

H.508

An act relating to approval of amendments to the charter of the Town of Bennington

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

Sec. 1. 24 App. V.S.A. chapter 103 is amended to read:

CHAPTER 103. TOWN OF BENNINGTON

Preamble

The people of Bennington reaffirm faith in Government of the people, by the people, and for the people and describe this government in a charter with provision to review and amend. The charter of the Town of Bennington reflects concern to improve the quality of life for all people and to improve the operation of Town government.

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§ 101. GENERAL LAW APPLIES

(a) All provisions of the Constitution and laws of the State relating to towns and villages shall apply to the Town of Bennington, except as modified by this charter;

(b) The Town of Bennington shall have all the powers and functions conferred upon towns and villages by the Constitution and ~~general~~ laws of ~~this~~ the State and shall also have all implied powers necessary to implement such powers and functions;

(c) The powers and functions conferred upon the Town of Bennington by this charter shall be in addition to the powers and functions conferred upon the Town by the laws now in force or hereafter enacted of the State. Nothing in this charter shall be construed as a limitation upon such powers and functions.

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§ 203. COMPENSATION

(a) Compensation paid to the Select Board members shall be set by the voters at Town meeting.

(b) Subject to subsection (a) of this section, the Select Board ~~members~~ shall fix the compensation ~~to~~ of all elective officers and of all officers appointed by the Select Board.

(c) The Town Manager, under policies approved by the Select Board ~~members~~, shall fix the compensation of all other officers and employees whose compensation is not fixed by the Select Board pursuant to subsection (b) of this section.

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§ 301. ~~SELECT BOARD MEMBERS;~~ THE LEGISLATIVE BODY

The Select Board shall constitute the legislative body of the Town of Bennington and shall have all powers and authority necessary for the performance of the legislative function.

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§ 303. FURTHER POWERS OF SELECT BOARD MEMBERS

In addition to powers otherwise conferred by law, the Select Board members shall also have the power to:

(1) organize, and from time to time reorganize, the Fire Department under the supervision of a coordinating committee formed by the Select Board from its members; such Department shall be a volunteer department ~~and the~~, unless an affirmative vote of the members of the Fire Department authorizes a transition to a paid or combination paid and volunteer department as set forth in a transition plan proposed by the Select Board working with a committee formed from members of the Fire Department;

~~(2) Select Board shall have authority to~~ continue any existing contract with a volunteer fire department or to enter on behalf of the Town into contracts with other volunteer fire departments to provide additional fire protection to the inhabitants;

~~(2)(3)~~ create departments not now existing, consolidate, or dissolve departments as necessary or relevant for the performance of municipal services;

~~(3)(4)~~ create, consolidate, or dissolve commissions and committees ~~not now existing~~ as necessary or relevant and appoint the members thereof;

~~(4)~~(5) ~~provide for and shall~~ provide on an annual basis an independent audit of all Town financial records by a certified public accountant;

~~(5)~~(6) inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs;

~~(6)~~(7) discharge all duties heretofore devolving on the Town Agent by general law and hire attorneys on behalf of the Town; and

~~(7)~~(8) establish an adequate number of polling places within the Town as required for the convenience of the Town voters and without regard to election district boundaries, to the end that election expenses may be lessened and confusion among the voters as to the proper place for them to vote may be avoided; however, one such polling place shall be in North Bennington and the central polling place shall be within the boundaries of the former Village of Bennington.

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§ 402. TOWN MANAGER NONPARTISAN

(a) The Town Manager shall be chosen solely on the basis of ~~his/her~~ his or her executive, administrative, and professional qualifications.

(b) The Town 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 office.

§ 403. OATH AND BOND

Before entering upon his or her duties, the Town Manager shall be sworn to the faithful performance of his or her duties by the Town Clerk and shall ~~give a bond to the Town~~ be bonded in such amount and with such sureties as the Select Board ~~members~~ may require.

§ 404. DUTIES FOR MANAGER

(a) The Town Manager shall be the Chief Executive Officer of the Town and shall:

(1) ~~carry~~ Carry out the policies established by the Select Board, to whom the Town Manager shall be ~~responsible~~ accountable.

~~(b)(2) The Manager shall attend~~ Attend all meetings of the Select Board, except when his or her compensation or removal is being considered, shall keep the Select Board ~~members~~ informed of the financial condition and future needs of the Town, and shall make such other reports as may be required by law, requested by the Select Board ~~members~~, or deemed by him or her to be advisable.

~~(c)(3) He or she shall perform~~ Perform all other duties prescribed by this charter; or required by law; or by resolution of the Select Board ~~members~~.

~~(d)(4) The Manager shall be~~ Be an ex-officio member of all standing committees except the ~~Zoning~~ Development Review Board, ~~but may~~ and shall not vote.

~~(e)(5) The Manager shall prepare~~ Prepare an annual budget, submit it to the Select Board ~~members~~, and be responsible for its administration after adoption.

~~(f)(6) The Manager shall compile~~ 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.

~~(g)(7) The Manager shall provide~~ Provide to the Select Board a monthly financial statement, with a copy to the Town Treasurer.

~~(h)(8) The Manager shall perform~~ Perform all duties now conferred by law on the Road Commissioner within all areas of the Town, except within such villages as may vote not to surrender their charters under this charter, notwithstanding the provisions of 24 V.S.A. § 1236(5).

~~(i)(9) The Manager shall perform~~ Perform all duties now conferred by law on the Collector of Delinquent Taxes.

~~(j)(10) The Manager, under~~ Under policies approved by the Select Board ~~members, shall,~~ be the General Purchasing Agent of the Town and purchase all equipment and supplies and contract for services for every department pursuant to the purchasing and bid policies approved by the Select Board.

~~(k)(11) The Manager shall be~~ Be responsible for the system of accounts.

~~(l)(12) The Manager shall be~~ Be responsible for the operation of all departments, including ~~by specification~~ the Police and Fire Departments.

~~(m)~~(13) ~~The Manager, under~~ Under policies approved by the Select Board ~~members, shall~~ have exclusive authority to appoint, fix the salaries of, suspend, and remove, all officers and employees except those who are elected or who are appointed by the Select Board ~~members~~. When the ~~managership~~ Town Manager position is vacant, this authority shall be exercised by the Select Board.

~~(n)~~(b) The Town Manager may, when advisable or proper, delegate to subordinate officers and employees of the Town, any duties conferred upon him or her.

#### § 405. COMPENSATION

The Town Manager shall receive such compensation as may be fixed by the Select Board ~~members~~.

#### § 406. REMOVAL

(a) On ~~90 days~~ days' written notice from the Select Board, the Town Manager may be removed without cause by a majority of the Select Board ~~members so voting~~ at a meeting called for the purpose of voting on removal. During the ~~90-day~~ 90-day period, the Town Manager may be suspended with pay.

(b) The Select Board ~~members~~ may adopt at any time a resolution stating ~~their~~ its intention to remove the Town Manager and the reasons therefore, a copy of which shall be sent to the Town Manager. The Town Manager may,

within 10 days after such notice is sent, request a hearing, ~~which.~~ The hearing shall be held by the Select Board ~~members~~ not less than 10 days nor more than 20 days from the date of such request, after which the Select Board ~~members~~ may dismiss the Town Manager. If no request for a hearing is filed in accordance with the foregoing, the Select Board ~~members~~ may dismiss the Town Manager immediately. During the period after the resolution of intention is adopted and until the Town Manager's dismissal, he or she may be suspended with pay.

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#### § 501. TAXES

Taxes shall be assessed by the Town based on the fair market value of real ~~and personal~~ property, in accordance with State law.

\* \* \*

#### § 503. FAIR MARKET VALUE OF REAL ESTATE

\* \* \*

(c) When the fair market value of real estate is finally determined by a ~~State board or appraisers~~ the Director of Property Valuation and Review (PVR) or by a court having jurisdiction, then the value so fixed shall be the fair market value of such real estate for the year for which such appeal is taken and for the ensuing two years, unless the taxpayer's property is altered materially; is damaged; or if the Town in which it is located has undergone a complete



reevaluation of all taxable real estate, in the event of which, such fair market value may be changed.

§ 504. SPECIAL ASSESSMENTS

Despite any contrary provision in general law, the Select Board ~~members~~ may in ~~their~~ its sole discretion make a special assessment upon real estate for the installation or construction of a public improvement, such special assessment to be such proportion of the total cost of such improvement as the benefit to a parcel of real estate bears to the total benefit resulting to the public in general.

§ 505. TAX WITHIN BENNINGTON RURAL FIRE DISTRICT NO. 1

(a) The tax assessed by the Town on the grand list shall be reduced with respect to real estate in the Bennington Rural Fire District No. 1. This reduction shall be in direct proportion to the amount of the tax assessed by the Town ~~which~~ that is used by the Town to provide fire protection services to property not included in the Bennington Rural Fire District No. 1.

(b) The purpose of this ~~amendment~~ section is to make substantially uniform the taxes assessed throughout the Town for fire protection furnished by all fire departments in the Town. This tax reduction shall remain in effect until such time as the Bennington Rural Fire District No. 1 dissolves itself or merges with the Town of Bennington, in accordance with the charter of the Town of Bennington.

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§ 508. PURPOSES AND POWERS

(a) The District is created for the general purpose of maintaining and improving the economic, social, cultural, and environmental vitality and quality of the Town of Bennington (in particular, the District created by ~~this~~ section ~~507~~ 506 of this charter); to promote the Town and the District as a regional retail, commercial, and service center; and to serve as an advocate for the orderly development of the District in order to encourage expansion of the retail, commercial, and service base of the District and the Town by attracting new business and investment.

\* \* \*

§ 511. LOCAL OPTION TAX

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

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

(b) Any local option tax assessed under subsection (a) of this section shall be collected and administered and may be rescinded as provided by the general laws of this State.

\* \* \*

§ 601. ~~ORDINANCES CONTINUE IN EFFECT~~

~~If at the time this charter becomes effective as the charter of the Town of Bennington there is in force in any village or other area of the Town a zoning ordinance, including billboard zoning, such ordinance shall continue in force within the area for which it was originally enacted. Each such ordinance shall be a valid and legal ordinance within such area and the same shall be and become a valid and legal zoned area with such districts as are provided for in said ordinance. [Repealed.]~~

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§ 603. ADMINISTRATION OF ORDINANCE OF VILLAGES ~~WHICH~~  
THAT MERGE

~~When such villages cease to exist as aforesaid pursuant to this charter, the Town legislative body Select Board, Board of Adjustment Development Review Board, and Administrative Officer shall have jurisdiction of and administer zoning in said the village area as a separate zoned area in accordance with the provisions of the ordinance in force therein and the general law. If no Town Administrative Officer ~~and Board of Adjustment~~ have~~

~~or Development Review Board has~~ then been appointed by the ~~legislative body~~  
~~Select Board, that body~~ Select Board shall ~~forthwith~~ make such  
appointment.

§ 604. COMPREHENSIVE TOWN ORDINANCE

~~The billboard zoning ordinance enacted for the area outside the villages in~~  
~~the Town shall continue to be administered by the Town officials having~~  
~~charge of zoning.~~ When ~~such~~ Town officials having charge of zoning acquire  
jurisdiction of the zoning ordinance in other zoned areas as ~~herein~~ provided in  
this section, ~~said the ordinances, together with said billboard zoning~~  
~~ordinance~~, shall be deemed to be part of a general ~~town~~ Town zoning  
ordinance duly and legally enacted in accordance with a comprehensive plan.  
~~Such~~ The general ordinance shall be subject to repeal, amendment, or  
alteration by the Town ~~under the application provisions of law~~.

\* \* \*

§ 806. CHARTER REVIEW COMMITTEE

~~The~~ At least once every five years, the Select Board ~~may~~ shall appoint a  
Charter Review Committee of not ~~less~~ fewer than five nor more than nine  
members ~~of~~ from among the ~~inhabitants~~ residents of the Town, ~~said~~. The  
Committee ~~to~~ shall review the charter and recommend ~~such~~ any changes  
~~therein~~ as it finds necessary or advisable for the purpose of improving the  
operation of Town government. ~~Said~~ The Committee shall prepare a written

report of ~~their recommended amendments to the charter~~ its recommendations  
in time for ~~same~~ those recommendations to be submitted to the Select Board  
for review no later than one year after the appointment of ~~said~~ the Committee.  
At the discretion of the Select Board ~~such amendments,~~ the recommendations  
may be warned for ballot vote at an annual or special Town meeting to be held  
no later than one year after the submission of the report. The Select Board  
shall provide in ~~their~~ its budget for any year when a Charter Review  
Committee is appointed, ~~a sum of money~~ funding for ~~said~~ the Committee.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.