>	<p>§ 1102 Penalty</p> <p>(a) An additional charge of eight percent shall be added to any tax not paid on or before the dates specified in section § 1101 of this charter, and interest as authorized by Vermont statutes.</p> <p>(b) The Selectboard shall have the authority to waive penalty on late payments in the case of natural disaster, pandemic, or economic downturns at their discretion.</p>	
<p>§ 1103 Assessment and taxation agreement</p>	<p>§ 1103 Assessment and taxation agreement</p>	

Commented [GD148]: AW: clarify what 'personal property' means, and if it's needed

Commented [GD149R148]: DR: some municipalities tax business property. Will do more research.

Can remove this section about personal property. Need to keep tax payment schedule, can keep flexible with something like 'must be paid in equal installments on dates set by Selectboard in ordinance,' or 'any tax from grand list due and payable as Selectboard defines in ordinance'

May want to add notice provision about sending notice no less than 30 days before taxes are due

Commented [GD41]: Trustees: Can this come out, be addressed by policy instead of in charter?

Commented [GD150]: AW: need to be explicit about what which taxes we're penalizing (e.g., school taxes, village taxes)? Or is that authority elsewhere in charter?

Commented [GD151R150]: DR: penalty applied to all property taxes collected by Town

Will check on penalty specifics, and options

Commented [GD152]: ET/GD: for discussion; still need penalty to discourage people from not paying

Commented [GD153]: AW: does this take power from BCA? Can that legally be done?

Commented [GD154R153]: DR: don't recommend putting SB in that position, but this way is limited to specific issues; waive for everyone, not individuals. Also have option to change date

TRUSTEES	SELECTBOARD	DETERMINATION
<p>Notwithstanding section § 904 of this charter and the requirements of the general laws of the State of Vermont, the Selectboard are hereby authorized and empowered to negotiate and execute assessment and taxation agreements between the <u>Town</u> and a taxpayer or taxpayers within the Town of Essex consistent with applicable requirements of the Vermont Constitution.</p> <p>Subchapter 12: Capital improvements</p> <p>§ 1201 Capital programs</p> <p>(a) The Manager shall prepare and submit to the Selectboard a five-year capital program at least three months prior to the final date for submission of the budget.</p> <p>(b) Contents. The capital program shall include:</p> <ol style="list-style-type: none"> 1. A clear general summary of its contents; 2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the 	<p>Notwithstanding section § 904 of this charter and the requirements of the general laws of the State of Vermont, the Selectboard are hereby authorized and empowered to negotiate and execute assessment and taxation agreements between the <u>Town</u> and a taxpayer or taxpayers within the Town of Essex consistent with applicable requirements of the Vermont Constitution.</p> <p>Subchapter 12: Capital improvements</p> <p>§ 1201 Capital programs</p> <p>(a) The Manager shall prepare and submit to the Selectboard a five-year capital program at least three months prior to the final date for submission of the budget.</p> <p>(b) Contents. The capital program shall include:</p> <ol style="list-style-type: none"> 1. A clear general summary of its contents; 2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the 	

Commented [GD155]: AW: redundant with 1002(4)

TRUSTEES	SELECTBOARD	DETERMINATION
<p>necessity for such improvements;</p> <p>3. Cost estimates, method of financing, and recommended time schedules for each such improvement; and</p> <p>4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.</p> <p>The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.</p> <p>Subchapter 13: Amendment of Charter and Initiatives</p> <p>§ 1301 Laws governing</p> <p>This charter may be amended in accordance with the procedure provided for by state statutes for amendment of municipal charters.</p> <p>Subchapter 14: General</p> <p>§ 1401 Savings clause</p> <p>Repeal or modification of this charter shall not affect the validity of</p>	<p>necessity for such improvements;</p> <p>3. Cost estimates, method of financing, and recommended time schedules for each such improvement; and</p> <p>4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.</p> <p>The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.</p> <p>Subchapter 13: Amendment of Charter and Initiatives</p> <p>§ 1301 Laws governing</p> <p>This charter may be amended in accordance with the procedure provided for by state statutes for amendment of municipal charters.</p> <p>Subchapter 14: General</p> <p>§ 1401 Savings clause</p> <p>Repeal or modification of this charter shall not affect of validity of</p>	

TRUSTEES	SELECTBOARD	DETERMINATION
<p>previously enacted ordinance, resolution, or bylaw.</p> <p>§ 1402 Separability of provisions</p> <p>The provisions of this charter are declared to be severable. If any provisions of this charter are for any reason invalid, such invalidity shall not affect the remaining provisions, which can be given effect without the invalid provision.</p>	<p>previously enacted ordinance, resolution, or bylaw.</p> <p>§ 1402 Separability of provisions</p> <p>The provisions of this charter are declared to be severable. If any provisions of this charter are for any reason invalid, such invalidity shall not affect the remaining provisions, which can be given effect without the invalid provision.</p>	
<p>ADDITIONAL TRUSTEE COMMENTS</p> <ul style="list-style-type: none"> Consider recall provision for elected officials; see charters provided by Andrew Brown for examples Want to discuss local options tax; 2006 charter had local option tax built in; may not want to include in merger charter (Dan Richardson has advised against it; ET – consider after merger vote); Trustees generally think not worth including in this charter vote, but needs to be discussed 	<p>ADDITIONAL COMMENTS (AW): list of things that are in the current charter but are missing from the proposed new one. 103a: This section was copied to section 203a of proposed charter with this clause at the end deleted, “and impose penalties for the violation thereof.” Why was this clause dropped? <i>103. Powers of the Town</i> <i>(a) The Town shall have all of the powers granted to towns and municipal corporations by the Constitution and laws of this State; it may enact ordinances,</i></p>	

Commented [GD156]: DR will look into language

TRUSTEES	SELECTBOARD	DETERMINATION
	<p><i>bylaws, and regulations not inconsistent with the Constitution and laws of the State of Vermont or with this charter, and impose penalties for the violation thereof.</i></p> <p>103b: The last sentence about condemnation was dropped in proposed charter section 203b. Why was it dropped? <i>(b) The Town may acquire property within or without its corporate limits for any town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise or lease, and may sell, lease, mortgage, hold, manage, and control such property as its interests may acquire. The Town may further acquire property within its corporate limits by condemnation where granted to towns by the statutes of the State of Vermont.</i></p> <p>103c: Dropped from proposed charter. Why? Empowers SB to establish departments. <i>(c) The Town may establish and maintain departments or divisions, as deemed appropriate by the Board of Selectmen for the efficient maintenance and operation of Town affairs, to include, by way of illustration and not by way of limitation, police, fire, water, and public works departments.</i></p> <p>109: There is no reference to an Annual Report in the proposed charter. Why was this dropped? <i>109. Annual Town report The annual Town report shall be distributed to the legal voters of the Town not later than 10 days prior to the annual meeting.</i></p>	

TRUSTEES	SELECTBOARD	DETERMINATION
	<p>201: This section was dropped from proposed charter. The proposed charter has no reference to electing a moderator.</p> <p><i>201. Officers generally The elected officers of the Town of Essex shall be: selectmen and Moderator. These officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law. The terms of the officers shall commence on the first day of the month following the month of election.</i></p> <p>202c: Dropped from proposed charter. Limits SB election to two seats except in the case of a vacancy. Why was this dropped?</p> <p><i>202. Selectmen - Number, terms of office, election (c) Unless necessary to fill a vacancy, no more than two selectmen shall be elected at any annual meeting. Notwithstanding, the terms of the presently elected selectmen shall not be modified by this section.</i></p> <p>203c: Says “incapacity shall include the failure by any member to attend at least 50 percent of the meetings of the board in any calendar year.” This was dropped from the proposed charter and removes the ability to replace an absent SB member.</p> <p><i>203. Organization (c) In the event of death, resignation, or incapacity of any selectmen, the remaining members of the Board may appoint a person eligible to fill that position. At the next annual meeting, the vacancy shall be filled by serving the remaining balance of</i></p>	

TRUSTEES	SELECTBOARD	DETERMINATION
	<p><i>the term. Incapacity shall include the failure by any member of the Board to attend at least 50 per cent of the meetings of the Board in any calendar year. In the event the Board is unable to agree upon an interim replacement until the next annual Town meeting, a special election shall be held forthwith to fill the position.</i></p> <p>205: Dropped from proposed charter. Why? NOTE: The proposed charter specifies that a SB clerk will be elected but defines no duties for them. Dropping section 205 removes those duties specified in the current charter.</p> <p><i>205. Record of proceedings</i> <i>(a) An official record of the proceedings of the Board of Selectmen shall be kept by its Clerk, who need not be a member of the Board of Selectmen, which shall be kept in the office of the Town Clerk and shall be open for public inspection. The Town Clerk shall keep official record of the proceedings of all special and annual Town meetings.</i> <i>(b) The minutes of each meetings shall be approved by the Board at its next meeting and the official copy authenticated by the signature of the Clerk of the Board.</i></p> <p>303: This section was dropped from the proposed charter. This removes the clause about budget adjustments. Do we want to give up this power?</p> <p><i>303. Budget</i> <i>An annual budget shall be adopted at Town meeting by the vote of a majority of those eligible to vote present at the meeting. If, after the total budget has been appropriated, the selectmen find additional</i></p>	

TRUSTEES	SELECTBOARD	DETERMINATION
	<p><i>appropriations necessary, the appropriations shall be made and reported at the next Town meeting as a specific item. The appropriations shall only be made in special circumstances or situations of an emergency nature. No specific explanation need be given for any normal annual operating expense in any office, department, or agency which 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.</i></p> <p>Sections 304 and 305 are dropped from the proposed charter. This removes explicit resident ability to petition ordinance changes. I don't think we should drop these sections.</p> <p><i>304. Rescission of ordinances All ordinances shall be subject to rescission by a special or annual Town meeting, as follows: If, within 44 days after final passage by the selectmen of any such ordinance, a petition signed by voters of the Town not less in number than five percent of the qualified voters of the municipality is filed with the Town Clerk requesting its reference to a special or annual Town meeting, the selectmen shall fix the time and place of the meeting, which shall be within 60 days after the filing of the petition, and notice thereof shall be given in the manner provided by law in the calling of a special or annual Town meeting. Voting shall be by Australian ballot. An ordinance so referred shall remain in effect upon the conclusion of the meeting unless a majority of those present and voting against the ordinance at the</i></p>	

TRUSTEES	SELECTBOARD	DETERMINATION
	<p><i>special or annual Town meeting exceeds five percent in number of the qualified voters of the municipality.</i></p> <p><i>305. Petition for enactment of ordinance; special meeting</i> <i>(a) Subject to the provisions of section 304 of this Charter, voters of the Town may at any time petition in the same manner as in section 304 for the enactment of any proposed lawful ordinance by filing the petition, including the text of the ordinance, with the Town Clerk. The selectmen shall call a special Town meeting (or include the ordinance as annual meeting business) to be held within 60 days of the date of the filing, unless prior to the meeting the ordinance shall be enacted by the selectmen. The warning for the meeting shall state the proposed ordinance in full or in concise summary and shall provide for an Australian ballot vote as to its enactment. The ordinance shall take effect on the 10th day after the conclusion of the meeting provided that voters as qualified in section 304, constituting a majority of those voting thereon, shall have voted in the affirmative.</i> <i>(b) The proposed ordinance shall be examined by the Town Attorney before being submitted to the special Town meeting. The Town Attorney is authorized subject to the approval of the selectmen, to correct the ordinance so as to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy in its text and references and clearness and preciseness in its</i></p>	

TRUSTEES	SELECTBOARD	DETERMINATION
	<p><i>phraseology, but the Town Attorney shall not materially change its meaning and effect.</i></p> <p><i>(c) The provisions of this section shall not apply to any appointments of officers, members of commissions, or boards made by the selectmen or to the appointment or designation of selectmen, or to rules governing the procedure of the selectmen.</i></p> <p>503: References personal business property. What is this?</p> <p><i>503. Appraisal of business personal property for tax purposes</i> <i>Appraisal of business personal property shall be in accordance with the provisions of 32 V.S.A. § 3618, as the same may from time to time be amended provided that all business personal property acquired by a taxpayer after September 30, 1995 shall be exempt from tax.</i></p> <p>602: This section was dropped from the proposed charter. Explicitly lists officers that are appointed by the Manager. Are we giving up Manager powers by not being specific? NOTE: Town Treasurer is not mentioned anywhere in the proposed charter. Is this a problem?</p> <p><i>602. Officials appointed by Manager</i> <i>The Town Manager shall appoint with the approval of the selectmen: Town Clerk, Town Treasurer, Assistant Town Clerk, constables, Grand Juror, Director of Public Works, Police Chief, a Town Agent if the Town Attorney is not a resident of the Town of Essex, cemetery commissioners, Health Officer, fire wardens, Zoning</i></p>	

TRUSTEES	SELECTBOARD	DETERMINATION
	<p><i>Administrator, and if needed, the Town Manager may appoint fence viewers, Inspector of Lumber and Shingles, and any other officer which the selectmen of a Town are authorized to appoint if the selectmen have not filled the office. The terms of the appointed officials shall commence on the first day of April following appointment. Appointments to fill a vacancy in an office shall be effective at the time of appointment and shall run for the unexpired period of the term. (Amended 1999, No. M-1, eff. Jan. 1, 1999.)</i></p> <p>901: This section is dropped which removes our employment non-discrimination clause. The word discrimination does not appear anywhere in the new proposed charter. We are losing something important here especially given today's environment.</p> <p><i>901. Appointment and removal All Town employees not elected by the voters shall be appointed, supervised, and removed by the Town Manager unless otherwise specified by this charter. There shall be no discrimination in employment on account of race, religion, sex, or political opinions. Appointments, lay-offs, suspensions, promotions, demotions, and removals shall be made primarily on the basis of training, experience, fitness, and performance of duties, in such manner as to insure that the responsible administrative officer may secure efficient service.</i></p> <p><u>FINAL SELECTBOARD COMMENTS</u> EH: need conversation with Trustees re:</p>	

TRUSTEES	SELECTBOARD	DETERMINATION
	<p>Sidewalk district Taxation timeframe Capital district</p> <p>Big concerns?</p> <ul style="list-style-type: none"> - PM – no, all addressed tonight - AW – nothing to keep going forward; reservations of whether it will pass - VF – reservation over district neutral language; no other deal breakers - DHF – concern over desire to merge, but Village desire to have separate taxation and districts for so many years. Some things remaining separate; if merge, merge everything 	

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TOWN OF ESSEX

PREAMBLE

The inhabitants of the Town of Essex, including the historical, **unincorporated** Village of Essex Junction, are a corporate and political body under the name of "Town of Essex." As such, inhabitants enjoy all rights, immunities, powers, and privileges and are subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation.

Commented [gt1]: Language taken directly from Town of Hartford Charter to explain relationship between town and unincorporated villages.

Subchapter 1: Transitional Provisions

§ 101 Adoption of town and village assets and liabilities

- (a) All assets and obligations formerly owned or held by the Town and Village shall become the assets and obligations of the new Town of Essex upon the effective date of the charter. This shall include all real property, easements, rights and interests in land, buildings and other improvements; vehicles, equipment, and other personal property; assessed but uncollected taxes, rents and charges, together with lien rights and enforcement powers; moneys, rights of action in legal or administrative proceedings; insurance policies; documents and records; debts, claims, bonded indebtedness; without any further act, deed, or instrument being necessary.
- (b) All contracts, agreements, trusts, and other binding written documents affecting the Town or Village shall remain in effect on the effective date of the charter, and the new Town of Essex shall assume all the responsibilities formerly belonging to the Town and Village unless otherwise specified. Pursuant to § 104, the unincorporated Village shall become a debt assessment district until the Village's residual bond debt is retired.

§ 102 Transition Period

The transition period shall begin not later than **July 1**, following the approval of the charter by the Legislature, and end on June 30 the year after approval of the charter. At the end of the transition period, the charter will become effective and the new Town of Essex shall be fully established and organized. Nothing in this section shall affect or limit other provisions in this subchapter or in other subchapters, which serve a transitional purpose and which by their own provisions continue beyond the transitional period. In such cases, transitional provisions intended to extend beyond the transitional period shall be governed by specific sunset terms. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt2]: Inserted actual dates for clarity

§ 103 Organizational Municipal Meeting

The first annual Town meeting shall occur on Town Meeting Day following approval of the Charter. This shall be a unified meeting of the new municipality and shall be noticed

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and warned to all residents of the Town of Essex and unincorporated Village of Essex Junction. This meeting shall be for the purpose of presenting and discussing the budget only. Other (new Town) business may also be presented and discussed but not voted on. After presentation and discussion of the budget and any other business the meeting shall adjourn. Voting on the budget shall be by Australian ballot and shall occur on the same day as the budget vote for the Essex-Westford School District. Voting for new Essex Town elected officers shall also occur at this time. Time and holding of the meeting shall be pursuant to Subchapter 5 of the Town charter. The first annual Town meeting shall be jointly warned by the Village Trustees and Town Selectboard. The election of a moderator shall be the first order of business.

§ 104 Transitional Districts

Transitional district rates shall be set by the new Town Selectboard.

- (a) For a transitional period commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Debt Assessment District for the purpose of retiring the Village's residual bonded debt in existence before the transitional period. This residual debt is scheduled to retire in FY 2035.
- (b) For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Tax Reconciliation District for the purpose of transferring the cost of the Village's municipal operations into the Town's operational budget.
- (c) For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Sidewalk District for the purpose of levying a special tax on properties within the Village for the purpose of maintaining the Village's sidewalks, including snow removal and routine maintenance, but not capital repairs, in accordance with its previous sidewalk maintenance procedures prior to the merger.
- (d) For a transitional period of 12 years commencing from the July 1 effective date of the charter, the unincorporated Village of Essex Junction (formerly the incorporated Village of Essex Junction) shall be designated as a Capital Improvement District for the purpose of levying a special tax on properties within the Village for the purpose of paying for Village capital infrastructure projects on the Village's Capital Reserve Plan prior to the merger. The Capital Improvement District is not required to complete all projects in the plan prior to the end of the transitional period and the

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Selectboard shall designate in their proposed budgets which projects are to be completed in each new fiscal year of the transitional period.

- (e) For a transitional period of 12 years commencing from the July 1 effective date of the Charter, the Village Center Zone, as designated in the Essex Junction zoning plan, shall be designated as a Downtown Improvement District for the purpose of continuing the Village’s downtown revitalization efforts as outlined in the Village’s municipal plan, and shall retain any and all state designations for the purposes of redevelopment in force at the time of adoption of the Charter or until such designations are withdrawn or amended as per routine statutory process.

[ADDED/AMENDED BY BOT 8.17.20]

Commented [gt3]: Revised former downtown district to remove specific tax mechanism. This creates the district but new board will need to determine if a special tax is to be raised.

§ 105 Interim Governing Body

- (a) For the transition period described in paragraph § 102 following the approval of the charter by the Legislature, all members of the former Town Selectboard and Village Trustees shall comprise an Interim Governing Body. In no event shall the Interim Governing Body consist of less than three trustees and three selectpersons. In the event of a resignation, the remaining members of the board on which the resignation occurred shall appoint a replacement chosen from the registered voters in the communities over which they have jurisdiction. The Interim Governing Body shall, schedule, warn, and hold meetings as appropriate. The former selectpersons shall address details and issues relating to expenditures in the Essex Town budget approved by voters for the fiscal year of the transitional period. The former trustees shall address details and issues relating to expenditures in the Essex Junction budget approved by voters for the fiscal year of the transitional period. The selectpersons and trustees shall address all details and issues relating to the transition from a town and village to the new Town of Essex jointly. The Interim Governing Body with the assistance of the Unified Manager shall develop recommendations for whatever proposals or policies are needed to ensure a smooth transition. The new Town of Essex Selectboard may implement such proposals once the charter becomes effective.

- (b) During the transition period the Interim Governing Body will also, with the assistance of the Unified Manager and staff, integrate the ordinances of the former Town of Essex with the ordinances of the former Village of Essex Junction, pursuant to § 110 below, by identifying conflicting ordinances and determining in each case whether the more or less restrictive ordinance will apply or a combination thereof.

[ADDED/AMENDED BY BOT 8.17.20]

Commented [gt4]: Inserted this entire section (b) to clarify that ordinance reconciliation will be a priority of the interim board, but this doesn’t need to be done prior to approval of the charter.

- (c) In the event of a vacancy that results in less than three members of the former Town Selectboard or less than three members of the former Village Trustees, all remaining members shall vote to appoint a member from the district with a vacancy in a manner pursuant to § 304. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt5]: Amended former language for clarity and brevity

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- (d) The Interim Governing Body will also, with the assistance of the Unified Manager and staff, propose and warn in the manner pursuant to this charter, the first annual budget of the new Town of Essex for consideration by the voters at the first annual meeting held pursuant to § 103. This meeting shall be informational only. Voting for the budget shall occur on the same day as voting for the Essex-Westford School District budget pursuant to § 103.

§ 106 Town Selectboard

- (a) There shall be a Town Selectboard consisting of seven members.
- (b) Three members shall reside within the boundaries of the former incorporated Village of Essex Junction to be elected by the qualified voters within the boundaries of the former incorporated Village of Essex Junction. This area will become known as Ward 1. Boundary adjustments will be made over time as necessary pursuant to § 301. Three members shall reside within the boundaries of the Town of Essex exclusive of the former Village of Essex Junction to be elected by the qualified voters of the Town of Essex exclusive of the former Village of Essex Junction. This area will become known as Ward 2. Boundary adjustments will be made over time as necessary pursuant to § 301. One member shall reside in either Ward 1 or Ward 2 to be elected by the combined votes of the qualified voters in Ward 1 and Ward 2.

[ADDED/AMENDED BY BOT 8.17.20]

- (c) The term of office of a Town Selectperson shall be three years and terms shall be staggered. For the first election cycle seven people will be elected. One seat for each ward will be for three years; one seat for each ward will be for two years; one seat for each ward will be for one year. After that, every seat shall be a three-year term. The remaining seat will be at-large from either ward and the term shall be three years.

[ADDED/AMENDED BY BOT 8.17.20]

- (d) Within three years after the first election of the seven-member Selectboard, the Selectboard shall appoint a special commission to study the composition of voting wards within the Town of Essex, including the former incorporated Village of Essex Junction, and, having regard to an equal division of population and other considerations deemed proper, recommend within one year, changes, if any, to the boundaries by which members of the Selectboard are elected.

[ADDED/AMENDED BY BOT 8.17.20]

§ 107 Budget and Municipality Administration

Following the approval of the charter by the Legislature pursuant to § 103 and § 105, the Manager will propose a unified budget for the community for the next fiscal year that

Commented [gt6]: Amended to conform to a 3-3-1 board structure

Commented [gt7]: Amended to conform to a 3-3-1 board structure

Commented [gt8]: Amended to conform to a 3-3-1 board structure

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addresses proper service levels, contractual obligations, capital projects, debt, and that reflects any changes related to the merger.

§ 108 Village and Town Department Transitional Provisions

- (a) For a transitional period of 5 years commencing from the July 1 effective date of the charter, the manager, with the advice and consent of the new Town of Essex selectboard shall integrate the fire departments, community development and planning offices, parks and recreation offices, and any other town and village municipal services and operations, with special provisions and considerations outlined below.
- (b) The Town of Essex shall operate the former Essex Junction Fire Department and Essex Town Fire Department, and each department shall have a chief appointed by the manager. At the manager's discretion, one person may be appointed chief for both departments. During the transitional period, pursuant to § 105, the Interim Governing Body may review options for integrating the operations of the two departments for the purpose of improving efficiency and service levels and with a preference for retaining the historic identities of the two departments and for the predominant level of service remain "paid on call." **[ADDED/AMENDED BY BOT 8.17.20]**
- (c) During the five-year transitional period the manager shall integrate and reorganize the town and village recreation and parks departments and the manager shall appoint a department head.
- (d) During the five-year transitional period the manager shall integrate and reorganize the town and village community development and planning departments, and the manager shall appoint a department head.

Commented [gt9]: Amended for clarity: town does not presently EJFD

§ 109 Planning and Development

- (a) On the effective date of this charter, the former Town plan and Village plan, and the former Town zoning bylaws and subdivision regulations, and the Village's zoning bylaws and Land Development Code shall remain in effect in their respective former geographic areas until amended or revised by the new Town Selectboard upon recommendation by the merged Planning Commission and in conjunction with the Chittenden County Regional Planning Commission and pursuant to 24 VSA 4350(a).
- (b) Prior to the effective date of the charter, the Town Selectboard shall appoint three members of the then current town planning commission and the Village Trustees shall appoint three members of the then current village planning commission to serve on the new Town planning commission. The duration of the first terms shall

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be staggered so as to establish ongoing, staggered three-year appointment schedules. The new Town Selectboard shall choose a seventh member for a four-year term, once it has organized.

- (c) Prior to the effective date of the charter, the Town Selectboard shall appoint three members and the Village Trustees shall appoint three members to serve on the Development Review Board. The duration of the first terms shall be staggered so as to establish ongoing, staggered three-year appointment schedules. The new Town Selectboard shall choose a seventh member for a three-year term, once it has organized.

§ 110 Unification and Adoption of Ordinances, bylaws, and rules

On the effective date of this charter, all ordinances, and bylaws of the Town of Essex and the Village of Essex Junction shall become ordinances and bylaws of the new Town of Essex. The new Town of Essex Selectboard shall be fully authorized to amend or repeal any ordinance according to the provisions of subchapter 6 of the charter. Whenever a power is granted by any such ordinance, or bylaw to an officer or officers of the Town of Essex or the Village of Essex Junction, such power is conferred upon the appropriate officer or officers of the new Town of Essex.

§ 111 Personnel

- (a) Pursuant to § 105, the Interim Governing Body established in § 105 shall develop a pay and classification plan and make recommendations to meet the Town's needs. The new-Town of Essex selectboard may implement such proposals once the charter becomes effective.
- (b) The Town of Essex personnel regulations in effect at the time of approval of the charter shall carry over and control until amended by the new Town of Essex selectboard. **[ADDED/AMENDED BY BOT §.17.20]**
- (c) Employees of the Town of Essex and the Village of Essex Junction shall become employees of the new Town of Essex. The dates of hire with the Town of Essex and the Village of Essex Junction will be used as the dates of hire for purposes related to benefits with the new Town of Essex and all accrued benefits shall carry over. **[ADDED/AMENDED BY BOT §.17.20]**

Commented [gt10]: Amended for brevity as per recommendation of DR

Commented [gt11]: Amended for brevity as per recommendation of DR

§ 112 Water and Sewer Districts

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Upon the effective date of the charter, there shall be a transitional phase to incorporate the municipal water systems and municipal sewer systems into one service area district. The one district shall be made up of multiple systems which follow the boundaries of the legacy systems including those operated separately by the Village of Essex Junction and the Town of Essex. Each system will have its own user base consistent with the legacy systems. Costs specific to each system will be charged solely to the user base within the boundaries of that system including capital and debt service costs. Any new costs incurred after the effective date of the charter of the merged municipality attributable to the entire district will be borne by all users. Costs attributable to specific users through a special assessment, surcharge or other contractual arrangement shall continue to be assessed to the specific users until they are paid in full.

§ 113 Finances

- (a) The existing real property tax system of the town shall become the system of the new Town of Essex. Upon the effective date of the charter, all grand lists will remain in effect and any remaining taxes due to the Village and Town will be payable to the new Town of Essex keeping all existing due dates. The new Town of Essex will manage the existing budget of the Village and Town with oversight by the Interim Governing Body.
- (b) All Tax and indebtedness incurred by the Village tax payers at the time of merger are to remain with these properties until final payment of said obligations are made in full.
- (c) All existing legal obligations, including but not limited to tax stabilization agreements and any agreements to purchase real property, are to be considered obligations of the new governmental entity.

§ 114 Terms Extended

The Selectboard and Trustee terms set to expire in the year of approval of the Charter shall be extended without further action necessary, until June 30, 2022. All other elected officials holding office at the time of Legislative approval of the charter shall remain in their seats until new elections occur or until they step down from office.

§ 115 Transitional Tax Districts and Transitional Tax Provisions.

Transitional tax districts shall be established pursuant to § 104.

§ 116 Repeals

- (a) 24 App. V.S.A. chapters 117 (Town of Essex Charter) and 221 (Village of Essex

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Junction Charter) are repealed.

Subchapter 2: Incorporation and Powers of The Town

§ 201 Corporate Existence

The inhabitants of the Town of Essex, within the corporate limits as now established, shall be a municipal corporation by the name of the Town of Essex. This municipal corporation is a merger of and a successor to the Town of Essex (24 App. V.S.A. chapter 117 repealed) and the Village of Essex Junction (24 App. V.S.A. chapters 221 repealed).

§202 General powers, law

Except as modified by the provisions of this charter, or by any lawful regulation or ordinance of the Town of Essex, all provisions of the statutes of this state applicable to municipal corporations shall apply to the Town of Essex.

§ 203 Specific Powers

- (a) The Town of Essex shall have all the powers granted to towns and municipal corporations by the Constitution and laws of this State together with all the implied powers necessary to carry into execution all the powers granted; and it may enact ordinances not inconsistent with the Constitution and laws of the State of Vermont or with this charter.
- (b) The Town of Essex may acquire real and personal property within or without its corporate limits for any municipal purpose, including storm water collection and disposal, waste water collection and disposal, solid waste collection and disposal, provision of public water supply, provision of public parks and recreation facilities, provision of municipal facilities for office, fire protection, and police protection, provision of public libraries, provision of public parking areas, provision of sidewalks, bicycle paths, and green strips, provision of public roadways, provision of public view zones and open spaces, and such other purposes as are addressed under the general laws of the State of Vermont. The Town of Essex may acquire such property in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, mortgage, hold, manage, and control such property as its interest may require.
- (c) The Town of Essex may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with other Vermont municipalities, the State of Vermont, any one or more subdivisions or agencies of the State, or the United States or any agency thereof.

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- (d) The Town may acquire property within or without its corporate limits for any town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise or lease, and may sell, lease, mortgage, hold, manage, and control such property as its interests may acquire. The Town may further acquire property within its corporate limits by condemnation where granted to towns by the statutes of the State of Vermont.
- (e) The Town of Essex 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 which conflicts with that authority granted to the Public Utilities Commission or any other state regulatory agency.
- (f) In this charter, mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers which the Town of Essex would have if the particular power were not mentioned.

§ 204 Reservation of powers

Nothing in this charter shall be so construed as in any way to limit the powers and functions conferred upon the Town of Essex and the Town Selectboard by 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.

§205 Form of Government

- (a) The municipal government provided by this chapter shall be known as selectboard-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this chapter, all powers of the Town of Essex shall be vested in an elective Town Selectboard, which shall enact ordinances, codes, and regulations; adopt budgets; determine policies; and appoint the Town Manager, who shall enforce the laws and ordinances and administer the government of the Town. All powers of the Town shall be exercised in the manner prescribed by this chapter or prescribed by ordinance.
- (b) Voting Districts shall be established pursuant to § 301.

Subchapter 3: Voting District and Governance Structure

§ 301 Voting Wards

- (a) The former incorporated Village of Essex Junction shall be known as Ward 1. Boundary adjustments will be made over time as necessary pursuant to § 301.b. The Town of Essex

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exclusive of the former Village of Essex Junction shall be known as Ward 2. Boundary adjustments will be made over time as necessary pursuant to § 301.b.

- (b) The Selectboard is empowered to make such changes from time to time, by resolution or ordinance, in the number and boundaries of the wards of the Town as it may deem proper, having regard so far as practicable and convenient, to an equal division of population among them; provided that after the first change so made, such changes shall not be made more than once in five years. **[ADDED/AMENDED] BY BOT 8.17.20**

Commented [gt12]:

Commented [gt13R12]: Made this five years and omitted seven as a choice.

§ 302 Powers and Duties of Governing body

- (a) The members of the Town of Essex Selectboard shall constitute the legislative body of the Town of Essex for all purposes required by statute, and except as otherwise herein specifically provided shall have all the powers and authority given to, and perform all duties required of town legislative bodies or selectboards under the laws of the State of Vermont.
- (b) Within the limitations of the foregoing, the Town of Essex Selectboard shall have the power to:
- (1) Appoint and remove a Town Manager and supervise, create, change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this charter.
 - (2) Appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter.
 - (3) Provide for an independent audit by a certified public accountant.
 - (4) Inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs.
 - (5) Exercise every other power which is not specifically set forth herein, but which is granted to selectboards or legislative bodies by the statutes of the state of Vermont.
 - (6) Make, establish, impose, alter, amend or repeal ordinances and regulations to enforce the same by fine, penalty, forfeiture, injunction, restraining order or any other proper remedy, with respect to the inspection, regulation, licensing or suppression of the following affairs, establishments, employments, enterprises, uses, undertakings, and businesses, viz: The growing, processing, manufacture or sale of cannabis products. Cannabis is described as a Schedule I Controlled Substance under federal law, defined as the parts, products, and non-Hemp derivatives of the plant Cannabis sativa, indica, ruderalis and hybrid strains, including Medical Marijuana, irrespective of state law to the contrary.

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The growing, processing, manufacture or sale of tobacco and tobacco products. Tobacco, a state controlled and regulated drug, as defined by 7 V.S.A. § 101 to include: include cigarettes, little cigars, roll-your-own tobacco, snuff, cigars, new smokeless tobacco, and other tobacco products; Tobacco Substitutes include nicotine pods and juices, electronic cigarettes or other electronic or battery powered devices, that contain and are designed to deliver nicotine or other substances into the body through the inhalation of vapor and that have not been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes. Products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes shall not be considered to be tobacco substitutes. Tobacco and Cannabis Paraphernalia: includes any device used, intended for use, or designed for use in smoking, inhaling, ingesting, or otherwise introducing Tobacco, Cannabis or other substances into the human body, or for preparing the same for smoking, inhaling, ingesting, or otherwise introducing into the human body, including devices for holding Tobacco or Cannabis, rolling paper, wraps, cigarette rolling machines, grinders, pipes, water pipes, carburetion devices, bongs, hookahs, vaping devices, and empty pods or cartridges. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt14]: This entire section was added as per request of Trustee Chawla to give SB authority under state statutes to regulate tobacco/cannabis products.

§ 303 Governing body composition and term of office

(c) There shall be a Town Selectboard consisting of seven members.

[ADDED/AMENDED BY BOT 8.17.20]

Commented [gt15]: Amended for brevity and to conform to 3-3-1 board

(d) The term of office of a Town Selectperson shall be three years and terms shall be staggered.

(e) Selectpersons shall represent the Town. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt16]: Amended for clarity. Previously it said "town and ward." All selectpersons represent the entire town.

§ 304 Vacancy in office

In case of a vacancy of a Selectboard seat, such vacancy shall be filled by the Town Selectboard until the next annual election. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt17]: Amended for clarity and brevity.

§305 Election of governing body officers

(a) At the first meeting following the annual Town meeting, the Selectboard shall organize and elect a chairperson, vice chairperson, and clerk by a majority vote of the entire Selectboard, and shall file a certificate of the election for record in the office of the Town clerk. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt18]: Amended to include election of clerk.

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- (b) The chairperson of the Selectboard or in the chairperson's absence, the vice chairperson, shall preside at all meetings of the Selectboard and shall be recognized as the head of the Town government for all ceremonial purposes.
- (c) In the event of death, resignation, or incapacitation of any Selectboard member, the remaining members of the Selectboard may appoint a person to fill that position until the next annual election. At the next annual election, the vacancy shall be filled and the person so elected shall serve for the remainder of the term of office. In the event the Selectboard is unable to agree upon an interim replacement until the next annual Town election, a special election shall be held forthwith to fill the position.
[ADDED/AMENDED BY BOT §.17.20]
- (d) Elected Selectpersons who move from their ward prior to the expiration of their terms shall surrender their seats. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt19]: Amended for clarity.

Commented [gt20]: Added for clarity in the event a SB member moves to the other ward.

§ 306 Compensation

- (a) Compensation paid to the Selectboard members as reimbursement for expenses shall be set by the voters at the annual meeting, with a minimum of \$1500.00 a year each. Selectboard members compensation must be set forth as a separate item in the annual budget presented to the meeting.
- (b) The Selectboard shall fix the compensation of all officers and employees, except as otherwise provided in this charter.

§ 307 Prohibitions and conflicts of interest

- (a) **Holding Other Office.** No Selectboard member shall hold any other Town office or employment during the term for which he/she/they was elected to the Selectboard. No former Selectboard member shall hold any compensated appointive municipal office or employment until one year after the expiration of the term for which they were elected to the legislative body.
- (b) **Appointments and Removals.** Neither the legislative body nor any of its members shall in any manner dictate the appointment or removal of any municipal administrative officers or employees whom the manager or any of the manager's subordinates are empowered to appoint, but the legislative body may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.
- (c) **Interference with Administration.** Except for the purpose of inquiries and investigations under Section 302 (b)(4), the legislative body or its members shall deal

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with the municipal officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the legislative body nor its members shall give orders to any such officer or employee, either publicly or privately.

§ 308 Governing body meetings

As soon as possible after the election of the chairperson and vice chairperson, the Selectboard shall fix the time and place of its regular meetings, and such meetings shall be held at least once a month.

§ 309 Special Town Meetings

Special Town meetings shall be called in the manner provided by the laws of the State, and the voting on all questions shall be by the Australian ballot system.

§ 310 Procedure

- (a) The Selectboard shall determine its own rules and order of business.
- (b) The presence of four members shall constitute a quorum. Four affirmative votes shall be necessary to take binding Selectboard action.
- (c) The Selectboard shall in accordance with Vermont law keep minutes of its proceedings. This journal shall be a public record.
- (d) All meetings of the Selectboard shall be open to the public unless, by an affirmative vote of the majority of the members present, the Selectboard shall vote that any particular session shall be an executive session or deliberative session in accordance with Vermont law.

§ 311 Appointments

The Selectboard shall have the power to appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter. The terms of all appointments shall commence on the day after the day of appointment unless the appointment is to fill a vacancy in an office, in which case the term shall commence at the time of appointment.

§ 312 Additional governing body provisions

- (a) No claim for personal services shall be allowed to the officers elected at the annual meeting, except when compensation for such services is provided for under the

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provisions of this chapter or by the general law. The compensation of all officers and employees of the Town shall be fixed by the Selectboard, except as herein otherwise provided.

- (b) The Selectboard may authorize the sale or lease of any real or personal estate belonging to the Town.

Subchapter 4 Other Elected Offices

§ 401 Brownell Library trustees

There shall be a five-member Board of Library Trustees who shall be elected to five-year terms using the Australian ballot system pursuant to § 501. Only qualified voters of the Town of Essex shall be eligible to hold the office of elected library trustee. The five permanent, self-perpetuating library trustees shall function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt21]: Minor wording change.

§ 402 Moderator

The voters at the Town Annual Meeting shall elect a Moderator who shall preside at the next Town Annual Meeting. The term of Moderator shall be one year. Only qualified voters of the Town of Essex shall be eligible to hold the Office of Moderator.

[ADDED/AMENDED BY BOT 8.17.20]

Commented [gt22]: Added as per request of SB in past meeting notes. Election of moderator is already mentioned but it doesn't hurt to also add it here.

Subchapter 5 Town Meetings

§ 501 Town of Essex Meetings/Elections

- (a) Annual meetings for the election of officers, the voting on the budgets, and any other business included in the warnings for the meetings, shall be on a date established and legally warned by the Selectboard.
- (b) Provisions of the laws of the State of Vermont relating to the qualifications of electors, the manner of voting, the duties of elections officers, and all other particulars respective to preparation for, conducting, and management of elections, so far as they may be applicable, shall govern all municipal elections, and all general and special meetings, except as otherwise provided in this charter.
- (c) The election of officers and the voting on all questions shall be by Australian ballot system. The ballot boxes shall be set by the Town Clerk and Board of Civil Authority in conformance with the general laws of the state. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt23]: Amended for clarity and brevity

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Subchapter 6 Ordinances

§ 601 Adoption of Ordinances.

[NOTE ADDED BY TRUSTEES: Dan Richardson and staff have recommended that the Charter simply reference state statutes for the process of adopting ordinances, as the most efficient and least restrictive method. However, the current Town Charter contains a highly detailed process for ordinance adoption, which is copied below. The Trustees have no preference for either method and defer to the Selectboard on this decision.]

Commented [gt24]: Selectboard should decide which of the two methods to adopt. By default the trustees would chose the DR version.

Staff and DR recommendation: Ordinances shall be adopted in accordance with state law.

Current Town Charter language:

Ordinances-Method of adoption and enforcement

- (a) *The Selectboard may provide penalties for the breach of any ordinance authorized by general law or this charter; may prosecute any person violating the same through the Town attorney or police officers who for such purposes shall be informing officers; and may maintain actions to restrain actual or threatened violations of the same. The establishment of any fine or penalty shall be by ordinance.*
- (b) *Ordinance-making authority granted to the Town by this charter and general law shall be exercised pursuant to the provisions of sections § 602 through § 605 of this charter, except for zoning by-laws and/or subdivision regulations which shall be adopted pursuant to 24 V.S.A. Chapter 117, as amended from time to time hereafter.*

§ 602 Introduction; first and second readings; public hearing

- (a) *Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be "The Selectboard of the Town of Essex hereby ordains. . . ." If the Selectboard passes the proposed ordinance upon first reading, then the Selectboard shall cause it to be published in a newspaper of general circulation in the Town in the form passed, or a concise summary of it, including a statement of purpose, principal provisions, and table of contents or list of section headings, together with a reference to a place within the Town where copies of the full text of the proposed ordinance may be examined, at least once, together with a notice of the time and place when and where there will be a public hearing to consider the same for final passage. The first such publication shall be at least one week prior to the date of the public hearing. Any published notice shall explain citizens' rights to petition for a vote on the ordinance at an annual or special meeting, pursuant to Vermont Statutes Annotated, Title 24 § 1973, and shall also contain the name, address and telephone number of a*

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person with knowledge of the ordinance who is available to answer questions about it.

(c) At the time and place so advertised, or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be introduced, and thereafter, all persons interested shall be given an opportunity to be heard.

(d) After the hearing, the Selectboard may finally pass the ordinance with or without amendment, except that if the Selectboard makes an amendment, it shall cause the amended ordinance to be published, pursuant to subsection (a) of this section at least once together with a notice of the time and place of a public hearing at which the amended ordinance will be further considered, which publication shall be at least three days prior to the public hearing. At the time so advertised or at any time and place to which the meeting may be adjourned, the amended ordinance shall be introduced, and after the hearing, the Selectboard may finally pass the amended ordinance, or again amend it subject to the same procedures as outlined herein.

§ 603 Effective date

Every ordinance shall become effective upon passage unless otherwise specified.

§ 604 Filing and recording of ordinances

The Town clerk shall prepare and keep in the Town clerk's office a book of ordinances which shall contain each ordinance finally passed by the Selectboard, together with a complete index of the ordinances according to subject matter.

§ 604 Rescission of ordinances

All ordinances shall be subject to rescission by a special or annual Town meeting, as follows: If, within 44 days after final passage by the selectmen of any such ordinance, a petition signed by voters of the Town not less in number than five percent of the qualified voters of the municipality is filed with the Town Clerk requesting its reference to a special or annual Town meeting, the selectmen shall fix the time and place of the meeting, which shall be within 60 days after the filing of the petition, and notice thereof shall be given in the manner provided by law in the calling of a special or annual Town meeting. Voting shall be by Australian ballot. An ordinance so referred shall remain in effect upon the conclusion of the meeting unless a majority of those present and voting against the ordinance at the special or annual Town meeting exceeds five percent in number of the qualified voters of the municipality. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt25]: Added as per recommendation of SB review notes.

§ 604 Petition for enactment of ordinance; special meeting

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(a) Subject to the provisions of section 304 of this Charter, voters of the Town may at any time petition in the same manner as in section 304 for the enactment of any proposed lawful ordinance by filing the petition, including the text of the ordinance, with the Town Clerk. The selectmen shall call a special Town meeting (or include the ordinance as annual meeting business) to be held within 60 days of the date of the filing, unless prior to the meeting the ordinance shall be enacted by the selectmen. The warning for the meeting shall state the proposed ordinance in full or in concise summary and shall provide for an Australian ballot vote as to its enactment. The ordinance shall take effect on the 10th day after the conclusion of the meeting provided that voters as qualified in section 304, constituting a majority of those voting thereon, shall have voted in the affirmative. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt26]: Added as per recommendation of SB review notes.

(b) The proposed ordinance shall be examined by the Town Attorney before being submitted to the special Town meeting. The Town Attorney is authorized subject to the approval of the selectmen, to correct the ordinance so as to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy in its text and references and clearness and preciseness in its phraseology, but the Town Attorney shall not materially change its meaning and effect. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt27]: Added as per recommendation of SB review notes.

(c) The provisions of this section shall not apply to any appointments of officers, members of commissions, or boards made by the selectmen or to the appointment or designation of selectmen, or to rules governing the procedure of the selectmen. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt28]: Added as per recommendation of SB review notes.

Subchapter 7: Town Manager

§701 Appointment/Hiring of Manager

The Selectboard shall appoint a Town manager under and in accordance with Vermont Statutes Annotated, as amended from time to time hereafter. The Manager shall be appointed solely on the basis of his or her executive and administrative qualifications in accordance with the Vermont statutes.

§ 702 Powers of Manager

The Manager shall be the chief administrative officer of the Town of Essex. He or she shall be responsible to the Selectboard for the administration of all Town of Essex affairs placed in his or her charge by or under this charter. He or she shall have the following powers and duties in addition to those powers and duties delegated to municipal managers under the Vermont statutes.

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- (1) The Manager shall appoint and, when he or she deems it necessary for the good of the service, suspend or remove all Town of Essex employees, and other employees provided for by or under this charter for cause, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. He or she may authorize any employee who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that employee's department, office, or agency. There shall be no discrimination in employment on account of race, religion, sex, or political opinions. Appointments, lay-offs, suspensions, promotions, demotions, and removals shall be made primarily on the basis of training, experience, fitness, and performance of duties, in such manner as to insure that the responsible administrative officer may secure efficient service.
- (2) The Manager shall direct and supervise the administration of all departments, offices, and agencies of the Town of Essex, except as otherwise provided by this charter or by law.
- (3) The Manager shall hire attorneys as needed.
- (4) The Manager or a staff member designated by the manager shall attend all Selectboard meetings and shall have the right to take part in discussion and make recommendations but may not vote. **[ADDED/AMENDED BY BOT 8.17.20]**
- (5) The Manager shall see that all laws, provisions of this charter, and acts of the Selectboard, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.
- (6) The Manager shall prepare and submit the annual budget and capital program to the Selectboard.
- (7) The Manager shall submit to the Selectboard and make available to the public a complete report on the finances and administrative activities of the Town of Essex as of the end of each fiscal year.
- (8) The Manager shall make such other reports as the Selectboard may require concerning the operations of Town of Essex departments, offices, and agencies subject to his or her direction and supervision.
- (9) The Manager shall keep the Selectboard fully advised as to the financial condition and future needs of the Town of Essex and make such recommendations to the Selectboard concerning the affairs of the Town of Essex as he or she deems desirable.
- (10) The Manager shall be responsible for the enforcement of all Town of Essex ordinances and laws.

Commented [gt29]: Amended for clarity and brevity

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- (11) The Manager may when advisable or proper delegate to subordinate officers and employees of the Town of Essex any duties conferred upon him or her by this charter, the Vermont statutes, or the Selectboard members.
- (12) The Manager shall perform such other duties as are specified in this charter or in State law, or as may be required by the Selectboard.

§ 703 Hearing/Removal Process

- (a) The Selectboard may remove the Manager from office for cause in accordance with the following procedures:
 - 1. The Selectboard shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered within three days to the Manager.
 - 2. Within five days after a copy of the resolution is delivered to the Manager, he or she may file with the Selectboard a written request for a hearing. Said hearing to be in a public or executive session by choice of the Manager. This hearing shall be held at a special Selectboard meeting not earlier than 15 days nor later than 30 days after the request is filed. The Manager may file with the Selectboard a written reply not later than five days before the hearing.
 - 3. The Selectboard may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if he or she has not requested a public hearing, or at any time after the public hearing if he or she has requested one.
- (b) The Manager shall continue to receive his or her salary until the effective date of a final resolution of removal.

§ 704 Vacancy in office of manger

The Manager, by letter filed with the Town Clerk, may appoint a staff member to perform the Manager's duties in the event of the Manager's absence due to disability, incapacitation, or vacation unless the Manager has previously appointed a staff member as assistant manager or deputy manager, who would automatically assume the Manager's responsibilities in the Manager's absence. If the Manager fails to make such designations, the Selectboard, may by resolution, appoint an officer or employee of the Town to

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perform the duties of the Manager until the Manager is able to return to duty.

[ADDED/AMENDED BY BOT 8.17.20]

Commented [gt30]: Amended for clarity and to make gender neutral

Subchapter 8: Boards and Commissions

§ 801 Board of Civil Authority

The Board of Civil Authority is comprised of the Town of Essex Selectboard members and Justices of the Peace.

§ 802 Board of Abatement of Taxes

The board of civil authority shall constitute a board of abatement as provided by law. The board of abatement shall meet and discharge its duties as required by the applicable statutory provisions.

§ 803 Planning Commission

There shall be a Planning Commission and its powers, obligations and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter, and members will be appointed by the Town Selectboard for terms of three years from among the qualified voters of the Town. Members of the Commission shall hold no other Town office.

§ 804 Development Review Board

A Development Review Board shall be established and its powers, obligations and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter, and members will be appointed by the Town Selectboard for terms of three years from among the qualified voters of the Town.

§ 805 Brownell Library trustees

There shall be a five-member Board of Library Trustees who shall be elected to five-year terms using the Australian ballot system pursuant to § 501. Only qualified voters of the Town of Essex shall be eligible to hold the office of elected library trustee. The Trustees holding office at the time of enactment of the Charter shall serve until their terms are completed. The library trustees shall establish policy for the operation of the Library and shall otherwise act in conformance with the Vermont statutes. The five permanent, self-perpetuating library trustees shall function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925. The Library shall be required to follow all financial and personnel policies adopted by the Town Selectboard. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt31]: Amended for clarity

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Subchapter 9: Administrative Departments

Part I

§ 901 Personnel administration and benefits

- (a) The Town manager or the Town manager's appointee shall be the personnel director. The Town manager shall maintain personnel rules and regulations protecting the interests of the Town and of the employees. These rules and regulations must be approved by the Selectboard, and shall include the procedure for amending them and for placing them into practice. Each employee shall receive a copy of the rules and regulations when he or she is hired.
- (b) The rules and regulations may deal with the following subjects or with other similar matters of personnel administration: job classification, jobs to be filled, tenure, retirement, pensions, leaves of absence, vacations, holidays, hours and days of work, group insurance, salary plans, rules governing hiring, temporary appointments, lay-off, reinstatement, promotion, transfer, demotion, settlement of disputes, dismissal, probationary periods, permanent or continuing status, in-service training, injury, employee records, and further regulations concerning the hearing of appeals.
- (c) No person in the service of the Town shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed appointment, promotion or proposed promotion.

Part II

§ 902 Department of Real Estate Appraisal

There shall be established a department of real estate appraisal headed by a professionally qualified real estate assessor, who shall be appointed by the manager.

§ 903 Appraisal of property

The department of real estate appraisal shall appraise all real and business personal property for the purpose of establishing the grand list. Appraisals shall be reviewed periodically and kept up to date. Technically qualified individuals or firms may be employed as needed.

§ 904 Appraisal of business personal property for tax purposes

Appraisal of business personal property shall be in accordance with the provisions of Vermont Statutes Annotated, Title 32 § 3618, as the same may from time to time be

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amended, provided that all business personal property acquired by a taxpayer after September 30, 1995 shall be exempt from tax.

§ 905 Duties of Department

The duties and powers of the department of real estate appraisal shall be the same as those established for listers under the general statutes.

§ 906 Purpose

The purpose of the department of real estate appraisal is to provide for appointment of a qualified real estate assessor rather than the election of listers. The Town shall be governed by, and each taxpayer shall have rights granted by, the applicable statutes concerning real and personal property taxation, appeal therefrom, and other statutes concerning taxation.

Subchapter 10 Budget Process

§ 1001 Fiscal year

The fiscal year of the Town shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter.

§ 1002 Annual municipal budget

With support from the finance department, the Town Manager shall submit to the Selectboard a budget for review before annual town meeting or at such previous time as may be directed by the Selectboard. The budget shall contain:

- (1) An estimate of the financial condition of the Town as of the end of the fiscal year.
- (2) An itemized statement of appropriations recommended for current expenses, and for capital improvements, during the next fiscal year; with comparative statements of appropriations and estimated expenditures for the current fiscal year and actual appropriations and expenditures for the immediate preceding fiscal year.
- (3) An itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year; and comparative figures of tax and other sources of revenue for the current and immediate preceding fiscal years.
- (4) A capital budget for the next five fiscal years, showing anticipated capital expenditures, financing, and tax requirements.

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(5) Such other information as may be required by the Selectboard.

§ 1003 Governing Body's action on the budget

The Selectboard shall review, and approve the recommended budget with or without change. The budget shall be published not later than two weeks after its preliminary adoption by the Selectboard. The Selectboard shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such hearing.

§ 1004 Meeting warning and budget

- (a) The Selectboard shall hold at least one public hearing at least 30 days prior to the annual meeting to present and explain its proposed budget and shall give a public notice of such hearing.
- (b) The Town Manager shall not less than 15 days prior to the annual meeting ensure the publication and distribution of the Selectboard's recommended budget and the final warning of the pending annual meeting. **[ADDED/AMENDED BY BOT 8.17.20]**
- (c) The annual Town report shall be distributed to the legal voters of the Town not later than 10 days prior to the annual meeting. **[ADDED/AMENDED BY BOT 8.17.20]**

Commented [gt32]: Amended for clarity

Commented [gt33]: Added as per recommendation of SB review notes.

§ 1005 Appropriation & Transfers

- (a) An annual budget shall be adopted at Town meeting by the vote of a majority of eligible voters by Australian Ballot. If, after the total budget has been appropriated, the selectmen find additional appropriations necessary, the appropriations shall be made and reported at the next Town meeting as a specific item. The appropriations shall only be made in special circumstances or situations of an emergency nature. No specific explanation need be given for any normal annual operating expense in any office, department, or agency which 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. **[ADDED/AMENDED BY BOT 8.17.20]**
- (b) From the effective date of the budget, the amounts stated therein, as approved by the voters, become appropriated to the several agencies and purposes therein named.
- (c) The manager may at any time transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the manager, the Selectboard may, by resolution, transfer any unencumbered appropriation balance or portion thereof within the Selectboard budget from one department, office or agency to another.

Commented [gt34]: Added as per recommendation of SB review notes.

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Notwithstanding the above, no unexpended balance in any appropriation not included in the Selectboard budget shall be transferred or used for any other purpose.

§ 1006 Amount to be raised by taxation

Upon passage of the budget by the voters, the amounts stated therein as the amount to be raised by taxes shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year, and the Selectboard shall levy such taxes on the grand list as prepared by the assessor for the corresponding tax year.

Subchapter 11: Taxation

§ 1101 Taxes on real property

Taxes on real property shall be paid in equal installments on dates set by the Selectboard by ordinance. The Selectboard shall send notice to taxpayers no less than 30 days prior to when taxes are due.

§ 1102 Penalty

- (a) An additional charge of eight percent shall be added to any tax not paid on or before the dates specified in section § 1101 of this charter, and interest as authorized by Vermont statutes.
- (b) The Selectboard shall have the authority to waive penalty on late payments in the case of natural disaster, pandemic, or economic downturns at their discretion.

§ 1103 Assessment and taxation agreement

Notwithstanding section § 904 of this charter and the requirements of the general laws of the State of Vermont, the Selectboard are hereby authorized and empowered to negotiate and execute assessment and taxation agreements between the Town and a taxpayer or taxpayers within the Town of Essex consistent with applicable requirements of the Vermont Constitution.

Subchapter 12: Capital improvements

§ 1201 Capital programs

- (a) The Manager shall prepare and submit to the Selectboard a five-year capital program at least three months prior to the final date for submission of the budget.

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(b) Contents. The capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimates, method of financing, and recommended time schedules for each such improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Subchapter 13: Amendment of Charter and Initiatives

§ 1301 Laws governing

This charter may be amended in accordance with the procedure provided for by state statutes for amendment of municipal charters.

Subchapter 14: General

§ 1401 Savings clause

Repeal or modification of this charter shall not affect of validity of previously enacted ordinance, resolution, or bylaw.

§ 1402 Separability of provisions

The provisions of this charter are declared to be severable. If any provisions of this charter are for any reason invalid, such invalidity shall not affect the remaining provisions, which can be given effect without the invalid provision.

From: Andrew Brown/George Tyler EJ BOT

To: Elaine Haney/ET SB

8.18.20

Notes on Charter revision from Trustee meeting on 8.17.20

Major points of revision by Trustees on 8.17.20 to previous version of merger charter:

- Language was added to describe a seven-member board of 3-3-1 (ward 1, ward 2, at-large)
- Revisions recommended by Dan Richardson were made.
- Selectboard should choose language for adoption of ordinances.
- Previous Selectboard review noted some key sections in current Town Charter were missing. We copied those sections into the new charter as follows: 103(b) was copied to section 203; 109 was copied to 1004 (c); 201 was copied to 402; 303 was copied to 1005; 304 and 305 were copied to 604.
- Trustee Chawla requested we insert into the powers of the Selectboard section 302 (6) the authority under state statute to regulate the sale of tobacco/vaping/cannabis related products with language taken directly from the St. Johnsbury charter.

All other amendments/additions are marked and explained as noted in the side comments.