

1 H.58

2 Introduced by Representatives LaClair of Barre Town, McFaun of Barre

3 Town, and Rosenquist of Georgia

4 Referred to Committee on

5 Date:

6 Subject: Municipal and county government; municipal charters; Town of

7 Barre; amendments

8 Statement of purpose of bill as introduced: This bill proposes to approve

9 amendments to the charter of the Town of Barre.

10 An act relating to approval of amendments to the charter of the Town of
11 Barre

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

13 Sec. 1. CHARTER AMENDMENT APPROVAL

14 The General Assembly approves the amendments to the charter of the Town
15 of Barre. Voters approved the proposals of amendment on May 8, 2018.

16 Sec. 2. 24 App. V.S.A. chapter 101 is amended to read:

17 CHAPTER 101. TOWN OF BARRE

18 * * *

19 § 2. MEETINGS AND ELECTIONS

20 * * *

1 (b) Special Town meetings or elections:

2 (1) may be called by a majority of the ~~selectmen~~ Selectboard members;

3 or

4 * * *

5 (c) The budget proposal, established by the ~~selectmen~~ Selectboard, in

6 accordance with Section 28 of this charter, shall be submitted to the electorate

7 at the annual election. If this proposal fails, the Town Clerk shall immediately

8 warn an open Town meeting at which the budget shall be determined without a

9 subsequent Australian ballot election. Section 5 of this charter on

10 reconsiderations, shall not apply to budget votes.

11 * * *

12 § 5. RECONSIDERATION OF ACTIONS TAKEN

13 A question considered at any Town meeting or election may not be

14 submitted to the voters for reconsideration or rescission except at a subsequent

15 annual meeting or special meeting or election, specifically warned for the

16 purpose and called by the ~~selectmen~~ Selectboard by a resolution or by the

17 Town Clerk pursuant to a petition requesting such reconsideration or

18 rescission. ~~Such~~ The petition must be signed by not less than 10 percent of the

19 voters and filed with the Town Clerk within 30 days following the date of the

20 meeting or election at which the question was first considered. The Clerk shall

21 call for a vote in accordance with the petition within 60 days of the date of

1 filing. The manner of reconsideration shall be the same manner by which a
2 question was originally considered. A question voted on or considered shall
3 not be presented for reconsideration or rescission more than one time;
4 provided, however, that after the passing of at least eight months from the date
5 of any such reconsideration or rescission, the same or a similar question may
6 be newly submitted for consideration. Unless rescinded as provided in this
7 section, any vote or action lawfully taken at a Town meeting or election shall
8 remain in effect indefinitely.

9 § 6. BOARD OF CIVIL AUTHORITY

10 (a) A Board of Civil Authority shall consist of the justices of the peace
11 residing within the Town, the Town Clerk, and the ~~selectmen~~ Selectboard. At
12 the first meeting following each annual Town election, the Board shall elect a
13 ~~Chairman~~ Chair from among its members; the Town Clerk shall be the Clerk
14 of the Board. In the event of the absence of either the ~~Chairman~~ Chair or
15 Clerk from any meeting of the Board, the first order of business shall be the
16 election of a ~~Chairman~~ Chair or Clerk, Pro Tempore, to serve for the balance
17 of the meeting.

18 * * *

19 § 9. INTERGOVERNMENTAL RELATIONS

20 Subject only to any applicable superior laws or constitutional provisions,
21 the Town through the ~~Board of Selectmen~~ Selectboard may exercise any of its

1 powers or perform any of its functions and may participate in the financing
2 thereof, jointly or in cooperation, by contract or otherwise, with any one or
3 more states or civil divisions or agencies thereof, or the United States or any
4 agency thereof, including other towns, cities, and school systems.

5 * * *

6 § 10. ELECTED OFFICERS; GENERAL

7 (a) The following officers shall be elected by the legal voters of the Town
8 of Barre and voting for all such the officers shall be by Australian ballot:

9 (1) Five ~~selectmen~~ Selectboard members.

10 (2) Three listers.

11 (3) Three auditors.

12 (4) One Constable.

13 (5) One Clerk-Treasurer.

14 (6) One Moderator.

15 (b) The Office of Clerk-Treasurer may be changed to an appointive office
16 upon approval by the voters at any annual meeting of the Town. The Office of
17 Lister may be abolished and replaced by a single full-time assessor hired by
18 the ~~selectmen~~ Selectboard at such salary as the ~~selectmen~~ Selectboard may
19 approve; provided the voters authorize such action at any annual Town
20 meeting.

21 * * *

1 (d) Vacancies occurring in any elective office shall be filled by a majority
2 vote of the ~~selectmen~~ Selectboard. The appointment shall be valid until the
3 next annual Town election, at which time the voters shall elect a person to fill
4 the position for the unexpired term.

5 * * *

6 (f) The Office of Auditor may be abolished and replaced by an annual
7 financial audit of all funds of the Town by a public accountant, licensed in
8 Vermont, provided the voters authorize the actions at any annual or special
9 Town meeting. The vote to eliminate the Office of Auditor shall remain in
10 effect until rescinded by majority vote of the legal voters present and voting at
11 an annual or special meeting duly warned for that purpose. Unless otherwise
12 provided by law, the Selectboard shall provide for all other auditor duties to be
13 performed. The term of office of any auditor in the office on the date the
14 Town votes to eliminate that office shall expire on the 45th day after the vote
15 or on the date that the Selectboard enters into a contract with a public
16 accountant under this section, whichever occurs first.

17 § 11. ~~BOARD OF SELECTMEN~~ SELECTBOARD

18 (a) Except as otherwise provided in this charter, all the powers of the Town
19 shall be entrusted to and exercised by a ~~Board~~ Selectboard composed of five
20 ~~selectmen~~ members chosen by the voters of the Town of Barre. Three
21 members shall be elected for terms of three years, and two members shall be

1 elected for terms of two years. The Board shall discharge all the duties
2 conferred or imposed upon ~~boards of selectmen~~ selectboards by law, including
3 the duties of sewer commissioners, Board of Liquor Commissioners, and any
4 similar ex officio duties; and when sitting in such ex officio capacity, it shall
5 not be necessary specially to convene in a separate capacity.

6 (b) The ~~selectmen~~ Selectboard shall meet within seven business days after
7 the annual Town election to elect a ~~Chairman~~ Chair and a Vice ~~Chairman~~
8 Chair and to designate a Clerk. At the same meeting, the Board shall adopt
9 rules of order and fix the time and place of its regular meeting, which shall be
10 held at least twice a month. Special meetings of the Board may be called at
11 any time by the ~~Chairman~~ Chair, or in his or her absence, the Vice ~~Chairman~~
12 Chair, or by a majority of the Board in writing to the ~~Chairman~~ Chair. Notice
13 of any special meeting shall be served on members, posted in the municipal
14 building, and, except for an emergency meeting, released to the news media at
15 least 12 hours prior to the meeting.

16 * * *

17 (d) Upon due notice and hearing, the Board may remove one of its
18 members from office for failure to attend four consecutive, regular meetings of
19 the Board without prior approval of the ~~Chairman~~ Chair. ~~Such~~ The removal
20 shall be done only upon the affirmative vote of all four remaining members.

1 (e) The ~~selectmen~~ Selectboard shall, from time to time, designate an acting
2 town manager who shall have all the powers and duties of the Town Manager
3 in the event of the latter's absence or disability. The name of the acting town
4 manager shall be on file in the Town Clerk's office at all times.

5 § 12. AUDITORS

6 ~~Auditors~~ Unless the Office of Auditor is abolished as provided in section 10
7 of this charter, auditors shall be elected for terms of three years, with one
8 elected each year. They shall be responsible for the proper financial
9 accountability of the Town, and for this purpose all Town officers shall, within
10 30 days after the close of the fiscal year, submit to the auditors ~~such~~ any
11 reports, records, and materials as that the auditors may require for the
12 discharge of their duties. The auditors shall thereupon proceed to examine and
13 adjust the accounts of all Town officers and report their findings in writing, not
14 later than 185 days after the close of the fiscal year. They shall cause their
15 findings to be printed and made available to the voters. The auditors may
16 employ the services of a certified public accountant at Town expense, for ~~such~~
17 the purposes as they shall deem proper. They shall also supervise the
18 preparation, publication, and, within budgetary limitations, the distribution of
19 the annual Town report.

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1 be specified in this charter, ordinances of the Town, or any employment
2 agreement or contract. The Town Manager shall not simultaneously hold any
3 elective office within the Town, nor shall he or she be employed by the Town
4 in any capacity except as Town Manager.

5 § 18. REMOVAL OF THE TOWN MANAGER

6 The Manager may be removed by a majority vote of the full ~~Board of~~
7 ~~Selectmen~~ Selectboard. At least 30 days before the proposed removal of the
8 Manager, the Board shall adopt a resolution in executive session, stating its
9 intention to remove him or her and the reasons for removal, a copy of which
10 shall be delivered forthwith to the Manager. Upon or after passage of ~~such~~ the
11 resolution, the Board may suspend the Manager from duty, but his or her pay
12 shall continue until removal. If the resolution is not withdrawn, the resolution
13 shall automatically take effect. In case of ~~such~~ a suspension, the Board may
14 appoint an acting manager to serve at the discretion of the Board. By
15 ordinance or by contract with any Manager, the ~~selectmen~~ Selectboard may
16 provide for the Manager to have additional rights in removal proceedings,
17 including the right to a hearing, provided ~~such~~ the rights are otherwise
18 consistent with the provisions of this section. The action of the Board in
19 removing the Manager shall be final.

20 * * *

1 § 20. RESPONSIBILITIES OF THE TOWN MANAGER IN GENERAL

2 The Town Manager shall be accountable to the ~~selectmen~~ Selectboard. He
3 or she shall have general supervision of the property and business affairs of the
4 Town and expenditure of all monies appropriated for Town purposes subject to
5 prior approval of the ~~selectmen~~ Selectboard. He or she shall not supervise any
6 elected Town officer in the conduct of ~~such~~ that officer's duties.

7 § 21. POWERS AND DUTIES IN PARTICULAR

8 The Town Manager shall have power, and it shall be his or her duty:

9 ~~(a)~~(1) To organize, operate, continue, or discontinue ~~such~~ any
10 departments as the ~~Board of Selectmen~~ Selectboard may determine.

11 ~~(b)~~(2) To carry out the policies laid down by the Board, to keep the
12 Board informed of the financial condition and future needs of the Town, and to
13 make ~~such~~ any reports as may be required by law or requested by the Board,
14 together with any other reports and recommendations ~~which~~ that he or she may
15 deem advisable.

16 ~~(c)~~(3) To appoint and remove, upon merit and fitness alone, all
17 subordinate officials, employees, and agents under his or her control and, with
18 the approval of the ~~selectmen~~ Selectboard, to fix their compensation as
19 provided in section 39(c) of this charter. Although the Town Manager may
20 hold subordinate officers and employees of the Town responsible for the
21 faithful discharge of their duties, the Town Manager shall remain ultimately

1 responsible to the Board for all administrative actions under his or her
2 jurisdiction.

3 (d)(4) To be present at all regular meetings of the ~~Board of Selectmen~~
4 Selectboard, except when excused by the Board, and to have the right to attend
5 all other meetings of ~~said the~~ the Board and its committees ~~thereof~~, except when
6 his or her removal or suspension is being discussed, provided that this section
7 shall not be construed to deny any right the Town Manager may otherwise
8 have to a public hearing relative to his or her removal.

9 (e)(5) To keep full and complete records of the actions of his or her
10 office, to keep necessary accounts, to render to the ~~Board of Selectmen~~
11 Selectboard an itemized monthly report showing in detail the disbursements of
12 the preceding month, and to maintain an appropriate budget control system.

13 (f)(6) To keep the ~~Board of Selectmen~~ Selectboard fully advised as to
14 the needs of the Town within the scope of the Manager's duties; and annually
15 to furnish to them, as prescribed in this charter, a detailed budget proposal; and
16 also to furnish to them annually, a five-year projection of capital
17 improvements for the Town. To enable the Town Manager to make estimates
18 of expenditures and receipts, all boards, officers, and committees of the Town
19 shall, upon his or her written request, furnish all information in their
20 possession and submit to him or her in writing a detailed estimate of

1 anticipated income and appropriations required for the efficient and proper
2 conduct of their respective responsibilities during the next fiscal year.

3 ~~(g)~~(7) To examine or cause to be examined, with or without notice, the
4 affairs of any department under his or her control, or the conduct of any officer
5 or employee thereof. For that purpose, he or she shall have access to all books
6 and papers of such ~~the~~ department for the information necessary for the proper
7 performance of his or her duties.

8 ~~(h)~~(8) To be the General Purchasing Agent of the Town and purchase all
9 supplies for every department.

10 ~~(i)~~(9) To supervise all special programs of the Town as if the same were
11 a separate department of the Town, unless otherwise voted by the Town.

12 ~~(j)~~(10) To have charge, control, and supervision of the following
13 matters:

14 ~~(1)~~(A) The Police Department, including appointment and removal
15 of the Chief thereof, with the consent of the ~~selectmen~~ Selectboard.

16 ~~(2)~~(B) Any Town Fire Department supported by Town funds,
17 including the appointment and removal of the Chief thereof, with the consent
18 of the ~~selectmen~~ Selectboard.

19 ~~(3)~~(C) The system of licenses not otherwise regulated by law.

20 ~~(4)~~(D) The system of sewers and drainage.

21 ~~(5)~~(E) Lighting of highways, bridges, and public places.

* * *

(c) No member of the ~~Board of Selectmen~~ Selectboard shall attempt to control or direct the Manager in the discharge of the duties entrusted to him or her, except by vote of the Board at a duly constituted meeting.

Any vacancy in the Office of Town Manager shall be filled as soon as practicable by the ~~Board of Selectmen~~ Selectboard, and pending such the

1 appointment, or in case of the Manager's absence or disability, the Board shall
2 designate some person to perform the duties of the office. In no case shall a
3 ~~Selectman~~ member of the Selectboard temporarily assume the duties of Town
4 Manager for a period in excess of 30 days and then only in the absence or
5 disability of the Town Manager and acting Town Manager.

6 § 24. COMPENSATION OF THE TOWN MANAGER

7 The compensation of the Town Manager shall be set by resolution of the
8 ~~Board of Selectmen~~ Selectboard, within any budgetary limitations set by the
9 voters at Town meeting. As used in this section, the term "compensation"
10 includes salary, additional benefits, time for sick leave and vacation, and
11 expense allowance.

12 § 25. ADMINISTRATIVE CODE

13 (a) Within two years following the effective date of this charter, the Town
14 Manager shall prepare and submit to the ~~Board of Selectmen~~ Selectboard a
15 proposal for an ordinance to be known as the Administrative Code of the Town
16 of Barre. For the purpose of preparing the proposal, the Town Manager may
17 have the assistance of the Town Attorney and shall have the authority to
18 request a committee of citizens to assist in the preparation of the proposal.
19 The proposal shall be a comprehensive code of administrative organization and
20 procedure for the Town and, at a minimum, shall include the following:

21 * * *

1 (b) The Administrative Code shall be passed by the ~~selectmen~~ Selectboard
2 in the same manner as any ordinance and may be amended by the ~~selectmen~~
3 Selectboard in the manner provided for amendment of ordinances. The
4 Administrative Code shall provide for all specific requirements set forth in this
5 charter, and to such extent as the provisions of the Administrative Code are not
6 inconsistent with this charter, the Code shall be considered a valid extension of
7 the policies set forth in the charter.

8 * * *

9 § 27. COMMITTEE OF FIVE

10 Annually, prior to January 31, a committee of five voters shall be appointed
11 to review, with the ~~selectmen~~ Selectboard members, the proposed Town
12 budget. Their terms shall expire upon final adoption of the budget. The
13 ~~selectmen~~ Selectboard members shall appoint two members and the Clerk-
14 Treasurer, one member; these three shall appoint two additional members.

15 * * *

16 § 29. APPROPRIATION

17 (a) All amounts specified in the budget and approved by the voters at an
18 annual Town election, are appropriated for the purpose specified in the budget.
19 Adoption of the budget shall constitute appropriations of the amounts specified
20 therein as expenditures from the funds indicated and shall constitute a levy for
21 all revenues proposed in the budget. The ~~selectmen~~ Selectboard may transfer

1 within the fiscal year any unexpended appropriation balance or portion thereof
2 between general classifications or expenditures.

3 (b) Money shall not be paid out of the Town Treasury except on a payroll
4 or warrant signed by at least three of the members of the ~~Board of Selectmen~~
5 Selectboard and authenticated by the Town Manager.

6 * * *

7 § 37. ORDINANCES

8 (a) Town legislation shall be by ordinance. The ~~Board of Selectmen~~
9 Selectboard shall constitute the legislative body of the Town, except as
10 otherwise provided herein, to adopt, amend, repeal, and enforce ordinances.
11 Each ordinance, when introduced, shall be in writing and shall be identified by
12 a short title. The enacting clause of each ordinance shall be “The ~~selectmen~~
13 Selectboard of the Town of Barre hereby ~~ordain~~ ordains” and the effective date
14 of each ordinance shall be specified not less than 15 days after final passage by
15 the ~~selectmen~~ Selectboard, except that if the ordinance is conditioned upon the
16 approval of the voters, then the ordinance shall be effective upon favorable
17 vote of a majority of those voting thereon.

18 (b) Each proposed ordinance shall be introduced by one or more ~~selectmen~~
19 members of the Selectboard at a duly convened meeting of the Board and, with
20 the consent of a majority of the Board, introduction may be “by request” with
21 no obligation on the part of the ~~selectmen~~ Selectboard causing the proposed

1 ordinance to be introduced to support ~~said~~ that ordinance or work for its
2 passage. At the time of introduction the ordinance shall be read for the first
3 time and, by majority vote of the Board, ~~such~~ the reading may be by title only.
4 At the time of the first reading the ~~selectmen~~ Selectboard shall call a public
5 hearing to consider the ordinance not less than 10 nor more than 21 days from
6 the date of the first reading. They shall further order that notice of the hearing
7 be given by posting the notice in at least five conspicuous public places in the
8 Town and publishing the notice at least seven days prior to the date of the
9 hearing in a newspaper having general circulation within the Town. The
10 notice shall specify the date, time, and place of hearing and shall state that the
11 hearing is called for the consideration of the ordinance in question. Unless the
12 ~~selectmen find~~ Selectboard finds that publication of the full text of the
13 ordinance would be unduly cumbersome, expensive, or otherwise inexpedient,
14 the full text of the proposed ordinance shall also be included in the notice; if
15 the full text is not published, then a brief explanation of the purpose of the
16 ordinance shall be given together with information as to where and when any
17 citizen of the Town may obtain a copy of the complete ordinance. ~~Such~~ The
18 copies shall be available from the Town Clerk's library, without charge, at least
19 seven days prior to the date set for the hearing.

20 (c)(1) At the time and place advertised, the ordinance shall be read for the
21 second time. If the ~~selectmen~~ Selectboard shall find that sufficient copies of

1 the proposed ordinance have been made available to the citizens, by
2 publication or otherwise, and that no person would be prejudiced by failure to
3 read the full text of the ordinance, the Board may, by majority vote of its
4 members, order that reading shall be by title only; otherwise the full text shall
5 be read. All voters and all other persons whose legal interests may be directly
6 affected by the ordinance shall have an opportunity to be heard at the hearing.
7 If the Board shall see fit, the hearing may be adjourned from time to time, and
8 from place to place. After ~~such~~ the hearing, the ~~selectmen~~ Selectboard may:

9 * * *

10 (2) The public hearing procedure, and the procedure for the vote of the
11 ~~selectmen~~ Selectboard on second reading, shall be followed as many times as
12 may be necessary either to advance the proposal to a third reading without any
13 changes in its form as publicly noticed before hearing, or until a vote not to
14 adopt the ordinance is passed.

15 (d) If a proposal is advanced to a third reading, the ~~selectmen~~ Selectboard
16 shall, at the time of such advancement, specify the date, time, and place at
17 which third reading and final consideration will take place. At ~~such~~ the third
18 reading, the ordinance shall be read either in full, or, if a majority of the Board
19 shall so vote, by title only. The Board may, in its discretion, hear the comments
20 of any citizens interested in the ordinance, but they are not required to do so.
21 Following ~~such~~ any discussion as the Board may deem appropriate, it shall

1 either vote to adopt or reject said ordinance, and if the vote shall be in favor of
2 adoption, the ~~Chairman~~ Chair of the ~~Board of Selectmen~~ Selectboard and the
3 Town Clerk shall thereupon authenticate the original copy of said ~~the~~
4 ordinance, and it shall become effective as herein provided, except if rescinded
5 by a Town meeting in the manner ~~hereafter~~ specified in subsection (g) of this
6 section.

7 (e) All ordinances when finally passed shall be permanently recorded by
8 the Town Clerk in the form adopted, as authenticated by the signature of the
9 ~~Chairman~~ Chair of the ~~Board of Selectmen~~ Selectboard and the Clerk. The
10 Clerk shall also record each ordinance adopted in ~~such~~ the manner as he or she
11 shall find will provide the Town with a current, useable codification of all
12 Town ordinances, excising repealed provisions, adding newly adopted material
13 in an appropriate place, and organizing and indexing all ~~such~~ the material in
14 ~~such~~ the manner as may best facilitate its intended use. For this purpose, the
15 Clerk may employ the services of the Town Attorney at Town expense. The
16 resulting product shall be maintained by the Town Clerk in his or her office,
17 shall be known as the "Barre Town Code," and shall be available for public
18 inspection and copying during regular business hours. The ~~selectmen~~
19 Selectboard may by resolution direct that the entire Barre Town Code, or only
20 certain portions thereof, be printed and copies made available, either free of
21 charge or at a cost not in excess of the Town's cost of preparation and printing.

1 (f) The ~~selectmen~~ Selectboard shall cause the entire text of each adopted
2 ordinance to be published one time in a newspaper having general circulation
3 within the Town; ~~such~~ the publication ~~to~~ shall be at least seven days prior to
4 the effective date of the ordinance. If the ~~selectmen~~ Selectboard shall find that
5 publication of the full text of an adopted ordinance would be unduly
6 cumbersome, expensive, or otherwise inexpedient, they may cause to be
7 published a brief explanation of the purpose of the ordinance together with
8 information as to where and when any citizen of the Town may obtain a copy
9 of the complete ordinance. This subsection, however, shall not require the
10 publication of any standard code of technical regulations adopted pursuant to
11 the provisions of subsection (i) of this section.

12 * * *

13 (h) To meet a genuine public emergency affecting life, health, property, or
14 the public peace, the Board may adopt one or more emergency ordinances.
15 ~~Such~~ The emergency ordinances may not levy taxes, set the rate charged by
16 the Town for any services, authorize the borrowing of money, or raise revenue
17 in any manner. An emergency ordinance shall be introduced in the form and
18 manner prescribed for ordinances generally, except that it shall be plainly
19 designated as an emergency ordinance and shall contain, after the enacting
20 clause, a declaration stating that an emergency exists and describing it in clear
21 and specific terms. An emergency ordinance may be adopted with or without

1 amendment or rejected at the meeting at which it is introduced, but the
2 affirmative vote of at least four ~~selectmen~~ members of the Selectboard shall be
3 required for adoption. After its adoption, the ordinance shall be published and
4 printed as prescribed for other adopted ordinances. It shall become effective
5 upon adoption or at ~~such~~ a later time as it may specify. Every emergency
6 ordinance automatically stands repealed as of the 61st day following the day
7 on which it was adopted, but this shall not prevent reenactment of the
8 ordinance in the manner specified in this section if the emergency still exists.
9 An emergency ordinance may also be repealed by adoption of a repealing
10 ordinance in the same manner specified in this section for adoption of
11 emergency ordinances.

12 (i) The Board may adopt any standard code of technical regulations by
13 reference ~~thereto~~ in an adopting ordinance. The procedure and requirements
14 governing ~~such an~~ the adopting ordinance shall be as prescribed for ordinances
15 generally, except that the requirements of this charter for filing of copies of the
16 ordinance shall be construed to include copies of the code of technical
17 regulations as well as of the adopting ordinance, and a copy of each adopted
18 code of technical regulations shall be authenticated and recorded by the
19 ~~Chairman~~ Chair of the ~~Board of Selectmen~~ Selectboard and the Town Clerk
20 pursuant to this charter. Prior to adoption, ~~such~~ the copies shall be available
21 from the Town Clerk's library without charge. After adoption, copies shall be

1 available from the Town Clerk either without charge or for purchase at a
2 reasonable price, as determined by the Board.

3 (j) The general penalty for violation of an ordinance of the Town shall be a
4 fine not to exceed the sum of \$500.00 for a single offense; or, in the case of a
5 continuing offense, a fine not to exceed the sum of \$100.00 per day for each
6 day a violation shall continue unabated. Any ordinance may contain a
7 provision setting penalties for the violation ~~thereof~~ of the ordinance, provided
8 ~~such that the~~ penalties are not in excess of the general penalty. If an ordinance
9 does not contain any specific provision for a penalty, then the general penalty
10 shall apply. No ordinance of the Town of Barre shall provide for the
11 imprisonment or incarceration of any person for the violation thereof, except
12 as the same may be imposed as a civil remedy for contempt of court. The
13 ~~selectmen~~ Selectboard may authorize the Town Attorney to bring an action in
14 the name of the Town of Barre for any relief, including injunctive relief, ~~which~~
15 that the Town Attorney may deem appropriate for the enforcement of any
16 Town ordinances.

17 § 38. APPOINTED OFFICERS

18 (a) The ~~selectmen~~ Selectboard, by majority vote, shall appoint the
19 following Town officers for the terms indicated:

20 (1) A Town Attorney for a term of one year, to fulfill the duties
21 prescribed by law for the grand juror and town agent of a town, and to perform

1 ~~such~~ other professional duties as may be requested by the ~~selectmen~~ members
2 of the Selectboard, or by any other officer or agency of Town government,
3 with the approval of the ~~selectmen~~ Selectboard.

4 * * *

5 (4) ~~Such other~~ Other officers as the laws of the State of Vermont or the
6 ordinances of the Town of Barre shall direct the ~~selectmen~~ Selectboard to
7 appoint. The appointments shall be for the term indicated in the governing
8 law, provided that any office abolished by this charter shall not be deemed
9 reestablished by this section.

10 (b) A vacancy in any appointive Town office may be filled for the duration
11 of the unexpired term by the person, ~~Board of Selectmen~~ Selectboard, or other
12 board having the authority to appoint ~~such office holder~~ the officeholder for
13 the usual term of office.

14 * * *

15 § 39. COMPENSATION AND FEES

16 (a) The Town election shall annually vote the compensation to be paid to
17 the following officers:

18 (1) ~~selectmen~~ Selectboard members.

19 (2) listers.

20 (3) auditors.

21 (4) Moderator.

1 (b) The ~~selectmen~~ Selectboard shall annually consider and from time to
2 time shall set the compensation of the following officers:

3 (1) Town Clerk-Treasurer_

4 (2) Constable_

5 (3) Town Attorney_

6 (4) Tax Collector_

7 (5) Town Manager_

8 (6) Board of Civil Authority_

9 (7) Board of Abatement.

10 (c) The Town Manager, with approval of the ~~Board of Selectmen~~
11 Selectboard, shall set the compensation for all other Town officers and
12 employees.

13 * * *

14 § 41. PUBLIC LANDS

15 With the approval of the voters given at any duly warned meeting, the
16 ~~selectmen~~ Selectboard may sell any portion of real estate owned by the Town
17 and not needed for Town purposes, or change the use of any real property
18 owned by the Town. ~~Such~~ The authorization may be given in blanket form by
19 the voters at the annual Town meeting; and when so given, shall remain
20 effective until the next annual Town meeting. However, the ~~selectmen~~
21 Selectboard shall not sell or substantially change the use of ~~any such~~ the real

1 estate without first holding a public hearing giving notice by posting in at least
2 five conspicuous public places within the Town and by publication in a
3 newspaper having general circulation in the Town. The notice shall be
4 published not less than seven nor more than 21 days prior to the date of the
5 hearing and shall also identify specifically the real estate involved. At the
6 hearing, all citizens of the Town shall have an opportunity to be heard, to
7 express their views, and to inquire as to the reasons, method, time, and terms
8 of the proposed sale or change of use. After all proper persons have had an
9 opportunity to be heard, the ~~selectmen~~ Selectboard shall vote upon the
10 question and, if a majority of the full Board shall vote in favor of the proposed
11 action, the question shall be approved. If voter approval has previously been
12 given to ~~such~~ the action, the ~~selectmen~~ Selectboard may then take ~~such~~ the
13 action ~~as they~~ the voters have approved; otherwise, they shall submit the
14 question to the voters at a Town meeting and upon approval by a majority of
15 those voting upon the question, the ~~selectmen~~ Selectboard may proceed to sell
16 or change the use of the real estate in question, as the case may be.

17 * * *

18 § 44. DEFINITIONS

19 As used in this charter, except where the context or express terms require a
20 contrary interpretation:

(1) “Board” or “selectmen” shall mean the duly elected Board of ~~Selectmen~~ Selectboard of the Town, acting as a group and in their official capacity.

* * *

§ 49. AMENDMENT OR REPEAL

No section or provision of this charter may be repealed or amended unless the act making ~~such~~ the repeal or amendment refers specifically to this charter and to the sections or provisions so repealed. Any amendment to this charter must be submitted to the voters for their approval and, upon ~~such~~ approval, submitted as provided by statutes. Amendments may be placed on the ballot by the ~~selectmen~~ Selectboard, a duly authorized Charter Review Commission appointed by the ~~selectmen~~ Selectboard, or upon petition filed with the Town Clerk by 10 percent of the voters. The petition must clearly state the amendment and must be filed at least 45 days before any annual or special Town election, but the Town shall not be required to hold a special Town election solely for the purpose of considering a proposed charter amendment.

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.