

No. M-6. An act relating to approval of amendments to the charter of the Town of Essex.

(H.516)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the Town of Essex as set forth in this act. Voters approved the proposals of amendment on March 4, 2025.

Sec. 2. 24 App. V.S.A. chapter 117 is amended to read:

CHAPTER 117. TOWN OF ESSEX

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§ 101. CORPORATE EXISTENCE RETAINED

The inhabitants of the Town of Essex, within the corporate limits as now established, shall continue to be a municipal corporation by the name of the Town of Essex. Notwithstanding the provisions of any other municipal charters, territory within the corporate limits shall not be annexed to or become a part of any other municipal corporation except by annexation procedures as set forth in the ~~statutes of the State of Vermont~~ Statutes Annotated.

§ 102. GENERAL LAW, APPLICATION

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~~ Vermont Statutes Annotated applicable to towns shall apply to the Town of Essex.

§ 103. POWERS OF THE TOWN

(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, 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~~ of Town ordinances, bylaws, and regulations.

(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~~ Statutes Annotated.

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§ 204. ORGANIZATION

(a) As soon as practicable after the first day ~~of the month~~ of the month following annual Town meeting, the Selectboard shall organize and elect a Chairperson, Vice Chairperson and Clerk by a majority vote of the entire ~~Board~~ Selectboard, and shall file a certificate of the election for record in the office of the Town Clerk.

(b) The Chairperson of the Selectboard or, in the Chairperson's absence, the Vice Chairperson, shall preside at all meetings of the ~~Board~~ Selectboard

and shall be recognized as the head of the Town government for all ceremonial purposes.

(c) In the event of death, resignation, change of residence outside the Town, or incapacity of any Selectboard member, the remaining members of the ~~Board~~ Selectboard may appoint a person eligible to fill that position until the next annual or special meeting. ~~At the next annual meeting, the vacancy shall be filled by serving the remaining balance of 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~~ If the Board Selectboard is unable to agree upon an interim replacement until the next annual ~~Town~~ or special meeting, a special election shall be held forthwith to fill the position. Incapacity shall include the failure by any member of the Selectboard to attend at least 50 percent of the meetings of the Selectboard in any calendar year.

(d) The Town Moderator shall perform duties as prescribed by law and shall preside at all Town meetings, but in the Moderator's absence the Town Clerk shall call the meeting to order, and the first order of business shall be the election of a Moderator Pro Tempore to preside for the duration of the meeting. The Moderator shall conduct every meeting according to this charter or the laws of the State of Vermont. The Moderator shall preserve order in the conduct of the business of the meeting and in all things shall preserve the principles of fairness and openness in Town government. In the event of the

death, resignation, or change of residence to a location outside the Town, the Selectboard may appoint a person eligible to fill that position until the next annual or special Town meeting. If the Selectboard is unable to agree upon an interim replacement until the next annual or special meeting, a special election shall be held forthwith to fill the position.

§ 205. MEETINGS

* * *

(b) The ~~Board~~ Selectboard shall determine its own rules and order of business.

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(d) All meetings of the ~~Board~~ Selectboard shall be open to the public unless, by an affirmative vote of the majority of the members present, the ~~Board~~ Selectboard shall vote that any particular session shall be an executive session in accordance with 1 V.S.A. § 313.

§ 206. RECORD OF PROCEEDINGS

(a) An official record of the proceedings of the Selectboard shall be kept by its Clerk, who need not be a member of the Selectboard, which shall be kept in the office of the Town Clerk and shall be open for public inspection. The Town Clerk shall keep the official record of the proceedings of all special and annual Town meetings.

(b) The minutes of each ~~meetings~~ meeting shall be approved by the ~~Board~~ Selectboard as soon as is reasonably possible and the ~~at its next meeting~~

official copy authenticated by the signature of the Clerk of the ~~Board~~
Selectboard.

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§ 207. POWERS AND DUTIES

(a) The members of the Selectboard shall constitute the legislative body of the Town of Essex for all purposes required by statute and shall have all powers and authority given to, and perform all duties required of town legislative bodies or selectboards under the ~~laws of the State of Vermont~~ Statutes Annotated.

(b) Within the limitations of the foregoing, the Selectboard shall have the power to:

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(5) exercise each and every other power that is not specifically set forth ~~herein in this charter~~, but that is granted to the Selectboard by the ~~statutes of the State of Vermont~~ Statutes Annotated.

§ 208. APPOINTMENTS BY SELECTBOARD

(a) The Selectboard shall appoint the members of the following permanent Commissions and positions:

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(4) Town Manager; ~~and~~

(5) Development Review Board; and

(6) Cemetery Commission.

(b) The Selectboard may appoint ~~such~~ additional boards, commissions, and committees as they feel to be in the best interest of the Town and all other appointive or elective officers authorized by ~~statute~~ the Vermont Statutes Annotated.

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§ 209. JURISDICTION OVER OTHER OFFICERS OR EMPLOYEES

Neither the Selectboard nor any of its members shall direct or request the appointment, by any other officer or employee of the Town, of any person to office or employment, or his or her suspension or removal therefrom, or in any manner take part in the appointment, discipline, or removal of subordinates and employees of the Town, except as otherwise provided in this charter. The Selectboard and its members shall deal with that portion of the service of the Town for which the Manager is responsible solely through the Manager. This shall not be construed to prohibit the Selectboard from recommending to the Town Manager a prospective employee for his or her consideration, or bringing to the attention of the Manager any complaint concerning the actions of any officer or employee of the Town. This section shall not be construed to prohibit the review by the Selectboard of actions by the Manager or hearings brought to the Selectboard by employees pursuant to appellate rights granted them by ~~statute~~ the Vermont Statutes Annotated or contract.

§ 210. RECALL OF SELECTBOARD MEMBERS

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(b) Within 60 days after receiving a valid petition, the Selectboard shall call a special meeting or, if the annual meeting is within 60 days, include a question on the annual Town meeting ballot to vote on whether the elected officer shall be removed. The vote shall be held by Australian ballot.

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§ 305. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL
MEETING

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(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 Selectboard, 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.

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§ 401. APPOINTMENT OF MANAGER

The Selectboard shall appoint a Town Manager under and in accordance with the Vermont Statutes Annotated, as amended from time to time hereafter.

The Manager shall have all ~~of~~ the powers and duties as set forth in that chapter and in this charter.

§ 402. OFFICIALS APPOINTED BY MANAGER

The Town Manager shall appoint with the approval of the Selectboard Town Clerk, Town Treasurer, Assistant Town Clerk, constables, ~~Grand Juror,~~ Director of Public Works, Police Chief, Fire Chief, a Town Agent if the Town Attorney is not a resident of the Town of Essex, ~~cemetary commissioners,~~ Health Officer, ~~fire wardens,~~ and a Zoning Administrator, ~~and, if.~~ If needed, the Town Manager may appoint ~~fence viewers, Inspector of Lumber and Shingles,~~ and any other officer that the Selectboard ~~of a Town~~ is authorized to appoint if the Selectboard has not filled the office within 45 days after the day the position becomes vacant. 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.

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§ 501. 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 a manner as to ~~insure~~ ensure that the responsible administrative officer may secure efficient service, unless otherwise specified by this charter or State law.

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Subchapter 6. ~~Town Annual Meeting; Amendment of Charter~~

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§ 602. ANNUAL TOWN REPORT

(a) The Town Selectboard shall employ by contract a public accountant to examine the financial statements of the funds of the Town. The annual Town report Annual Auditor's Report shall be distributed made available to the legal voters of the Town not later than 40 30 days prior to the annual meeting. Notification of the availability of the Annual Auditor's Report shall be distributed by mail to all Essex households at least 30 days prior to the meeting.

(b) The Annual Town Report shall be made available to the residents of the Town at least 10 days prior to the annual Town meeting.

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§ 604. TIME OF HOLDING

(a) The annual meeting of legal voters shall be warned and held at 7:30 o'clock in the afternoon of the day as specified in 17 V.S.A. § 2640(b) as the same may from time to time be amended and may transact at that time any business not involving voting by Australian ballot or voting required by law to

~~be by ballot. A meeting so started shall be adjourned until the following day~~
2680.

(b) The election of officers and the voting on all questions to be decided, including the budget, by Australian ballot or voting required by law to be by ballot shall take place on the day specified in 17 V.S.A. § ~~2640(a)~~ 2680, which may from time to time be amended. The ballot boxes or voting machines shall be open for a minimum of nine consecutive hours between 6:00 a.m. and 10:00 p.m. as shall be determined and warned by the Selectboard.

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§ 702. PREPARATION AND SUBMISSION

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(b) The budget shall be published not later than two weeks after its preliminary adoption by the Selectboard. The ~~board~~ Selectboard shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such hearing. The ~~board~~ Selectboard shall then review the budget and recommend it, with or without change, to the annual Town meeting.

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§ 802. PENALTY

An additional charge of eight percent shall be added to any tax not paid on or before the dates specified in section 801 of this charter, and interest as authorized by the Vermont statutes Statutes Annotated.

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§ 901. BOARD ESTABLISHED

A Planning Commission shall be established and its powers, obligations, and operation shall be under and in accordance with the Vermont Statutes Annotated, as they may be amended from time to time hereafter.

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Subchapter 10. Department of ~~Real Estate Appraisal~~ Assessment

§ 1001. CREATION OF DEPARTMENT

There shall be established a Department of ~~Real Estate Appraisal~~ Assessment headed by a professionally qualified real estate appraiser, who shall be appointed by the Manager with the approval of the Selectboard.

§ 1002. PURPOSE

The purpose of the Department of ~~Real Estate Appraisal~~ Assessment is to provide for appointment of a qualified real estate ~~assessor~~ appraiser rather than the election of listers. The Town shall be governed by, and each taxpayer shall have rights granted by the applicable ~~statutes~~ Vermont Statutes Annotated concerning real and personal property taxation, appeal therefrom, and other statutes concerning taxation.

§ 1003. APPRAISAL OF PROPERTY

The Department of ~~Real Estate Appraisal~~ Assessment 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. The Department shall review, or cause to be reviewed, the appraisals of all real property in the Town that is subject to taxation in accordance with the standards for appraising established by the State law.

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§ 1005. POWERS AND DUTIES OF DEPARTMENT

The Department of Assessment shall have the same power, discharge the same duties and powers of the Department of Real Estate Appraisal shall be the same as those established for, proceed in the discharge of duties in the same manner, and be subject to the same liabilities as listers under the general statutes pursuant to the Vermont Statutes Annotated and this charter.

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§ 1101. LAWS GOVERNING

This charter may be amended in accordance with the procedure provided for by law the Vermont Statutes Annotated for amendment of municipal charters.

Sec. 3. REPEALS

24 App. V.S.A. chapter 117, § 603 is repealed.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: March 16, 2026