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TOWN OF ESSEX JUNCTION

Subchapter 1. Powers of the Town

§ 101. 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 Junction.

§ 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 Junction, all provisions of the statutes of this state applicable to municipal corporations shall apply to the Town of Essex Junction.

§ 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.

(b) The legislative body may acquire real property within or without its corporate limits for any municipal purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise or lease. The legislative body shall convey real property in accordance with Vermont law.

(c) The Town may establish and maintain departments or divisions, as deemed appropriate by the Town council for the efficient maintenance and operation of municipal affairs, to include, by way of illustration and not by way of limitation, police, fire, water, parks and recreation, library, and public works departments.

(d) The Town 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 service department or any other state regulatory agency.

§ 104. [Reserved]

§ 105. ORDINANCES; METHOD OF ADOPTION AND ENFORCEMENT

(a) The Town council 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 106 through 110 of this charter, except

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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.

§ 106. INTRODUCTION; FIRST AND SECOND READINGS; PUBLIC HEARING

(a) Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be "The Town council of the Town of Essex Junction hereby ordains. . . ." If the Town council passes the proposed ordinance upon first reading, then the Town council 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.

(b) 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.

(c) After the hearing, the Town council may finally pass the ordinance with or without amendment, except that if the Town council 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 Town council may finally pass the amended ordinance, or again amend it subject to the same procedures as outlined herein.

§ 107. EFFECTIVE DATE

Every ordinance shall become effective upon passage unless otherwise specified.

§ 108. FILING

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 Town council, together with a complete index of the ordinances according to subject matter.

§ 109. 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 council of any such ordinance, a petition signed by voters of the Town not less in number than five percent of the qualified

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voters of the municipality is filed with the town clerk requesting its reference to a special or annual town meeting, the council 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.

§ 110. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL MEETING

(a) Subject to the provisions of section 109 of this charter, voters of the Town may at any time petition in the same manner as in section 109 for the enactment of any proposed lawful ordinance by filing the petition, including the text of the ordinance, with the Town clerk. The Town council 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 Town council. 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 tenth day after the vote, provided that voters as qualified in section 109 of this charter, constituting a majority of those voting thereon, shall have voted in the affirmative.

(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 Town council, to correct the ordinance so as to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy in its text and references and clarity and precision in its phraseology, but the Town attorney shall not materially change its meaning and effect.

(c) The provisions of this section shall not apply to any appointments of officers, members of commissions, or boards made by the Town council or to the appointment of Town councilors, or to rules governing the procedure of the Town council.

§ 111. RESERVATION OF POWERS TO THE TOWN

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

Subchapter 2. Officers

§ 201. OFFICERS GENERALLY

The elected officers of the Town of Essex Junction shall be Town councilors and moderator and they shall be elected by Australian ballot. These officers shall have all the

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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 at the first council meeting following their election.

§ 202. TOWN COUNCILORS; NUMBER, TERMS OF OFFICE, ELECTION

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

(b) The term of office of a Town councilor shall be three years.

(c) Unless necessary to fill a vacancy, no more than three Town councilors shall be elected at any annual meeting.

(d) All councilors shall be elected at-large.

§ 203. ORGANIZATION

(a) At the first meeting following the annual Town meeting, the Town council shall organize and elect a chairperson, vice chairperson and clerk of the council by a majority vote of the entire Town council, and shall file a certificate of the election for record in the office of the Town clerk.

(b) The chairperson of the Town council or in the chairperson's absence, the vice chairperson, shall preside at all meetings of the Town council 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 Town council member, the remaining members of the Town council 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 Town council 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.

§ 204. MEETINGS

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

(b) The council shall determine its own rules and order of business.

(c) The presence of four members shall constitute a quorum. Four affirmative votes shall be necessary to take binding council action.

(d) All meetings of the Town council shall be open to the public unless, by an affirmative vote of the majority of the members present, the Town council shall vote that any particular session shall be an executive session or deliberative session in accordance with Vermont law.

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§ 205. RECORD OF PROCEEDINGS

(a) An official record of the proceedings of the Town council 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.

(b) The minutes of each meeting shall be approved by the council at its next meeting and the official copy authenticated by the signature of the clerk of the council.

§ 206. APPOINTMENTS BY TOWN COUNCIL

(a) The Town council shall appoint the members of the following permanent commissions and positions:

- (1) zoning board of adjustment.
- (2) planning commission.
- (3) Town attorney.
- (4) Town manager.
- (5) library trustees.

(b) The Town council may appoint any other appointive or elective officers allowed for by statute not specifically enumerated in this charter. The Town council may also appoint such boards and commissions as authorized by state statute not specifically enumerated for in this charter. In addition, the Town council may appoint any committees it feels is in the best interest of the Town.

(c) The terms of all appointments shall commence on the day after the appointment unless the appointment is to fill a vacancy in an office, in which case the term shall commence at the time of appointment.

(d) The Brownell Library and Essex Free Library shall be organized as a department of the Town of Essex Junction and have one board made up of eleven citizens appointed by the Town Council. The Library director shall be appointed by the Town Manager with the advice of the Library trustees and the Town council. The Library department shall follow all municipal policies adopted by the Town council, including but not limited to financial and personnel policies. The Library board of trustees shall establish library policy, so long as they do not contradict policies adopted by the Town council.

Until the perpetual Brownell library board is legally dissolved, the Town council shall appoint six members to serve as Library trustees with the five perpetual Brownell library trustees. The libraries shall be organized as a department of the Town of Essex Junction and function and operate as provided above.

§ 207 PROHIBITIONS

(a) Holding Other Office. No council member shall hold any other Town office or employment during the term for which he was elected to the council. No former council 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 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 removal of such officers and employees.

(c) Interference with Administration. Except for the purpose of inquiries and investigations under Section 209 (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.

§ 208. COMPENSATION OF TOWN COUNCIL; APPOINTEES

(a) Compensation paid to the Town councilors as reimbursement for expenses shall be set by the voters at the annual meeting, with a minimum of \$500.00 a year each. Town councilors' compensation must be set forth as a separate item in the annual budget presented to the meeting.

(b) The Town council shall fix the compensation of all officers and employees, except as otherwise provided in this charter.

§ 209. POWERS AND DUTIES

(a) The members of the Town council shall constitute the legislative body of the Town of Essex Junction 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 or this charter.

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

(1) Appoint and remove the 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 otherwise specifically required by this charter or state statute.

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- (3) Provide for an annual independent audit by a registered or 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.

Subchapter 3. Town Meeting

§ 301. APPLICATION OF GENERAL LAW

Provisions of the laws of the state of Vermont, relating to the qualifications of voters, the manner of voting, the duties of election 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.

§ 302. ANNUAL TOWN MEETING WARNING; REPORT; AND BUDGET

The annual Town report, proposed budget and the warning for the annual Town meeting shall be distributed to the legal voters of the Town at least ten days before the annual meeting or as otherwise approved by the legal voters at an annual or special meeting. In addition, the Town council shall comply with the statutory requirements applicable to Town meetings in the warning of any annual or special meeting.

§ 303. TIME OF HOLDING

(a) The annual Town meeting of legal voters shall be held at 7:30 o'clock in the afternoon of the day 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.

(b) The election of officers and the voting on all questions to be decided 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) that, 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 Town council.

§ 304. BUDGET

An annual general fund budget shall be adopted at the annual Town meeting by vote of a majority of those present at the meeting and eligible to vote. The voters shall have the authority to approve the total dollar amount of the annual general fund budget, but shall not adjust individual line items or departmental appropriations. They may however provide recommendations in regard to line items and departmental appropriations. If, after the total budget has been appropriated, the Town council finds additional appropriations necessary, the appropriations shall be made and reported at the next

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annual 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 not more than ten percent of the office's, department's or agency's budget.

Subchapter 4. Planning and Zoning

§ 401. PLANNING COMMISSION ESTABLISHED

A planning commission 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.

§ 402. ZONING BOARD OF ADJUSTMENT ESTABLISHED

A zoning board of adjustment 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.

§ 403. DEVELOPMENT REVIEW BOARD

Notwithstanding sections 401 and 402 of this subchapter, a development review board may 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.

Subchapter 5. Department of Real Estate Appraisal

§ 501. CREATION OF DEPARTMENT

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 with the advice of the Town council.

§ 502. 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.

§ 503. 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.

§ 504. 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

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periodically and kept up to date. Technically qualified individuals or firms may be employed as needed.

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

Subchapter 6. Town Manager

§ 601. APPOINTMENT OF MANAGER

The Town council shall appoint a Town manager under and in accordance with 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.

§ 602. OFFICIALS APPOINTED BY MANAGER

The Town manager shall have the authority to appoint with the advice of the Town council: Town clerk, fire chief, assistant Town clerk, Town treasurer, constables, director of public works, police chief, director of parks and recreation, library director, a Town agent if the Town attorney is not a resident of the Town of Essex Junction, community development director, health officer, fire wardens, zoning administrator, and if needed, the Town manager may appoint fence viewers, inspector of lumber and shingles, and any other officer which the Town council of a Town is authorized to appoint if the Town council has not filled the office. 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.

Subchapter 7. Budget

§ 701. 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.

§ 702. PREPARATION AND SUBMISSION

(a) The Town manager, at least 50 days before the annual Town meeting, or at such previous time as the Town manager may be directed by the Town council, shall submit to the Town council a budget containing:

- (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 in parallel columns 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.

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

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

§ 703. APPROPRIATION

From the effective date of the budget, the amounts stated therein, as approved by the annual Town meeting, become appropriated to the several agencies and purposes therein named.

§ 704. AMOUNT TO BE RAISED BY TAXATION

Upon passage of the budget by the annual Town meeting, 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 Town council shall levy such taxes on the grand list as prepared by the assessor for the corresponding tax year.

§ 705. TRANSFERS OF APPROPRIATIONS

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 Town council may, by resolution, transfer any unencumbered appropriation balance or portion thereof within the Town council's budget from one department, office or agency to another. Notwithstanding the above, no unexpended balance in any appropriation not included in the Town council's budget shall be transferred or used for any other purpose.

Subchapter 8. Taxation

§ 801. TAXES ON REAL AND PERSONAL PROPERTY

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 on September 15 and March 15 of each fiscal year or pursuant to such other schedule as the Town council may adopt by resolution, bylaw or ordinance.

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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 Vermont statutes.

§ 803. BOARD OF ABATEMENT

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.

§ 804. ASSESSMENT AND TAXATION AGREEMENT

Notwithstanding any other provisions of this charter and the requirements of the general law of the state of Vermont, the Town council is authorized to negotiate and execute assessment and taxation agreements between the Town and a taxpayer or taxpayers within the Town, consistent with applicable requirements of the Vermont Constitution.

§ 805. LOCAL OPTION TAX AUTHORITY

(a) If the Town council by a majority vote recommends, the voters of the Town may, at an annual or special meeting warned for that purpose, by a majority vote of those present and voting, assess any or all of the following:

- (1) a one percent sales tax;
- (2) a one percent meals and alcoholic beverages tax;
- (3) a one percent rooms tax.

(b) Any tax imposed under the authority of this section shall be collected and administered by the Vermont department of taxes, in accordance with state law governing such state tax or taxes; provided however, that a sales tax imposed under this section shall be collected on each sale that is subject to the Vermont sales tax using a destination basis for taxation. Seventy percent of the costs of administration and collection shall be borne by the Town, and 30 percent shall be borne by the state to be paid from the PILOT special fund.

(c) Of the taxes reported under this section, 70 percent shall be paid to the Town in which they were reported for the calendar year. Such revenues may be expended by the Town for municipal services only and not for educational expenditures. The remaining amount of the taxes reported shall be remitted monthly to the state treasurer for deposit in the PILOT special fund established in Sec. 89 of No. 60 of the Acts of 1997. Amounts to be paid to the Town under this section shall be reduced by five percent to reflect the difference between the amounts reported and collected. Taxes due to the Town under this section, less the costs of administration and collection, shall be paid on a quarterly basis.

Subchapter 9. Personnel

§ 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, color, religion, national origin, sex, sexual orientation, place of birth, age, physical or mental condition, or political opinions. Appointments, layoffs, 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 ensure that the responsible administrative officer may secure efficient service.

§ 902. PERSONNEL RULES AND REGULATIONS

(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 Town council, 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.

§ 903. PERSONNEL PROHIBITIONS

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.

Subchapter 10. Amendment of Charter

§ 1001. LAWS GOVERNING

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

(b) Notwithstanding paragraph (a) of this section and any provision of state statutes for amendment of municipal charters, for a period of five years commencing on July 1, 2008, it shall take an affirmative vote of sixty-six and two-thirds percent of voters present and voting at an annual or special meeting to approve a proposed charter change.

Subchapter 11. Severability

§ 1101. SEVERABILITY

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.

Subchapter 12. TRANSITION PROVISIONS

§ 1201. 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, 2009. At the end of the transition period, the charter will become effective and the Town shall be fully established and organized.

§ 1202. FIRST ANNUAL TOWN MEETING

The first annual Town meeting shall occur in the March preceding the July 1 effective date of the charter. Time and holding of the meeting shall be pursuant to section 303 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 followed by adoption of a budget as prepared under § 1205(b).

§ 1203. TRANSITION DISTRICTS

For purposes of the election of councilors at the first annual Town meeting and the annual Town meeting following the effective date of the charter only there shall be two transition districts. One district shall be known as the Village Transition District and its boundaries shall be identical to the incorporated Village of Essex Junction boundaries as of 2005. The other district shall be known as the Town Transition District and shall be that part of the Town outside the boundaries of the Village Transition District.

§ 1204. TOWN COUNCIL

(a) The Town council shall consist of seven members.

(b) Prior to the first annual Town meeting held pursuant to § 1202, the Town Selectboard shall appoint two of its members who reside in the Town of Essex outside the Village of Essex Junction to serve on the Town council and the Village Board of Trustees shall appoint two of its members to serve on the Town council. Of the four members so appointed by the Town Selectboard and Village Trustees, one from each shall serve until the annual Town meeting following the effective date of the charter. The other member from each shall serve until the second annual Town meeting following the effective date of the charter.

(c) At the first annual Town meeting held pursuant to § 1202, voters of each transition district shall elect one member each to the Town council to serve until the third annual Town meeting following the effective date of the charter. The voters of the entire Town

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of Essex (village and town) shall elect one member at large to the Town council to serve until the third annual Town meeting following the effective date of the charter.

(d) At the annual Town meeting following the effective date of the charter, of the two terms that expire at that time, one shall be elected for a term of three years from the Village Transition District and one shall be elected for a term of three years from the Town Transition District.

(e) Commencing with the second annual Town meeting following the effective date of the charter, all successors to councilors shall be elected at-large for terms of three years, as the charter provides in § 202(d).

(f) The terms of all councilors either elected or appointed under subsections (b) and (c) of this section shall not commence until July 1, 2009.

§ 1205. TRANSITION COMMITTEE

(a) All members of the Town Selectboard and of the Village Trustees shall comprise a transition committee. Notwithstanding, any individual who simultaneously serves as a Trustee and Selectperson shall not be eligible for appointment to the transition committee. In such an event, the transition committee shall consist of an equal number of trustees and selectpersons. In no event shall the transition committee consist of less than three trustees and three selectpersons appointed by the respective legislative bodies. The transition committee shall address the details and issues relating to the transition from a town and village to the new Town. The transition committee with the assistance of the respective managers shall develop recommendations for whatever proposals or policies are needed to ensure a smooth transition. The Town council may implement such proposals once the charter becomes effective.

(b) The transition committee will also, with the assistance of the Village and Town managers and their staffs, propose and warn in the manner pursuant to this charter, the first annual budget of the Town of Essex Junction for consideration and adoption by the voters at the first annual Town of Essex Junction meeting held pursuant to § 1202. The transition committee shall present the budget.

§ 1206. ZONING AND PLANNING

(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 zoning bylaws and subdivision regulations (land development code) shall remain in effect in their respective former geographic areas until amended or a comprehensive re-write is adopted.

(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 Town planning commission. Each shall appoint one member for a one-year term, one

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member for a two-year term and one member for a three-year term. The Town council 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 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 Town zoning board of adjustment. Each shall appoint one member for a one-year term and one member for a two-year term. The Town council shall choose a fifth member for a three-year term, once it has organized.

(d) During the transition period, a committee comprised of planning and zoning board members from the Village and Town shall review, draft and recommend a consolidated plan, zoning ordinance and subdivision regulations to be presented for adoption, through the normal statutory process, by the Town after the effective date of the charter.

(e) The committee shall be made up of three members from the Village boards (zoning and planning) and three from the Town boards. The Trustees and Selectboard shall appoint them, respectively. In the event that either legislative body is unable to appoint all three members from their respective planning commission or zoning board, the respective legislative body may appoint citizens of the municipalities to fill the vacancies. The Village and Town zoning and planning staffs shall staff the committee.

§ 1207. LOCAL LEGISLATION

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 Town. The Town council shall be fully authorized to amend or repeal any ordinance according to the provisions of subchapter 1 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 Town of Essex Junction.

§ 1208. PERSONNEL

(a) The transition committee established in § 1205 shall develop a pay and classification plan and make recommendations to meet the Town's needs. The Town council may implement such proposals once the charter becomes effective.

(b) The Town of Essex personnel regulations in effect as of 6/30/09 shall carry over and control as of July 1, 2009 until amended by the Town of Essex Junction council.

(c) Employees of the Town of Essex and the Village of Essex Junction shall become employees of the Town of Essex Junction. 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 Town of Essex Junction and all accrued benefits shall carry over.

(d) Any full-time Village or Town employee who is not offered a position with the Town of Essex Junction at equivalent pay or is laid off within one year of the effective date of

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merger as a result of reorganization shall be entitled to severance in accordance with this section. A full-time department head (including the assistant town manager) shall be entitled to six (6) months of salary (in addition to accrued vacation and eligible sick time) paid in a lump sum on the day of the lay off and the municipality shall pay their health and dental COBRA payments for up to six months. All other full-time employees shall be entitled to three (3) months of salary (in addition to accrued vacation and eligible sick time) paid in a lump sum on the day of the lay off and the municipality shall pay their health and dental COBRA payments for up to three months. In the event that an employee is entitled to more severance under union agreements, employee contracts, and/or personnel regulations, other than accrued vacation and eligible sick time, the union agreement, employee contract, and/or personnel regulations shall prevail and no severance under this section shall be provided. Coverage of health and dental COBRA payments under this provision shall cease upon the former employee securing employment that provides health and dental benefits.

(e) Upon the effective date of the charter, employees of the Village as of June 30, 2009 shall have the option to remain in the retirement program they are enrolled in as of June 30, 2009 or to join the Vermont Municipal Employees Retirement System.

§ 1209. CONTRACTS

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 Town of Essex Junction shall assume all the responsibilities formerly belonging to the Town and Village.

§ 1210. WATER & SEWER DISTRICT

The Town of Essex Junction shall have one sewer district and one water district, each under the control of a Board of Water and Sewer Commissioners consisting of the Town council ex officio. Operational and maintenance costs of the existing water and sewer system, and the funding of reserves therefore, shall be paid by the users thereof through rates and charges established from time to time by the Town council. 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.

§ 1211. FINANCES

(a) The existing real property tax system of the town shall become the system of the Town of Essex Junction.

(b) All assets and obligations formerly owned or held by the Town and Village shall become the assets and obligations of the Town of Essex Junction 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.

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(c) The balance of the bonded indebtedness incurred by the Essex Junction School District in 1999 in the amount \$2,100,000 for the Maple Street Pool and facilities remaining on the effective date of merger shall be assigned to and become an obligation of the Town of Essex Junction.

§ 1212. INTERGOVERNMENTAL RELATIONS

Until the effective date of this charter, membership of the Town and Village in the Champlain Water District, Chittenden County Metropolitan Planning Organization, Chittenden County Regional Planning Commission, Chittenden Solid Waste District and Chittenden County Transit Authority shall be governed by the respective statutes, charters, special legislation, or rules relating to those instrumentalities.

§ 1213. TERMS EXTENDED

The Selectboard and Trustee terms set to expire in 2009 shall be extended without further action necessary, until June 30, 2009.

§ 1214. ADMINISTRATIVE SEAT

Should the voters of the Town of Essex and the Village of Essex Junction, and the Vermont General Assembly approve the proposed Town of Essex Junction charter and plan of merger, the Transition Committee will prepare a detailed plan with cost estimates for the renovation of Lincoln Hall to serve as the administrative seat of government along with any other facility improvements that may be necessary to meet the needs of the merged community. The Transition Committee may seek the services of an architect to determine the average cost per square foot for both renovation and new construction for the Chittenden County area, then compare those costs to the renovation cost for Lincoln Hall and other proposed facility improvements. If the voters do not approve using Lincoln Hall as the administrative seat of government, to house at a minimum the Town Manager and the Town Clerk's office, the Town council may pursue other options for voter consideration, including, but not limited to, options in proximity to the Five Corners. Architectural and construction services will be put out to bid.

§ 1215. PERPETUAL BROWNELL TRUSTEES

Upon the effective date of the charter transitional provisions, the Village of Essex Junction shall initiate all legal actions necessary to dissolve the perpetual Brownell trustees.

§ 1216. TRANSFER OF VILLAGE FIRE DEPARTMENT

Notwithstanding provisions in the Village Charter or elsewhere, the operations of the Essex Junction Fire Department and all associated expenses will be transferred over to the Town of Essex as of July 1, 2008. The land, buildings, and other assets will remain under the ownership of the Village of Essex Junction until the effective date of the charter. As of the effective date of the transfer of operations, the terms of the Essex Junction elected officers will expire and the Fire Chief for the merged department shall be appointed by the Town Manager.

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§ 1217. REPEALS

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

(b) § 1001(b) of the Town of Essex Junction charter shall be repealed effective July 1, 2013.