

1 H.433

2 Introduced by Representative McDonald of Berlin

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; municipal charters; town of Berlin

6 Statement of purpose: This bill proposes to approve amendments to the charter
7 of the town of Berlin.

8 An act relating to approval of amendments to the charter of the town of
9 Berlin

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

11 Sec. 1. CHARTER APPROVAL

12 The general assembly approves the amendments to the charter of the town
13 of Berlin as provided in this act. The proposals of amendment were approved
14 by the voters on March 3, 2009.

15 Sec. 2. 24 V.S.A. App. chapter 105, § 42 is amended to read:

16 § 42. ELECTED OFFICERS

17 The following officers of the town and such other town officers as are
18 provided by law and previous vote of the electorate as to number, length of
19 term and manner of election at an annual meeting shall be elected by
20 Australian ballot, unless otherwise stated, and shall include the following:

- 1 (1) A moderator to be elected by paper ballot from the floor, for a term
2 of one year;
- 3 (2) A town clerk, for a term of three years;
- 4 (3) ~~A town treasurer/collector of current and delinquent taxes, for a term~~
5 ~~of three years;~~
- 6 ~~(4) selectboard~~ Selectboard members, three of whom shall serve
7 staggered three year terms and two of whom shall serve one year terms;
- 8 ~~(5)~~(4) ~~listers~~ Listers, for terms of three years, staggered to ensure no
9 more than one term ends in any particular year;
- 10 ~~(6) auditors, for terms of three years, staggered to ensure no more than~~
11 ~~one term ends in any particular year;~~
- 12 ~~(7) A first constable, and if needed a second constable, for a term or~~
13 ~~terms of one year; and~~
- 14 ~~(8)~~(5) Such other town officers as the town shall order as provided by
15 law.

16 Sec. 3. 24 V.S.A. App. chapter 105, § 44 is amended to read:

17 § 44. APPOINTED OFFICERS

- 18 (a) The selectboard may appoint, recommend or approve the appointment
19 of any town officers, for a term of one year from the date of such appointment,
20 unless otherwise specified below, following such notice and warning as
21 required by this charter, to include the following:

- 1 ~~(a)~~ Poundkeeper;
- 2 ~~(b)~~(1) Town service officer;
- 3 ~~(c)~~(2) Tree warden;
- 4 ~~(d)~~ Civil defense chair;
- 5 (3) Emergency management director;
- 6 ~~(e)~~(4) Fire warden, for a term of five years;
- 7 ~~(f)~~(5) Health officer;
- 8 ~~(g)~~ Zoning administrator, for a term of three years;
- 9 ~~(h)~~(6) Members of the town planning commission, for terms of four
- 10 years;
- 11 ~~(i)~~(7) Members and alternates of the development review board, for
- 12 terms of four years;
- 13 ~~(j)~~(8) Cemetery commissioners, for terms of three years;
- 14 ~~(k)~~(9) Members of the board of recreation, for terms of three years; and
- 15 ~~(l)~~(10) Road superintendent;
- 16 ~~(m)~~(11) Members of the sewer board, for terms of three years;
- 17 ~~(n)~~(12) Members of the conservation commission, for terms of three
- 18 years;
- 19 ~~(o)~~(13) Police chief; and
- 20 (14) Editor of the town report; and

1 ~~(p)~~(15) Such other town ~~officer(s)~~ officers or municipal appointments
2 that may be necessary as provided by law or otherwise authorized by this
3 charter for the orderly and expeditious operations of town government.

4 (b) The road superintendent and the police chief shall serve at the pleasure
5 of the selectboard.

6 (c) All appointed town officers shall be governed by the town personnel
7 policy.

8 Sec. 4. 24 V.S.A. App. chapter 105, § 46 is amended to read:

9 § 46. ZONING ADMINISTRATOR

10 The zoning administrator shall be appointed by and serve at the pleasure of
11 the selectboard, following consultation with the town planning commission.

12 The zoning administrator shall not be a member of ~~the planning commission or~~
13 ~~the development review board.~~

14 Sec. 5. 24 V.S.A. App. chapter 105, § 49 is added to read:

15 § 49. TREASURER; COLLECTOR OF DELINQUENT TAXES

16 (a) The selectboard shall appoint a treasurer, in the manner set forth in
17 subsection (b) of this section, who shall also serve as the collector of
18 delinquent taxes. The appointee shall be competent in the keeping of records,
19 investments, and accounting, and shall serve at the pleasure of the selectboard.

20 (b) Prior to appointing a treasurer, the selectboard shall appoint a
21 committee, composed of three members of the selectboard and four residents

1 of the town of Berlin, to review and recommend to the selectboard qualified
2 candidates for the position of treasurer. The committee shall have the authority
3 to solicit candidates, to advertise notice of a vacancy in the treasurer's position
4 and to make an investigation of a candidate's credentials and background as
5 the committee deems appropriate. Upon completion of the investigation and
6 interviewing of candidates, the committee shall submit to the selectboard the
7 names of those candidates deemed qualified for the position of treasurer. The
8 selectboard shall appoint a treasurer from among those deemed qualified by the
9 committee. In the event that the committee does not submit at least three
10 qualified candidates to the selectboard, the selectboard shall either appoint a
11 treasurer from among the qualified candidates or notify the committee, in
12 writing, that none of the candidates shall be appointed. The committee shall
13 then reconvene and submit the names of additional qualified candidates to the
14 selectboard.

15 (c) The selectboard shall appoint a treasurer or, if applicable, notify the
16 committee that none of the candidates shall be appointed, no later than 30 days
17 following submission of the names of candidates deemed qualified by the
18 committee.

19 (d) Members of the committee described in subsection (b) of this section
20 shall serve until a treasurer is appointed by the selectboard. Meetings of the
21 committee shall be warned and conducted as public meetings in accordance

1 with the requirements of Vermont statutes and this charter, and the committee
2 shall be entitled to meet in executive session as authorized by Vermont
3 statutes.

4 (e) Until such time as a treasurer is appointed pursuant to this section, the
5 selectboard shall appoint an interim treasurer and collector of delinquent taxes.

6 Sec. 6. EFFECTIVE DATE

7 This act shall take effect upon passage.