

**SHELBURNE**  
**TOWN CHARTER**

**Town of Shelburne**  
**Shelburne, Vermont**

**Amended 12/8/81**

# SHELBURNE TOWN CHARTER

## TOWN OF SHELBURNE, VT

### CHAPTER ONE

#### POWERS OF THE TOWN

1. Corporate Existence Retained.

The inhabitants of the town of Shelburne, within the corporate limits as now established, shall continue to be a municipal corporation by the name of the town of Shelburne.

2. General Law, Application.

Except when changed, enlarged, or modified by the provisions of this Charter, or by any legal regulation or ordinance of the Town of Shelburne all provisions of the statutes of this state relating to municipalities shall apply to the Town of Shelburne.

3. Powers of the Town.

(a) The town 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; it may enact ordinances not inconsistent with the constitution and laws of the State of Vermont or with this Charter, and impose **civil or criminal** penalties for violation thereof, ~~not in excess of a fine of \$100.00~~ together with the costs of **civil or criminal** prosecution, or imprisonment for not more than sixty days, or both.

(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, lease or condemnation, consistent with the constitution and laws of the State of Vermont, and may sell, lease, mortgage, hold, manage and control such property as its interest may require.

(c) In this Charter, no mention of a particular power shall **not** be construed to be exclusive or to restrict the scope of the powers which the town would have if the particular power were not mentioned.

#### 4. Additional Powers.

The general grant of authority in Section 3 of this chapter shall include, but shall not be limited to, the following:

- (a) To adopt and enforce ordinances relating to making and installation of local improvements including curbs, sidewalks, sewers, drainage systems, water systems, and streets; requiring the installation of any or all of such improvements in a manner specified by the Town as a condition precedent to the issuance of a building permit; apportioning part or all of the expenses of such improvements against property owners benefited thereby; providing for the collection of such assessments and penalties for nonpayment;
- (b) To adopt and enforce police ordinances regulating or prohibiting the use of firearms, air rifles and devices having a capacity to inflict personal injury, and the parking, operation and speed of motor vehicles upon town and state aid streets and highways, and to regulate or prohibit any activities constituting a hazard to the safety or health of the public;
- (c) To adopt and enforce ordinances relating to the prevention of pollution of streams, ponds, and other waterways within the Town.
- (d) To adopt and enforce ordinances relating to the cleaning and repair of any premises when in such condition as to impair the general appearance of the town, to be injurious to other property in the vicinity or to be a health hazard, and to control the removal of rubbish, waste and objectionable material therefrom.
- (e) To adopt and enforce ordinances relating to regulation, licensing, or prohibition of the storage and accumulation of garbage, ashes, rubbish, refuse, and waste materials; regulation of the removal and disposal of such materials, licensing for revenue and regulation or prohibition of the collection, removal and disposal of such materials by persons; collection, removal of such materials by the town either by contract or by a town officer or department now existing or created for either by contract or by a town officer or department now existing or created

for that purpose; establishment of service rates to be paid the town for such service.

(f) To adopt and enforce ordinances prohibiting and punishing willful injuries to trees planted for shade, ornament, convenience, or use, public and private, and to prevent and punish trespassing or willful injuries to or upon public or private buildings, property or lands.

(g) To adopt and enforce ordinances relating to codes for building construction, including also wiring and plumbing.

(h) To adopt and enforce ordinances relating to fire prevention and control.

(i) To adopt and enforce ordinances relating to the use, protection, care and management of all public recreation facilities and systems of the town.

(j) To adopt and enforce ordinances for the purpose of regulating and licensing the placing of mooring buoys, bathing beach markers, swimming floats, speed zone markers, or any other floating object having no navigational significance in the waters of Shelburne Pond and Shelburne Bay and other waters of Lake Champlain bordering the Town of Shelburne and extending 1,000 feet into the lake from the high water mark.

#### 5. 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 Shelburne and the ~~selectmen~~ **Selectboard** of said town 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.

#### 6. Ordinances

(a) The ~~selectmen~~ **Selectboard** may provide penalties for the breach of any ordinance authorized by general law or this charter; may prosecute **civilly or criminally** any person violating the same through the town, police officers or any other public officer authorized by law so to do, 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) Introduction; first and second readings; public hearing.

(1) Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be ‘The ~~selectmen~~ **Selectboard** of the Town of Shelburne hereby ordain...’ If the ~~selectmen~~ **Selectboard** pass the proposed ordinance upon the first reading, they shall cause a short and concise one-paragraph description of the general topical nature of the proposed ordinance to be published in a newspaper of general circulation in the town, at least once, together with a notice of the time and place where and when there shall be a public hearing to consider the same for final passage. Such publication shall include reference to a place within the town where copies of the entire text of the proposed ordinance may be examined. The first of such publications shall be at least one week but not more than two weeks prior to the date of said public hearing.

(2) At the time and place so advertised, or at any time and place to which such hearing may from time to time be adjourned, such ordinance shall be read in full, except that by vote of majority of the **Selectboard** the ordinance may be read by title, and after such reading, all persons interested shall be given an opportunity to be heard.

(c) Further Consideration: Final Passage. After such hearing the ~~selectmen~~ **Selectboard** may finally pass such ordinance with or without amendment; except that if the ~~selectmen~~ **Selectboard** make an amendment they shall cause a short concise one-paragraph description of the general topical nature of the amended ordinance to be published at least once together with a notice of the time and place of a public hearing at which such amended ordinance will be further considered, which publication shall be at least three days but not more than 10 days prior to the public hearing. Such publication shall include a reference to a place within the town where copies of the entire text of the amended ordinance may be examined. At the time so advertised or at any time and place to which such meeting may be adjourned, the amended ordinance shall be read in full, except that by vote of a majority of the board the amended ordinance may be read by title. After such hearing, the ~~selectmen~~ **Selectboard** may finally pass such amended ordinance, or again amend it subject to the same procedure as outline herein.

(d) Effective Date. Every ordinance shall become effective upon passage unless otherwise specified; or, if the ordinance be conditioned upon approval of the voters of the town, then upon a favorable vote of a majority of those voting thereon.

(e) 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 ~~selectmen~~ **Selectboard** together with a complete index of ordinances according to subject matter.

(f) All ordinances shall be subject to overrule by a special town meeting as follows: if, within 30 days after final passage by the ~~selectmen~~ **Selectboard** of any such ordinance, a petition signed by electors of the town not less in number than 10 percent of the number of votes cast in the last municipal election is filed with the town clerk requesting its reference to a special town meeting, the ~~selectmen~~ **Selectboard** shall fix the time and place of such meeting, which shall be within 60 days after filing of the petition, and notice thereof shall be given in the manner provided by law in the calling of a special town meeting. An ordinance so referred shall remain in effect upon the conclusion of such meeting unless electors not less in number than 10 percent of the number of votes cast in the last municipal election and constituting a majority of those voting thereon, shall have voted against the ordinance.

(g) Petition for Enactment of Ordinance; Special Meeting.

(1) Subject to the provisions of paragraph 6 (f) of this chapter electors of the town may at any time petition in the same manner as in paragraph (f) for the enactment of any proposed lawful ordinance by filing such petition, including the text of such ordinance, with the town clerk. The ~~selectmen~~ **Selectboard** shall call a special town meeting to be held within 50 days of the date of such filing, unless prior to such meeting such ordinance shall be enacted by the ~~selectmen~~ **Selectboard**. The warning for such meeting shall include a short concise one paragraph description of the general topical nature of the proposed ordinance and shall provide for an aye and nay vote as to its enactment. The warning shall also include reference to a place within the town where copies of the entire text of the proposed ordinance may be examined. Such ordinance shall take effect on

the 10<sup>th</sup> day after the conclusion of such meeting provided that electors as qualified in paragraph 6 (f),, constituting a majority of those voting thereon, shall have voted in the affirmative.

(2) The provisions of this section shall not apply to any appointments of officers, members of commissions, or boards made by the ~~selectmen~~ **Selectboard** or to the appointment, or designation of ~~selectmen~~ **Selectboard**, or to rules governing the procedure of the ~~selectmen~~ **Selectboard**.

(h) Any Ordinance adopted since the previous town report and remaining in effect shall be published in full in the annual town report, or, in the alternative, there shall be a brief summary of each such ordinance, setting forth the principal provisions thereof.

## CHAPTER TWO OFFICERS

### 1. Generally.

The officers of the Town of Shelburne shall be those provided by law for towns, except as otherwise provided by this charter. Such officers shall have all of the powers and duties necessary to carry out the provisions of this charter as well as those provided by law.

### 2. Elective Officers.

The elective officers of the Town shall be:

- (a) Five ~~selectmen~~ **Selectboard members**
- (b) A town clerk
- (c) A treasurer

**The Treasurer's position shall become a position appointed by the Selectboard immediately after the town meeting in the year in which the current treasurer does not file for re-election. The treasurer will be appointed as provided in Chapter 2. Section 5, of this charter**

- (d) A moderator
- (e) A first constable

3. Term of Office.

(a) ~~Selectmen~~ **Selectboard**

Three members of the ~~Board of Selectmen~~ **Selectboard** shall have terms of office of three years; two members shall have terms of office of two years. At each election one ~~selectman~~ **Selectboard member** shall be elected for a three-year term and one for a two-year term. All ~~selectmen~~ **Selectboard members** shall be elected at large.

(b) Except as otherwise provided in this ~~chapter~~ **chapter**, all elective officers shall hold office for the term established by law or until their successors are qualified.

~~3A.~~ **4.** Removal of Elected Town Officers.

Elected Town officers may be removed for cause by the ~~Board of Selectmen~~ **Selectboard** after hearing. Such hearing shall be public, if the officer so requests.

~~4.~~ **5.**

Appointive Officers.

(a) The ~~Selectmen~~ **Selectboard** shall appoint any other officers required by law or this Charter. Such appointment shall be annually, or for such terms established by law.

(b) The ~~Selectmen~~ **Selectboard** may create such other appointive officers not provided for by this act or required by law as they deem to be in the best interest of the Town.

(c) Appointed terms shall commence April 1 or as soon thereafter as the successor is appointed and has qualified, unless a different term is established by law. **Incumbent appointees shall serve until April 1 or until their successor is appointed and are qualified to serve.**

(d) Members of the ~~Board of Selectmen~~ **Selectboard** shall not be appointed to commissions.

(e) There shall be a Department of Assessment, which shall consist of a chief assessor and such assistants as are deemed necessary by the Town Manager with the approval of the ~~Board of Selectmen~~ **Selectboard**. The chief assessor and

assistants shall be appointed, and may be removed, by the ~~Board of Selectmen~~ **Selectboard** in accordance with Chapter II of this charter.

(f) **The Selectboard shall appoint a Town Treasurer. The Treasurer shall have the same powers and be subject to the same liabilities as are prescribed by the laws of the State of Vermont for town treasurers. The Selectboard shall appoint the treasurer after the Town meeting in which the current treasurer is not elected.**

## **6. Removal of Officers Appointed by the Board**

**Officers appointed by the Selectboard may be removed by the Selectboard at any time with cause after a hearing. Such hearing shall be public if the official so requests.**

### **5.7. Compensation.**

(a) Compensation paid to the ~~selectmen~~ **Selectboard** shall be set by the voters at town meeting.

(b) Subject to sub-section (a) of this section, the ~~Selectmen~~ **Selectboard** shall ~~fix~~ **fix** the compensation of all elective officers and of all officers appointed by the ~~selectmen~~-**Selectboard**.

(c) The town manager, with the approval of the ~~selectmen~~ **Selectboard**, shall fix the compensation of all other officers and employees whose compensation is not fixed by the ~~selectmen~~ **Selectboard** pursuant to sub-section (b) of this section.

## **CHAPTER THREE**

### **BOARD OF SELECTMEN SELECTBOARD**

#### **1. Powers and Duties.**

(a) The members of the ~~Board of Selectmen~~ **Selectboard** shall be and constitute the legislative body of the Town of Shelburne for all purposes required by statutes and except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of town legislative bodies or ~~boards of selectmen~~ **Selectboards** under the laws of the State of Vermont.

(b) Within the limitations of the foregoing, the ~~selectmen~~-**Selectboard** 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 or by law.

2. Assign additional duties to offices, commissions or departments established by this Charter, but may not discontinue or assign to any other office, commission or department duties assigned to a particular office, commission or department established by this Charter or by law.

3. Appoint the members of all boards, commissions, committees, or similar bodies **and establish their terms of office** unless specifically provided otherwise by **State Statute or** this Charter.

4. Make, amend, and repeal ordinances.

5. Provide for an independent audit by a certified public accountant or public accountant. Such independent audit shall be required at least once in every three years.

6. Inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs.

**7. Authorize the application for any grant at any scheduled Selectboard meeting and approve the terms of any grant agreement.**

2. Organization.

(a) Forthwith after their election and qualification, the ~~selectmen~~ **Selectboard** shall organize and elect a chairman, vice-chairman ~~and a clerk~~ by a majority vote of the entire board and file a certificate of such election for record in the office of the town clerk.

(b) The chairman of the board or in his absence, the vice-chairman shall preside at all meetings of the board and shall be recognized as the head of the town government for all ceremonial purposes.

3. Vacancies.

When a vacancy occurs on the ~~board of selectmen~~ **Selectboard**, the remaining members shall fill the vacancy until the next annual meeting when the town shall fill the vacancy **for any remaining portion of the term of the Selectboard member who created the vacancy.**

4. Meetings.

- (a) As soon as possible after the election of the chairman and vice-chairman the board shall fix the time and place of its regular meetings and such meetings shall be held at least once a month.
- (b) The board shall determine its own rules and order of business.
- (c) The presence of three members shall constitute a quorum.
- (d) All meetings of the board shall be ~~open to the public unless, by an affirmative vote of the majority of the members present, the board shall determine that such meeting, or a portion thereof, shall be in executive session~~ **conducted** in accordance with subchapter 2 of Title 1, Vermont Statutes Annotated, as enacted or from time to time amended.

5. Record of Proceedings.

- (a) It shall be the duty of the ~~board of selectmen~~ **Selectboard** to keep official records of its proceedings which shall be open for public inspection.
- (b) The minutes of each meeting shall be approved by the board at its next meeting and the official copy authenticated by the signature of the clerk and placed on file in the town clerk's office.

## CHAPTER FOUR

### TOWN MANAGER

1. Appointment and Compensation.

- (a) The ~~Selectmen~~ **Selectboard** may appoint a Town Manager
- (b) The Manager shall receive such pay as may be fixed by the ~~Selectmen~~ **Selectboard.**

2. Qualifications.

- (a) The Manager shall be chosen solely on the basis of his executive and administrative and professional qualifications.
- (b) The Manager shall not take part in the organization or direction of a political party, serve as a member of a party committee, nor be a candidate for election to any ~~public~~ **federal, state or Town of Shelburne** office.

3. Oath; Bond.

Before entering upon his duties, the Manager shall be sworn to the faithful performance of his duties by the Town Clerk and shall give a bond to the Town in such amount and with such surety as the ~~selectmen~~ Selectboard may require.

4. Removal.

The ~~Board of Selectmen~~ **Selectboard** may remove the Town Manager by a majority vote of its members. At least thirty days before such removal shall become effective the ~~board of selectmen~~ **Selectboard** shall by a majority vote of its members adopt a preliminary resolution stating the reason for his removal. The manager may reply in writing and may request a public hearing which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the board by a majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the board may suspend the manager from duty, but the regular salary of the manager shall continue to be paid to him during the period of suspension.

5. Absence.

To perform his duties during his temporary absence or disability, the manager may, with the consent of the Board, designate by letter filed with the Town Clerk a qualified administrative officer of the Town. In the event of the failure of the manager to make such designation, the board may by resolution appoint any officer of the Town to perform the duties of the manager until he shall return or his disability shall cease.

6. Powers and Duties.

The Town Manager shall be the chief executive officer and the head of the administrative branch of the town government, and shall be responsible to the ~~Board of Selectmen~~ **Selectboard** for the

proper administration of all affairs of the town. He The manager shall have all powers and duties laid down by Chapter 37 of Title 24, VSA, as amended from time to time, and not inconsistent with this act. Any inconsistency shall be resolved in favor of the manager. He The manager shall also have the power and be required to perform the following.

- (a) The manager shall attend all meetings of the ~~Board of Selectmen~~ Selectboard except when his removal is being considered, and keep them informed of the financial condition and future needs of the town and shall make such reports as may be required by law, this article, or ordinance, or may be requested by the ~~selectmen~~ Selectboard. He The manager shall make such other reports and recommendations as he may deem advisable. He The manager shall perform such other duties as may be prescribed by this charter, or required of him by law, ordinance, or resolution of the ~~selectmen~~ Selectboard not inconsistent with this charter.
- (b) The manager shall be an ex-officio member of all boards or commissions pointed by the Selectboard ~~standing committees~~ except the ~~zoning board~~ Development Review Board, but may not vote.
- (c) The manager shall prepare the annual budget and submit it to the ~~selectmen~~ Selectboard and be responsible for its administration after adoption.
- (d) The manager shall compile for general distribution at the end of each fiscal year a complete report on the finances and administrative activities of the town for the year.
- (e) The manager shall be responsible for the enforcement of all town laws and ordinances. The manager shall be the administrative officer under the Vermont Planning and Development Act, with all the powers and duties set forth in said Act. The manager may appoint an assistant administrative officer with the approval of the ~~Board of Selectmen~~ Selectboard to exercise all powers and duties required of the administrative officer under the Vermont Planning and Development Act.
- (f) The manager shall be responsible for the collection of all taxes due the town.
- (g) The manager shall be the general purchasing agent of the town and purchase all supplies for every department thereof.

- (h) The manager shall be responsible for the operation of all departments of the town, not otherwise provided for in this charter.
- (i) The manager shall have exclusive authority to appoint, fix the salary of, suspend and remove, all employees of the Town appointed by him, subject to the provisions of this Charter and with the consent of the ~~Board of Selectmen~~ **Selectboard**. However, the appointment and compensation of any employee of a commission or board ~~or division~~ of the Town having commissioners, trustees or other such governing board, shall require the approval of such governing body.
- (j) The manager may when advisable or proper, delegate to subordinate officers and employees of the town, any duties conferred upon him by this charter or by action of the ~~selectmen~~ **Selectboard**.

## CHAPTER FIVE TAXATION

### 1. Taxes on Real and Personal Property.

Taxes on real and personal property shall be paid in three equal payments, with one third of the annual tax bill for each taxpayer due and payable on ~~July 15, November 15, and March 15 of~~ each tax year. **dates as determined by the Selectboard by June 30 of each year.**

### 2. Penalty and Interest.

Interest will be added to any tax not paid on or before its due date, for each month or a fraction thereof after the date on which the tax payment was due. Prior to a commencement of a new fiscal year (July 1<sup>st</sup>) the ~~Board of Selectmen~~ **Selectboard** shall determine by resolution the interest rate for that fiscal year, which in no case shall exceed one and one-half percent per month. In addition, a late charge of ~~eight~~ **five (5)** percent will be added to any tax not paid on or before its due date. ~~except that~~ The **Selectboard** ~~of Selectmen~~ shall have the power to waive such penalty for just cause shown for any tax paid within seven days after said due date. . **If the taxpayer and the Town enter into an agreement to bring a delinquent account current, payments may be applied to the current tax due and past principle.** All tax payments **paid by taxpayers who do not have a current agreement,** shall first be applied to the most outstanding delinquent accounts.

## CHAPTER SIX

### BUDGET

1. Fiscal Year.

The fiscal year of the town shall begin 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.

2. Preparation and Submission.

(a) The Town manager, at least 45 days before the date of the regular annual town meeting, shall submit to the ~~selectmen~~ **Selectboard** a budget in such form required by them.

(b) The budget shall be published not later than ~~two~~ **four (4)** weeks after its submission to the ~~Board of Selectmen~~ **Selectboard**. Said budget as published shall also include an itemized statement of revenues and expenditures for the preceding fiscal year. 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 in a newspaper having general circulation in the town at least five days but not more than fifteen days before such hearing. Said notice shall include a designation of the place or places within the town where copies of the budget are available for distribution.

In the manner provided in this sub-paragraph, the Directors of the Shelburne School District shall likewise submit their budget for the next fiscal year to the public hearing provided for in this sub-paragraph.

3. Town Meeting Warning and Budget.

The budget and warning for the annual town meeting shall be distributed to the legal voters of the town at least 10 days before the annual meeting. There shall be included in such distribution the ~~Board of Selectmen's~~ **Selectboard's** best estimate of the tax rate for the next fiscal year based upon an estimate of the grand list furnished by the ~~listers~~ **assessor** to the **Selectboard** ~~of Selectmen~~.

4. Appropriations.

From the effective date of the budget, the several amounts therein stated, as approved in accordance with paragraph 8 of this chapter, become appropriated to the several ~~agencies~~ **departments, agencies, entities** and purposes therein named.

5. Amount to be Raised by Taxation.

Upon passage of the **Town** budget in accordance with paragraph 8 of this chapter, the amounts stated therein as the amount to be raised by property taxes shall constitute a determination of the amount of the levy for the purposes of the town in the corresponding tax year and the ~~selectmen~~ **Selectboard** shall levy such taxes on the grand list furnished by the **Assessing** Department of ~~Assessment~~ for the corresponding tax year.

6. Departmental Budget.

The budget for all departments shall include all proposed expenditures and the budget approved in accordance with paragraph 8 of this chapter shall include a gross appropriation for each department for the ensuing fiscal year. The gross appropriation for each department shall not be exceeded except by consent of the ~~board of selectmen~~ **Selectboard**, subject to the provisions of section 8 of this chapter.

7. 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 and within the last three months of the budget year, the ~~board of selectmen~~ **Selectboard** may by resolution transfer any unencumbered appropriation balance or portion thereof within the ~~selectmen's~~ **Selectboard's** budget from one department, agency, **or** office to another. Notwithstanding the above, no unexpended balance in any appropriation not included in the ~~selectmen's~~ **Selectboard's** budget, shall be transferred or used for any other purpose. **An informational meeting regarding the proposed budget shall be held the evening preceding the vote regarding the budget. The vote shall conform to the procedure in use for votes by Australian ballot at the regular Town Meeting.**

**8. General Fund Unrestricted Fund Balance**

**At the sole discretion of the Selectboard, a general fund unrestricted reserve may be established in an amount that may not exceed five (5) percent of the current year's general**

**fund operating budget. The purpose of the fund shall be to aid in the cash flow and operation of the town and to be used for such purpose as may be caused by an emergency. For expenditures other than an emergency, if in any year a portion of the unrestricted fund balance is applied as revenue to the general fund or in a year that the reserve fund exceeds five (5) percent of the current operating budget, funds must be applied to fund item(s) found in the Town's Capital Improvement Plan.**

**8.9.** Adoption of Budget.

An annual budget shall become effective after adoption by a majority vote of the town's legal voters present and voting by Australian Ballot at the annual town meeting. If the voters disapprove the proposed budget at the annual town meeting, the ~~selectmen~~ **Selectboard** shall proceed to warn a special town meeting to be held within sixty days of the annual meeting, for the purposes of considering the disapproved budget. ~~The special town meeting shall not increase the amount recommended by the selectmen Board or make any budget appropriation not recommended by the selectmen Board.~~ Voting on the proposed budget at the special meeting shall be by paper ballot, unless two-thirds (2/3rds) of those present and voting desire a voice vote. **An informational meeting regarding the proposed budget shall be held the evening preceding the vote regarding the budget. The vote shall conform to the procedure in use for votes by Australian ballot at the regular Town Meeting.**

After the annual budget has been adopted, the ~~selectmen~~ **Selectboard** shall not make any single appropriation not set forth in the budget which totals in excess of 2 percent of the **annual operating budget.** ~~aggregate budget appropriations.~~ Any such appropriation made by the ~~selectmen~~ **Selectboard** shall only be done if they deem an emergency situation requires such appropriation. Such emergency appropriations shall be reported to the next annual town meeting. Any single appropriation in excess of said two percent shall require prior approval by vote by Australian Ballot at a duly warned town meeting. The issuance of bonds or notes, except notes **for one year or less or** in anticipation of revenue **or grants and aid** to be paid within the fiscal year in which issued, shall be authorized by Australian Ballot at the annual or a special town meeting. Any article in the warning providing for appropriation of funds in addition **to** the ~~selectmen's~~ **Selectboard's** budget shall be voted on by Australian Ballot.

**9.** Balloting at Town Meetings.

The selectmen **Selectboard**, at their discretion, shall determine which articles to be submitted to the voters at any annual or special town meeting shall be voted on by Australian Ballot, unless other provisions of this charter or the laws of this State require Australian Balloting for a particular issue.

## **CHAPTER SEVEN**

### **MERGER OF MUNICIPALITIES**

~~1. — Any municipality within the Town of Shelburne may enter into an agreement with the Town providing for the transfer of any and all of its functions, assets and liabilities to the Town, and for its merger with the Town and the surrender of its Charter or its dissolution, subject to any appropriate provisions, terms and conditions. Any such agreement shall take effect only upon its ratification by a majority of the qualified voters of the municipality voting by Australian ballot at a meeting duly warned for the purpose, and also by a majority of the qualified voters of the Town also so voting at a duly warned town meeting. In lieu of ratification of a specific agreement, the voters may authorize their respective legislative bodies to negotiate and enter into an agreement for such merger on such terms and provisions as the legislative bodies shall see fit. The provisions of 24 V.S.A. S704 as from time to time amended, concerning a petition calling for the consideration of a question by the voters, shall apply under this Chapter, except the 3% of the voters of each municipality shall be sufficient to require the submission of such question.~~

## **CHAPTER SEVEN**

### **LIBRARY**

#### **1. Board of Trustees**

**The Board of Trustees shall consist of seven members appointed by the Selectboard to staggered three-year terms. The trustees shall be responsible for setting general policies concerning library operations, including programs and collections, consistent with the provisions of this charter. The librarian shall be responsible for ensuring that library policy is effectively implemented.**

#### **2. Personnel**

**(a) Library personnel are town employees subject to the personnel policies adopted by the Selectboard. The Town manager shall have the authority to hire, fix the salary of, discipline, suspend and remove the library director and all employees pursuant to the provisions of this charter.**

**(b) When hiring the librarian, the manager shall seek the advice of the trustees. There shall be at least two trustees on the search committee to review resumes and interview candidates. The town manager shall provide seven days**

notice to the trustees of their intent to hire the librarian prior to extending a job offer

**3. Finances**

Trust funds and other donations to benefit the library shall be under the exclusive control and direction of the library trustees subject to the terms of the document creating the trust or evidencing the gift. The town treasurer shall maintain separate accounts for these funds and shall write checks from these accounts as directed by the library trustees. Town appropriations and all other tax-payer sourced library funds shall be subject to and handled in accord with financial policies and controls duly adopted by the Selectboard

**4. Charter to Control**

Except as provided in this section, to the extent of any conflict between the provisions of this charter and the provisions of Vermont statutes pertaining to municipal libraries, the provisions of this charter shall control.

**CHAPTER EIGHT**  
**BOARD OF TAX APPEALS**

**1. Appointment**

The Selectboard shall appoint a board of tax appeals of up to ten (10) members consisting of ten (10) legal voters of Shelburne.

**2. Hearing of Appeals**

Said board of tax appeals shall meet, hear and determine all appeals from the decision of the town assessor grievance hearings in the manner set forth below, notwithstanding 32 V.S.A. § 4404. *[Should there be a hearing process such as used by the BCA]*If at all practicable, such appeals shall be heard and determined no later than December 31 of that year. Hearings and inspections of the property shall be conducted by the panel as described below. The town assessor shall have the right to request and the board shall have the right to issue a subpoena for all records of the taxpayer which are material to a determination of the appeal. Such records shall be regarded as confidential, shall not be further distributed, and shall be utilized only for the purpose of deciding the appeal; provided that no subpoena shall issue unless and until a taxpayer has appealed to the board of tax appeals. If the taxpayer fails to provide requested records in response to a subpoena properly issued hereunder or refuses to allow an inspection of his or her property, the appeal shall be deemed withdrawn or dismissed and no further appeal shall be available to such taxpayer. Said board shall hear and decide appeals by three (3) member hearing panels, the membership of such panels to be rotated on a periodic basis. At least two (2) of the three (3) members of the hearing panel must join in the decision in order for it to be valid.

**3. Appeal of the Decision of the Board of Tax Appeals to the Board of Civil Authority**

Either a taxpayer or the assessor aggrieved by the decision of the board of tax appeals may, within ten (10) days of the date of such decision, file a request for review thereof by the board of civil authority. A taxpayer or the assessor may, alternatively, file an appeal of a

decision of the board of tax appeals directly with the director of the division of property valuation and review of the Vermont department of taxes or the superior court pursuant to section 4461 of Title 32 within thirty (30) days of the mailing of the board of tax appeals decision to the taxpayer. The board of civil authority shall not be obligated to agree to review a decision of the board of tax appeals, but may do so in its sole discretion by a majority vote if the decision of the board of tax appeals was not unanimous or if the board of civil authority determines either that the board of tax appeals' decision was clearly erroneous or that the hearing panel failed to give the taxpayer appropriate due process. The board of civil authority shall determine whether it will hear an appeal within thirty (30) days of the date a request is made. If the board of civil authority should agree to review such a decision, it shall hear from the taxpayer, the town assessor and a representative of the board of tax appeals and shall make its decision to affirm or modify the decision of the board of tax appeals within sixty (60) days of the date it decides to review the decision. A decision of the board of civil authority, including a decision not to review a decision of the board of tax appeals, may be appealed pursuant to section 4461 of Title 32. The decision of the board of tax appeals or the board of civil authority, as the case may be, if not further appealed, shall become the basis for the grand list of the taxpayer for the year in question plus the next two (2) years unless new information of a material nature about the property is discovered, the property is materially changed or if the town undertakes a rolling or complete re-evaluation of real estate which includes the property in question.

#### 4. Compensation

Members of the board of tax appeals may be compensated. If compensation is paid, the Selectboard will set the amount of compensation from time to time.

## CHAPTER EIGHT NINE

### MISCELLANEOUS PROVISIONS

#### 1. Water Department.

~~This Charter shall not be construed to alter, amend, or repeal No. 263 of the Acts of the General Assembly of 1935, as amended, establishing the Shelburne Water Department~~ is hereby repealed. except in the following manner:

(a) ~~—The superintendent and other employees shall be appointed in the manner provided in Chapter Four, Paragraph 6 (i).~~

(b) ~~—The Commissioners shall be appointed by the Board of Selectmen-  
Selectboard in the manner provided in Chapter Two, (Paragraph 4).~~

The Water Department shall be operated in accordance with the general laws of the State of Vermont and

## 2. Severability.

~~If any provisions of this Charter is for any reason held invalid, such invalidity shall not affect the remaining provisions which can be given effect without the invalid provision. To this end, the provisions of this act are declared to be severable.~~

**The sections of this Charter and the parts hereof are separable. If any portion or section of this Charter or the application thereof to any person or circumstance shall be held invalid by a court of competent jurisdiction, the remainder of the Charter shall not be affected thereby. If a clause, portion of or section of this Charter is so held invalid, then the applicable provisions of State law, if any, shall govern.**