

1 H.516

2 An act relating to approval of amendments to the charter of the Town of  
3 Essex

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

5 Sec. 1. CHARTER AMENDMENT APPROVAL

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

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

10 CHAPTER 117. TOWN OF ESSEX

11 \* \* \*

12 § 101. CORPORATE EXISTENCE RETAINED

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

19 § 102. GENERAL LAW, APPLICATION

20 Except as modified by the provisions of this charter, or by any lawful  
21 regulation or ordinance of the Town of Essex, all provisions of the statutes of

1 this State Vermont Statutes Annotated applicable to towns shall apply to the  
2 Town of Essex.

3        § 103. POWERS OF THE TOWN

15 \* \* \*

16 § 204. ORGANIZATION

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

17                   (d) The Town Moderator shall perform duties as prescribed by law and  
18                   shall preside at all Town meetings, but in the Moderator's absence the Town  
19                   Clerk shall call the meeting to order, and the first order of business shall be the  
20                   election of a Moderator Pro Tempore to preside for the duration of the  
21                   meeting. The Moderator shall conduct every meeting according to this charter

1       or the laws of the State of Vermont. The Moderator shall preserve order in the  
2       conduct of the business of the meeting and in all things shall preserve the  
3       principles of fairness and openness in Town government. In the event of the  
4       death, resignation, or change of residence to a location outside the Town, the  
5       Selectboard may appoint a person eligible to fill that position until the next  
6       annual or special Town meeting. If the Selectboard is unable to agree upon an  
7       interim replacement until the next annual or special meeting, a special election  
8       shall be held forthwith to fill the position.

9 § 205. MEETINGS

10 \* \* \*

13 \* \* \*

18        § 206. RECORD OF PROCEEDINGS

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

1 Town Clerk shall keep the official record of the proceedings of all special and  
2 annual Town meetings.

3 (b) The minutes of each ~~meetings~~ meeting shall be approved by the ~~Board~~  
4 ~~at its next meeting Selectboard as soon as is reasonably possible~~ and the  
5 official copy authenticated by the signature of the Clerk of the ~~Board~~  
6 Selectboard.

7 \* \* \*

8 § 207. POWERS AND DUTIES

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

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

16 \* \* \*

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

## 1 § 208. APPOINTMENTS BY SELECTBOARD

4 \* \* \*

5 (4) Town Manager; and

6 (5) Development Review Board; and

7 (6) Cemetery Commission.

12 \* \* \*

13       § 209. JURISDICTION OVER OTHER OFFICERS OR EMPLOYEES

14        Neither the Selectboard nor any of its members shall direct or request the  
15        appointment, by any other officer or employee of the Town, of any person to  
16        office or employment, or his or her suspension or removal therefrom, or in any  
17        manner take part in the appointment, discipline, or removal of subordinates and  
18        employees of the Town, except as otherwise provided in this charter. The  
19        Selectboard and its members shall deal with that portion of the service of the  
20        Town for which the Manager is responsible solely through the Manager. This  
21        shall not be construed to prohibit the Selectboard from recommending to the

1 Town Manager a prospective employee for his or her consideration, or  
2 bringing to the attention of the Manager any complaint concerning the actions  
3 of any officer or employee of the Town. This section shall not be construed to  
4 prohibit the review by the Selectboard of actions by the Manager or hearings  
5 brought to the Selectboard by employees pursuant to appellate rights granted  
6 them by statute the Vermont Statutes Annotated or contract.

7 § 210. RECALL OF SELECTBOARD MEMBERS

8 \* \* \*

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

13 \* \* \*

14 § 305. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL  
15 MEETING

16 \* \* \*

17 (b) The proposed ordinance shall be examined by the Town Attorney  
18 before being submitted to the special Town meeting. The Town Attorney is  
19 authorized, subject to the approval of the Selectboard, to correct the ordinance  
20 ~~so as~~ to avoid repetitions, illegalities, and unconstitutional provisions and to  
21 ensure accuracy in its text and references and clearness and preciseness in its

1 phraseology, but the Town Attorney shall not materially change its meaning  
2 and effect.

3 \* \* \*

4 § 401. APPOINTMENT OF MANAGER

5 The Selectboard shall appoint a Town Manager under and in accordance  
6 with the Vermont Statutes Annotated, as amended from time to time hereafter.  
7 The Manager shall have all ~~of~~ the powers and duties as set forth in that chapter  
8 and in this charter.

9 § 402. OFFICIALS APPOINTED BY MANAGER

10 The Town Manager shall appoint with the approval of the Selectboard  
11 Town Clerk, Town Treasurer, Assistant Town Clerk, constables, ~~Grand Juror~~,  
12 Director of Public Works, Police Chief, Fire Chief, a Town Agent if the Town  
13 Attorney is not a resident of the Town of Essex, ~~cemetery commissioners~~,  
14 Health Officer, ~~fire wardens~~, and a Zoning Administrator, ~~and, if~~ If needed,  
15 the Town Manager may appoint ~~fence~~ viewers, ~~Inspector of Lumber and~~  
16 ~~Shingles, and~~ any other officer that the Selectboard ~~of a Town~~ is authorized to  
17 appoint if the Selectboard has not filled the office within 45 days after the day  
18 the position becomes vacant. The terms of the appointed officials shall  
19 commence on the first day of April following appointment. Appointments to  
20 fill a vacancy in an office shall be effective at the time of appointment and  
21 shall run for the unexpired period of the term.

1

\* \* \*

2       § 501. APPOINTMENT AND REMOVAL

3       All Town employees not elected by the voters shall be appointed,  
4       supervised, and removed by the Town Manager unless otherwise specified by  
5       this charter. There shall be no discrimination in employment on account of  
6       race, religion, sex, or political opinions. Appointments, lay-offs, suspensions,  
7       promotions, demotions, and removals shall be made primarily on the basis of  
8       training, experience, fitness, and performance of duties, in such a manner as to  
9       insure ensure that the responsible administrative officer may secure efficient  
10       service, unless otherwise specified by this charter or State law.

11

\* \* \*

12       Subchapter 6. Town Annual Meeting; Amendment of Charter

13

\* \* \*

14       § 602. ANNUAL TOWN REPORT

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

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

3 \* \* \*

4        § 604. TIME OF HOLDING

17 \* \* \*

## 18        § 702. PREPARATION AND SUBMISSION

19 \* \* \*

20 (b) The budget shall be published not later than two weeks after its  
21 preliminary adoption by the Selectboard. The ~~board~~ Selectboard shall fix the

1 time and place for holding a public hearing for the budget, and shall give a  
2 public notice of such hearing. The ~~board~~ Selectboard shall then review the  
3 budget and recommend it, with or without change, to the annual Town  
4 meeting.

5 \* \* \*

6 § 802. PENALTY

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

10 \* \* \*

11 § 901. BOARD ESTABLISHED

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

15 \* \* \*

16 Subchapter 10. Department of Real Estate Appraisal Assessment

17 § 1001. CREATION OF DEPARTMENT

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

## 1           § 1002. PURPOSE

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

8        §1003. APPRAISAL OF PROPERTY

9        The Department of Real Estate Appraisal Assessment shall appraise all real  
10      ~~and business personal~~ property for the purpose of establishing the grand list.  
11      Appraisals shall be reviewed periodically and kept up to date. Technically  
12      qualified individuals or firms may be employed as needed. The Department  
13      shall review, or cause to be reviewed, the appraisals of all real property in the  
14      Town that is subject to taxation in accordance with the standards for appraising  
15      established by the State law.

\* \* \*

17      **§ 1005. POWERS AND DUTIES OF DEPARTMENT**

18 The Department of Assessment shall have the same power, discharge the  
19 same duties and powers of the Department of Real Estate Appraisal shall be  
20 the same as those established for, proceed in the discharge of duties in the

1        same manner, and be subject to the same liabilities as ~~listers under the general~~  
2        statutes pursuant to the Vermont Statutes Annotated and this charter.

3 \* \* \*

4        **§ 1101. LAWS GOVERNING**

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

## 7 Sec. 3. REPEALS

8 24 App. V.S.A. chapter 117, § 603 is repealed.

## 9 Sec. 4. EFFECTIVE DATE

10 This act shall take effect on passage.