

H.933

An act relating to technical corrections to municipal charters

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

* * * Gender-neutral Terms for Municipal Offices * * *

Sec. 1. 24 App. V.S.A. chapter 3 is amended to read:

CHAPTER 3. CITY OF BURLINGTON

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§ 7. AGE AND RESIDENCE REQUIREMENTS

Every citizen of this State not less than 18 years of age who has taken the ~~Freeman's~~ (~~Voter's~~) Voter's Oath, who resides in ~~said~~ the City and who has registered to vote with the Board for Registration of Voters no later than the deadline established by Vermont law prior to any warned City or ward or City district election or any annual or special City meeting shall be a legal voter at ~~said~~ the election or meeting, and no other person shall be allowed to vote at ~~such~~ the election or meeting.

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§ 28. WARNING REQUIRED; LOCATION; VOTING

~~Freemen's~~ City meetings for all purposes provided by the laws of the State shall be warned by the Mayor, and one copy of such warning, signed by the Mayor, shall be posted in each ward of the City. ~~Such~~ City meetings shall be held in the respective wards at ~~such~~ the place or places in each ward as shall be designated in the warning therefor, and each ~~freeman~~ voter shall vote only in

the ward of which he or she is an inhabitant at the time of the completion of the checklist of voters therefor.

§ 29. CHECKLISTS TO BE PREPARED AND POSTED

Checklists of voters in the respective wards for each ~~freemen's~~ City meeting shall be prepared, posted, corrected, and furnished to the inspectors of election therein; and elections at ~~such freemen's~~ City meetings shall be conducted in the manner herein provided for City elections. No person whose name is not on ~~such~~ the checklist shall be allowed to vote at any ~~freemen's~~ City meeting.

§ 30. GENERAL LAWS APPLICABLE; EXCEPTIONS

In all respects not inconsistent with this charter, the provisions of the general statutes respecting ~~freemen's~~ town meetings shall apply to such meetings in said City, except that a voter's name shall not be required to be checked when his or her ballot is deposited in the ballot box, and except that the number of ballot clerks and assisting clerks to be appointed shall be discretionary with the Board of Civil Authority.

§ 31. DUTIES OF ELECTION INSPECTORS AND WARD CLERKS

The inspectors of election and ward clerks in the several wards shall perform all and the same duties in regard to certifying the results of elections in their respective wards for State and county officers, county senators, justices of the peace, representatives to Congress, electors of President and Vice President of the United States, and of the votes cast for any or all of ~~such~~ the

officers, as now devolve by law upon the presiding officers of ~~freemen's~~ town meetings and town clerks, respectively, in towns; and in addition thereto they shall certify the same to the Clerk/Treasurer, who shall keep a record thereof.

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§ 56. COUNCIL TO HAVE POWERS CONFERRED BY STATUTE
REGARDING PUBLIC BURIAL GROUNDS

In establishing or enlarging public burial grounds within ~~said~~ the City, the City Council shall have the same power as is conferred by the general laws of the State upon ~~selectmen~~ legislative bodies, and shall proceed in the same manner, subject to the same right of appeal from its decision.

§ 57. MANNER OF TAKING LAND FOR RESERVOIRS, AQUEDUCTS,
WATER PIPES, ETC.

In taking lands for the purpose of establishing and maintaining reservoirs, aqueducts, water pipes, hydrants, or any other apparatus necessary for ~~such~~ these purposes, the City Council shall proceed in the same manner ~~in which~~ selectmen as legislative bodies of towns are authorized to proceed in the taking of lands for highways, and in performing all acts and doing all business in taking ~~such~~ the lands the Mayor shall preside over ~~said~~ the City Council and shall vote as other members thereof. Any person owning or interested in ~~such~~ the lands who is dissatisfied with the decision of the City Council taking ~~such~~ the lands or in awarding him or her damages therefor, may have the same

proceedings in respect thereto ~~which that~~ shall be conducted in the same manner and have the same effect, as if ~~such the~~ lands were taken by ~~selectmen~~ the legislative body in any town in the State for the purpose of laying out, altering, or resurveying a highway in said town; but if ~~such the~~ proceedings are instituted only in respect to the appraisal of damages for land so taken by the City Council, ~~such the~~ proceedings shall not prevent ~~said the~~ City from establishing and maintaining reservoirs, aqueducts, water pipes, hydrants, and other apparatus necessary for ~~such those~~ purposes upon the lands so taken, as if no ~~such~~ proceedings had been instituted.

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§ 234. PURPOSES AND POWERS

The City Council, except as ~~herein~~ otherwise provided in this charter, shall have the same power to lay out, alter, resurvey, and discontinue streets and highways as is vested by law in ~~selectmen~~ legislative bodies of towns; and all proceedings in respect to laying out, altering, resurveying, and discontinuing streets and highways in ~~said the~~ City shall be had in the same manner as provided by the law of this State in respect to ~~such the same~~ matters in towns.

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Sec. 2. 24 App. V.S.A. chapter 7 is amended to read:

CHAPTER 7. CITY OF NEWPORT

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§ 9. POWERS OF MAYOR; CITY COUNCIL TO ESTABLISH WATER
RATES

The Mayor shall be the Chief Executive Officer of the City. He or she shall use his or her best efforts to see that the laws and City ordinances are enforced and that the duties of all subordinate officers are faithfully performed. He or she shall take care that the finances of the City are properly expended and shall bring before the Board of Aldermen whatever he or she may deem worthy of their attention for prudentially and efficiently carrying on the affairs of the City. In his or her absence, the President of the Board of Aldermen shall act as Mayor in his or her stead. The Mayor, with the consent of the Board of Aldermen, shall have the power to remit penalties for the breach of City ordinances, in whole or in part, and shall cause the reason for ~~such~~ the remission to be entered on the City records. The Mayor shall preside at all meetings of the City, with the power of moderator in town meetings, and at all meetings of the City Council. The City Council shall have all the powers of ~~selectmen~~ a legislative body. ~~Said~~ The City Council shall hold a meeting on the first Monday of each month and ~~often~~ more frequently at the call of the Mayor. The presence of a majority of ~~said~~ the Council shall be necessary to transact business at any meeting. The City Council shall establish rates to be paid for the use of water supplied by the City water works, which shall be called service rates and shall be collected by the City Treasurer. ~~Such~~ The

service rates shall be and are hereby made a lien in the nature of a tax upon the real estate so supplied with water and shall be collected and enforced under ~~such~~ the regulations and ordinances ~~as~~ that the City Council shall prescribe. The Mayor may appoint a Chief of Police and ~~such~~ any number of other officers as he or she shall deem necessary, for a period not exceeding his or her term of office, but ~~such~~ the appointees shall not continue in office after the next regular meeting of the City Council unless the same shall be approved by the City Council at such meeting. The Mayor may suspend any police officer and ~~such~~ the suspension shall not continue in force after the next regular meeting of the City Council unless the same shall be approved by the City Council, and the City Council may at any time annul any of ~~such~~ the appointments.

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§ 38. PAUPERS

~~(a) The Town of Newport and the City of Newport shall, on and after April first, 1919, be respectively liable for one half the support of all persons who were paupers on said Town of Newport, meaning those being supported on the Town Farm of said Town, on the first Tuesday of March 1918. As soon as may be after the passage of this act and forthwith after each annual Town and City meeting hereafter the Overseers of the Poor of said Town and City shall meet to agree upon the charge for board and lodging of said paupers on the City~~

~~Farm of said City for the year ensuing, and, if they agree, they shall reduce their agreement to writing in duplicate and file one of said duplicates with the City Clerk of said City and one with the Town Clerk of said Town; but if said overseers cannot agree upon said charge, the City Council of said City and the Selectmen of said Town shall each select one disinterested person from outside said Town and City, and the two thus selected shall select a third person also disinterested and from outside said Town and City, whose expense shall be borne equally by said Town and City, who shall forthwith hear the parties and determine either a reasonable charge for board and lodging of said paupers on said City farm, or shall make division of all said paupers as equitably as may be, and said three persons, or a majority thereof, shall reduce their award to writing under their hands and in duplicate showing the reasonable charge for board and lodging of said paupers, or showing and designating which paupers shall be supported by said Town and City respectively and deliver one of said duplicates to said Town and City, respectively, to be recorded by the respective Clerks of said Town and City, whereupon such award and designation, if it provides a division of said paupers, shall become and remain binding upon said Town and City forever, and said Town and City shall thereafter be liable for the support of such persons as are designated in said award to be by them respectively supported. The City of Newport and the Town of Newport shall be respectively liable for the support of all other persons who were receiving aid~~

~~from the Town of Newport on the first Tuesday of March 1918, who resided within their respective limits when they became paupers. Territory within the limits of the Town of Newport owned by the City of Newport, shall be considered as City territory in determining all pauper residence questions.~~

~~(b) The City of Newport and the Town of Derby shall be respectively liable for the support of all persons, who were paupers on the Town of Derby on the first Tuesday of March 1918, who resided within their respective limits when they became paupers. The residence of a person for the purpose of determining where a pauper shall be chargeable, shall, in the event of a partial residence in any of the territories referred to in this section on the first Tuesday of March 1918, be completed by a continuance in the same Town or City for a term sufficient to make the three year residence making such person chargeable on said Town or City. [Repealed.]~~

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Sec. 3. 24 App. V.S.A. chapter 9 is amended to read:

CHAPTER 9. CITY OF RUTLAND

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§ 6.1. SEQUESTRATION

(a) ~~It~~ The Board of Civil Authority shall proceed in the same manner as a legislative body in the taking of lands, springs, streams, and water rights and diverting waters from natural channels into its water supply, for the purpose of:

(1) establishing, maintaining, and repairing reservoirs, aqueducts, water pipes, ~~pipe lines~~ pipelines, and other necessary apparatus for and in connection with its water supply ~~and for the purposes of;~~

(2) increasing and making additions to its water supply, ~~and for;~~ and

(3) the preservation, protection, maintenance, and operation of the same, ~~the Board of Civil Authority shall proceed in the same manner in which selectmen of towns are authorized to proceed in the taking of lands for highways.~~

(b)(1) Any person owning or interested in ~~such~~ the lands, springs, streams, ~~and~~ water rights, and waters, who is dissatisfied with the decision of the Board of Civil Authority ~~taking the same or in awarding him or her damages therefore,~~ pursuant to subsection (a) of this section may have the same right of appeal to the county court and the same proceedings ~~in respect thereto which shall be conducted in the same manner and have the same effect as in the case of lands taken by the selectmen~~ legislative bodies in any towns in this State for the purpose of laying out, altering, or resurveying a highway in said town; ~~but if such,~~

(2) If the proceedings are instituted only in respect to the appraisal of damages for lands, springs, streams, water rights, and water, so taken by the Board of Civil Authority, ~~such~~ the proceedings shall not prevent ~~said~~ the City from establishing, increasing, maintaining, and repairing reservoirs, aqueducts,

water pipes, pipe lines, hydrants, and all other apparatus necessary for ~~such~~ these purposes on the lands so taken, and from taking springs, streams, water rights, and water, as if ~~no such~~ proceedings had not been instituted.

~~(b)~~(c) In giving notice to all persons owning or interested in any lands, streams, springs, water rights, or water, to be taken for ~~such~~ the purposes; set forth ~~above~~ in this section, the Board of Civil Authority shall issue its citation, signed by the Mayor or its Clerk; ~~which~~. The citation shall be served in the same manner and the several officers shall perform the same duties ~~in respect thereto~~, as provided in this ~~act~~ charter for citations issued by the Board of Highway Commissioners.

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§ 24.4. COMMISSIONER; CONTROL OF WATER SUPPLY

(a) The Commissioner of Public Works shall have the exclusive general management and supervision of the City water works and may make and enforce regulations regarding the use and control of water. He or she shall have authority to enforce beyond the limits of the City ~~such~~ any regulations as that may be necessary for the care, protection, preservation, management, and control of the City water works and water supply, in the same manner and to the same extent as within the City.

(b) The Commissioner of Public Works shall have the exclusive general management and control, and the immediate and practical supervision of the

City streets, bridges, culverts, curbs, sidewalks, and sewers, and the work done thereon, and shall see that the same are properly constructed and kept in repair. He or she shall have the same powers in respect to repairs of streets, highways, bridges, and culverts as road commissioners and ~~selectmen~~ legislative bodies in towns and shall, when the public good requires, cause all streets and highways to be worked and graded the entire width thereof and made in such a manner as will in his or her judgment best accommodate the public.

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§ 25.1. MEMBERSHIP AND DUTIES

The Commissioner of Public Works, President of the Board of Aldermen, and the Mayor shall constitute the Board of Highway Commissioners and shall have the same power to lay out, alter, resurvey, and discontinue streets and highways as is vested by law in ~~selectmen~~ legislative bodies of towns, except as otherwise provided ~~herein~~ in this charter.

Sec. 4. 24 App. V.S.A. chapter 13 is amended to read:

CHAPTER 13. CITY OF SOUTH BURLINGTON

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§ 302. CITY COUNCIL; NUMBER; TERMS OF OFFICE; ELECTION

- (a) There shall be a City Council consisting of five members.
- (b) Three members shall have terms of office of three years; two members shall have terms of office of two years.

(c) All present ~~selectmen~~ Selectboard members shall serve as ~~councilmen~~ members of the City Council until the expiration of their terms and their successors have been duly elected and have qualified.

(d) All ~~councilmen~~ members of the City Council shall be elected at large, and shall hold no other City or School District office except as provided otherwise in this charter.

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Sec. 5. 24 App. V.S.A. chapter 15 is amended to read:

CHAPTER 15. CITY OF VERGENNES

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§ 6. MAYOR AND ALDERMEN

The Mayor shall preside at all meetings of the City except freeman's meetings, with the power of moderator in town meetings, and at meetings of the City Council. The Mayor, together with the aldermen, shall constitute a Board of City Council and shall have the management of the affairs of the corporation and the necessary powers for that purpose, and in addition thereto all the powers of ~~selectmen~~ a legislative body, and shall establish pounds. ~~Said~~ The City Council shall hold a meeting on a stated day of each month, to be determined by that body, and ~~often~~ more frequently at the call of the Mayor. In case of the absence, resignation, or inability from any cause of the Mayor, the duties of the Office shall devolve on the senior Alderman, chosen by City

Council, for the remainder of the Mayor's official term. The Mayor and aldermen shall, ex officio, have and exercise all the powers and authority of justices of the peace.

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§ 10. HIGHWAYS, ETC.

The City Council is hereby authorized and empowered to lay out new highways, streets, public walks, and squares, for the use of ~~said~~ the City, or to alter those already laid out; and to regulate and pave streets or highways and construct common sewers ~~therein~~ and to plant the highways, streets, public walks, and squares with trees for shade or ornament; and to fix the plans of public bridges within the City, and build or rebuild and repair the same as often as necessary, taking the same measures in all respects as are or may be directed by the laws of this State to be taken in case of highways laid out by the ~~selectmen~~ legislative bodies for the use of their towns, and to construct and repair sidewalks in the principal streets of ~~said~~ the City and to direct in what manner and of what materials ~~such~~ the sidewalks shall be constructed or repaired, and may assess the owners of property, through ~~which~~ or fronting which ~~such~~ the sidewalks are constructed, so much of the expense ~~thereof~~ as ~~said~~ the City Council shall judge ~~said~~ the lands and property to be benefited thereby, after giving six ~~days~~ days' notice of the time and place of hearing to the ~~parties~~ interested parties, their agents, or attorneys; ~~such~~ the assessment to

be collected in the same manner as City taxes are collected. Any person or persons aggrieved by the laying out of ~~such~~ the highways, streets, public walks, squares, or bridges, or by being assessed for sidewalks as above provided, may have the same remedy by application to the county court as is provided by law in cases of highways laid out by the ~~selectmen~~ legislative body of a municipality.

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§ 65. DAMAGES; PROCEDURE FOR DETERMINING

If in any case the damages caused by ~~taking~~ taking the water, or by taking the land, or any right, title, or interest therein, or for entering upon and using any land ~~as aforesaid~~, are not adjusted by agreement of the parties affected thereby, or if the owner disputes the necessity for ~~such~~ the taking, the City Council shall proceed in the same manner as is provided by law for ~~selectmen~~ legislative bodies of towns in taking lands for highway purposes and ~~in~~ awarding damages ~~therefor~~ for the taking of lands. If any interested person or corporation is dissatisfied with the decision as to the necessity for or the extent of ~~such~~ the taking or with the award of damages, it may apply by petition to the Addison County Court setting forth the particulars ~~wherein said~~ that the petitioner claims to be aggrieved, and any number of persons may join ~~therein~~ the petition. ~~Said~~ The petition, with a citation, shall be served on the Clerk of ~~said~~ the City within 30 days from the filing of the award and description of the

property taken, and at least 12 days before the term of the Court to which the petition is returnable; the Court shall thereupon appoint three disinterested persons as commissioners, who shall inquire into the intent and necessity of ~~such~~ the taking, and as to the damages sustained by the petitioners. ~~Said~~ The commissioners shall give at least six days' notice of the time and place of hearing to the petitioners, and to the Clerk of the City of Vergennes; they shall report their findings to the Court, and upon hearing ~~said~~ the Court may accept or reject ~~said~~ the report, in whole or in part, make ~~such~~ the orders in the premises as that justice requires, may render judgment for the petitioners respectively, may take costs for either party, and award execution. In case final judgment is rendered for the City, or if no appeal from the decision of the commissioners is taken, the City may immediately tender the amount awarded as damages and costs and thereupon enter upon and occupy the premises so taken.

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Sec. 6. 24 App. V.S.A. chapter 113 is amended to read:

CHAPTER 113. TOWN OF COLCHESTER

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§ 605. AMOUNT TO BE RAISED BY TAXATION

Upon passage of the budget by the annual Town meeting, the amounts stated therein as the amount to be raised by 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 listers for the corresponding tax year.

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Sec. 7. 24 App. V.S.A. chapter 117 is amended to read:

CHAPTER 117. TOWN OF ESSEX

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§ 103. POWERS OF THE TOWN

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

* * *

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

(a) Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be “The ~~selectmen~~ Selectboard of the Town of Essex hereby ~~ordain~~ ordains...”. If the ~~selectmen pass~~ Selectboard passes the proposed ordinance upon first reading, they shall cause it to be published in a newspaper of general circulation in the Town in the form passed, or a concise

summary of it including a statement of purpose, principal provisions, and table of contents or list of section headings, together with a reference to a place within the Town where copies of the full text of the proposed ordinance may be examined, at least once, together with a notice of the time and place when and where there will be a public hearing to consider the same for final passage. The first such publication shall be at least one week prior to the date of ~~said~~ the public hearing. Any published notice shall explain citizens' rights to petition for a vote on the ordinance at an annual or special meeting pursuant to 24 V.S.A. § 1973 and shall also contain the name, address, and telephone number of a person with knowledge of the ordinance who is available to answer questions about it.

* * *

(c) After the hearing, the ~~selectmen~~ Selectboard may finally pass the ordinance with or without amendment, except that if the ~~selectmen make~~ Selectboard makes an amendment they shall cause the amended ordinance to be published pursuant to section 106(a) ~~hereof~~ of this charter at least once together with a notice of the time and place of a public hearing at which the amended ordinance will be further considered, ~~which~~. The publication shall be at least three days prior to the public hearing. At ~~which~~ the time so advertised or at any time and place to which the meeting may be adjourned, the amended ordinance shall be introduced, and after the hearing, the ~~selectmen~~ Selectboard

may finally pass the amended ordinance, or again amend it subject to the same procedures as outlined ~~herein~~ in this charter.

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§ 108. FILING

The Town Clerk shall prepare and keep in the Town Clerk's office a book of ordinances ~~which that~~ shall contain each ordinance finally passed by the ~~selectmen~~ Selectboard, together ~~which with~~ a complete index of the ordinances according to subject matter.

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§ 110. RESERVATION OF POWERS TO THE TOWN

Nothing in this charter shall be so construed as in any way to limit the powers and functions conferred upon the Town of Essex and the ~~selectmen~~ Selectboard of the 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~~ any general or special enactments.

* * *

§ 201. OFFICERS GENERALLY

The elected officers of the Town of Essex shall be: ~~selectmen~~ members of the Selectboard and Moderator. These officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those

provided by law. The terms of the officers shall commence on the first day of the month following the month of election.

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§ 203. ORGANIZATION

(a) As soon as practicable after the first day of the month of the month following annual Town meeting, the ~~selectmen~~ Selectboard shall organize and elect a Chairperson, Vice Chairperson, and Clerk by a majority vote of the entire Board, and shall file a certificate of the election for record in the office of the Town Clerk.

(b) The Chairperson of the ~~Board of Selectmen~~ Selectboard or in the Chairperson's absence, the Vice Chairperson, shall preside at all meetings of the ~~Board~~ Selectboard and shall be recognized as the head of the Town government for all ceremonial purposes.

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§ 205. RECORD OF PROCEEDINGS

(a) An official record of the proceedings of the ~~Board of Selectmen~~ Selectboard shall be kept by its Clerk, who need not be a member of the ~~Board of Selectmen~~ Selectboard, which shall be kept in the office of the Town Clerk and shall be open for public inspection. The Town Clerk shall keep official record of the proceedings of all special and annual Town meetings.

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§ 206. APPOINTMENTS BY ~~SELECTMEN~~ SELECTBOARD

(a) The ~~selectmen~~ Selectboard shall appoint the members of the following permanent Commissions and positions:

* * *

(b) The ~~selectmen~~ Selectboard may appoint ~~such~~ any additional commissions as they feel to be in the best ~~interest~~ interests of the Town and all other appointive or elective officers authorized by statute.

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§ 207. JURISDICTION OVER OTHER OFFICERS OR EMPLOYEES

(a) Neither the ~~Board of Selectmen~~ Selectboard nor any of its members shall direct or request the appointment, by any other officer or employee of the Town, of any person to office or employment, or his or her suspension or removal therefrom, or in any manner take part in the appointment, discipline, or removal of subordinates and employees of the Town, except as otherwise provided in this charter. The ~~Board of Selectmen~~ Selectboard and its members shall deal with that portion of the service of the Town for which the Manager is responsible solely through the Manager.

(b) This section shall not be construed to prohibit the ~~selectmen~~ Selectboard from recommending to the Town Manager a prospective employee for his or her consideration, or bringing to the attention of the Manager any complaint concerning the actions of any officer or employee of the Town.

This section shall not be construed to prohibit the review by the ~~Board of~~
~~Selectmen~~ Selectboard of actions by the Manager or hearings brought to the
~~selectmen~~ Selectboard by employees pursuant to appellate rights granted them
by statute.

§ 208. COMPENSATION OF ~~SELECTMEN~~ SELECTBOARD MEMBERS;
APPOINTEES

(a) Compensation paid to the ~~selectmen~~ Selectboard members shall be set
by the voters at the annual meeting, with a minimum of \$500.00 a year each.

~~Selectmen's~~ The salaries of Selectboard members must be set forth as a
separate item in the annual budget presented to the meeting.

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

§ 209. POWERS AND DUTIES

(a) The members of the ~~Board of Selectmen~~ Selectboard shall constitute the
legislative body of the Town of Essex for all purposes required by statute and
shall have all powers and authority given to, and perform all duties required of
town legislative bodies or ~~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:

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§ 302. TIME OF HOLDING

* * *

(b) The election of officers and the voting on all questions to be decided by Australian ballot or voting required by law to be by ballot shall take place on the day specified in 17 V.S.A. § 2640(a) that, may from time to time be amended. The ballot boxes or voting machines shall be open for a minimum of nine consecutive hours between 6:00 a.m. and 10:00 p.m. as shall be determined and warned by the ~~Board of Selectmen~~ Selectboard.

§ 303. BUDGET

An annual budget shall be adopted at Town meeting by the vote of a majority of those eligible to vote present at the meeting. If, after the total budget has been appropriated, the ~~selectmen find~~ Selectboard finds additional appropriations necessary, the appropriations shall be made and reported at the next Town meeting as a specific item. The appropriations shall only be made in special circumstances or situations of an emergency nature. No specific explanation need be given for any normal annual operating expense in any office, department, or agency ~~which~~ that may be increased over the budget amount by an amount not more than 10 percent of the office's, department's, or agency's budget.

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§ 304. RESCISSION OF ORDINANCES

(a) All ordinances shall be subject to rescission by a special or annual Town meeting, as follows: If, within 44 days after final passage by the ~~selectmen~~ Selectboard of any ~~such~~ ordinance, a petition signed by voters of the Town not less in number than five percent of the qualified voters of the municipality is filed with the Town Clerk requesting its reference to a special or annual Town meeting, the ~~selectmen~~ Selectboard shall fix the time and place of the meeting, which shall be within 60 days after the filing of the petition, and notice ~~thereof~~ shall be given in the manner provided by law in the calling of a special or annual Town meeting. Voting shall be by Australian ballot.

(b) An ordinance so referred shall remain in effect upon the conclusion of the meeting unless a majority of those present and voting against the ordinance at the special or annual Town meeting exceeds five percent in number of the qualified voters of the municipality.

§ 305. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL
MEETING

(a) Subject to the provisions of section 304 of this Charter, voters of the Town may at any time petition in the same manner as in section 304 for the enactment of any proposed lawful ordinance by filing the petition, including the text of the ordinance, with the Town Clerk. The ~~selectmen~~ Selectboard shall call a special Town meeting (or include the ordinance as annual meeting

business) to be held within 60 days of the date of the filing, unless prior to the meeting the ordinance shall be enacted by the ~~selectmen~~ Selectboard. The warning for the meeting shall state the proposed ordinance in full or in concise summary and shall provide for an Australian ballot vote as to its enactment. The ordinance shall take effect on the 10th day after the conclusion of the meeting provided that voters as qualified in section 304, constituting a majority of those voting ~~thereon~~, shall have voted in the affirmative.

(b) The proposed ordinance shall be examined by the Town Attorney before being submitted to the special Town meeting. The Town Attorney is authorized subject to the approval of the ~~selectmen~~ Selectboard, to correct the ordinance so as to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy in its text and references and clearness and preciseness in its phraseology, but the Town Attorney shall not materially change its meaning and effect.

(c) The provisions of this section shall not apply to:

(1) any appointments of officers, members of commissions, or boards made by the ~~selectmen or to~~ Selectboard;

(2) the appointment or designation of ~~selectmen~~, Selectboard members;

or

(3) ~~to~~ rules governing the procedure of the ~~selectmen~~ Selectboard.

* * *

§ 501. CREATION OF DEPARTMENT

There shall be established a Department of Real Estate Appraisal headed by a professionally qualified real estate appraiser, who shall be appointed by the Manager with the approval of the ~~selectmen~~ Selectboard.

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§ 601. APPOINTMENT OF MANAGER

The ~~selectmen~~ Selectboard shall appoint a Town Manager under and in accordance with Vermont Statutes Annotated, as amended ~~from time to time hereafter~~. The Manager shall have all of the powers and duties as set forth in ~~that~~ 24 V.S.A. chapter 37 and ~~in~~ this charter.

§ 602. OFFICIALS APPOINTED BY MANAGER

The Town Manager shall appoint with the approval of the ~~selectmen~~ Selectboard: Town Clerk, Town Treasurer, Assistant Town Clerk, constables, Grand Juror, Director of Public Works, Police Chief, a Town Agent if the Town Attorney is not a resident of the Town of Essex, cemetery commissioners, Health Officer, fire wardens, Zoning Administrator, and if needed, the Town Manager may appoint fence viewers, Inspector of Lumber and Shingles, and any other officer ~~which~~ that the ~~selectmen~~ Selectboard of a Town ~~are~~ is authorized to appoint if the ~~selectmen have~~ Selectboard has not filled the office. The terms of the appointed officials shall commence on the first day of April following appointment. Appointments to fill a vacancy in an

office shall be effective at the time of appointment and shall run for the unexpired period of the term.

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§ 702. PREPARATION AND SUBMISSION

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

* * *

(5) ~~Such~~ Any other information as may be required by the ~~Board of Selectmen~~ Selectboard.

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

§ 703. TOWN MEETING WARNING AND BUDGET

The proposed budget and the warning for the annual meeting shall be distributed to the legal voters of the Town at least 10 days before the annual meeting. In addition, the ~~selectmen~~ Selectboard shall comply with the

statutory requirements applicable to town meetings in the warning of any annual or special meeting.

* * *

§ 705. AMOUNT TO BE RAISED BY TAXATION

Upon passage of the budget by the annual Town meeting, the amounts stated therein as the amount to be raised by taxes shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year and the ~~selectmen~~ Selectboard shall levy such taxes on the grand list by the Assessor for the corresponding tax year.

* * *

§ 707. TRANSFERS OF APPROPRIATIONS

* * *

(b) At the request of the Manager, 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, office, or agency 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.

* * *

§ 902. PERSONNEL RULES AND REGULATIONS

(a) The Town Manager or the Town Manager's appointee shall be the Personnel Director. The Town Manager shall maintain personnel rules and regulations protecting the interests of the Town and of the employees. These rules and regulations must be approved by the ~~Board of Selectmen~~ Selectboard and shall include the procedure for amending them and for placing them into practice. Each employee shall receive a copy of the rules and regulations when he or she is hired.

* * *

Sec. 8. 24 App. V.S.A. chapter 123 is amended to read:

CHAPTER 123. TOWN OF HARDWICK

* * *

§ 104. ADDITIONAL POWERS

The general grant of authority in section 103 of this charter shall include the following powers, and the enumeration thereof shall not be deemed to be in derogation of the authority conferred by this charter.

* * *

(4) To adopt and enforce ordinances relating to the cleaning or repair of any premises ~~which~~ that, in the judgment of the ~~Board of Selectmen~~ Selectboard, is dangerous to the health, welfare, or safety of the public.

* * *

§ 105. RESERVATION OF POWERS TO THE TOWN

Nothing in this charter shall be construed to in any way limit the powers and functions conferred on the Town of Hardwick, the ~~selectmen~~ Selectboard of ~~said~~ the Town, or its elected and appointed officials by general or special enactments of State statutes or regulations in force or effect or hereafter enacted, and the powers and functions conferred by this charter shall by this charter be cumulative and in addition to the provisions of such general enactments unless this charter otherwise provides.

* * *

§ 107. ORDINANCES; ADOPTION BY ~~SELECTMEN~~ SELECTBOARD

(a) If the ~~selectmen desire~~ Selectboard desires to adopt an ordinance, they shall cause it to be entered in the official record kept of their proceedings, and thereafter, they shall adopt it subject to final approval after the public hearing as ~~here-after~~ set forth in this section. The ordinance shall then be posted in three public places within the Town and published by title and summary setting forth the subject matter, effective date, and penalty for violation thereof in a newspaper of general circulation in the Town, together with a notice of the time and place of a public hearing to consider the ordinance for final passage, ~~such~~ the publication and posting to be on a day at least one week and not more than two weeks prior to the hearing.

(b) At the public hearing or at any time and place to which the hearing may be adjourned, the ordinance shall be read in full, unless the ~~Board of Selectmen~~ Selectboard elects to read the ordinance by title. After ~~such a~~ the reading, all persons interested shall be given an opportunity to be heard.

(c) After the public hearing, the ~~selectmen~~ Selectboard may finally adopt the ordinance, with or without amendment. If they amend the ordinance prior to passage, they shall cause the amended ordinance to be entered in the official record of their proceedings, and shall also cause notice of the amended and passed ordinance to be published in a newspaper of general circulation in the Town on a day not more than 14 days after adoption.

(d) Every ordinance shall become effective 60 days after adoption, unless the ~~selectmen specify~~ Selectboard specifies a longer period or if the ordinance is conditioned on approval by voters of the Town, then upon ~~such~~ voter approval. If within 30 days of the adoption, a petition for reconsideration and repeal is filed, the ordinance shall not become effective until after the question of reconsideration and repeal is voted.

* * *

§ 108. REFERENDUM

(a) All Town ordinances, except as specified in section 110 of this charter, may be repealed by vote of the Town as follows: A petition signed by not less than 15 percent of the registered voters shall be filed with the Town Clerk

requesting a vote on the question of repealing the ordinance. The ~~selectmen~~
Selectboard shall call a special Town Meeting to be held within 60 days of the
date of the filing of the petition, to vote on whether the ordinance shall be
repealed.

* * *

§ 109. ORDINANCES; ADOPTION ON PETITION

Any lawful ordinance may be enacted by vote of the Town as follows: A
petition signed by not less than 15 percent of the registered voters shall be filed
with the Town Clerk requesting enactment of the ordinance and accompanied
by the text ~~thereof~~ of the ordinance. The ~~selectmen~~ Selectboard shall call a
special Town meeting to be held within 60 days of the date the petition is filed,
unless prior to ~~such~~ the meeting, the ~~selectmen~~ Selectboard shall have enacted
the ordinance. The warning for the meeting shall include a summary of the
text of the proposed ordinance, its effective date and penalty provision for
violation thereof, and shall be posted and published as the law of this State
requires for special meeting generally. The warning shall provide for a “yes”
and “no” vote by ballot as to its enactment. Copies of the proposed ordinance
shall be posted in its entirety in at least five locations in Town for at least
30 consecutive days to the date of ~~said~~ the special Town meeting. In the
discretion of the ~~selectmen~~ Selectboard, the enactment of ~~such~~ the ordinance
may be proposed as an article in the warning for the next ensuing annual Town

meeting, providing that ~~such~~ the annual meeting shall be held within 120 days of the filing of ~~such~~ the petition for enactment.

* * *

§ 114. FORM OF GOVERNMENT

The municipal government provided by this charter shall be known as the council ~~anager~~ manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the Vermont Constitution and by this charter, all powers of the Town shall be vested in an elective Council, which shall be known as the ~~Board of Selectmen~~ Selectboard, which shall enact ordinances, codes, and regulations, propose budgets, determine policies, and appoint the Town Manager, who shall execute the laws and administer the government of the Town. All powers of the Town shall be exercised in the manners prescribed by this charter or prescribed by ordinance.

* * *

§ 116. INTERGOVERNMENTAL RELATIONS

The Town, through its ~~Board of Selectmen~~ Selectboard or Board of School Directors, or both, may enter into any agreement with the United States of America or in the State of Vermont, or both, or with any subdivision, department, agency, or activity of the United States of America or the State of Vermont, or both, to make public improvements within ~~said~~ the Town, or upon property or rights of ~~said~~ the Town outside its corporate limits, whether owned

by ~~said~~ the Town as sole owner or owned by ~~said~~ the Town in common with another municipality or other municipalities, and may make appropriations consistent with this charter to accomplish ~~such~~ that purpose.

* * *

§ 302. ELECTIVE OFFICERS

(a) The officers elected and their compensation fixed by the Town at its annual meeting shall be:

- (1) Five ~~selectmen~~ Selectboard members

* * *

(c) All ~~selectmen~~ Selectboard members shall be elected by Australian ballot.

(d) When an elected officer specified in section 302(a) of this charter resigns, makes another Town his or her residence, dies, or becomes incapacitated, the office shall become vacant and the ~~selectmen~~ Selectboard members shall appoint an eligible person to fill the vacancy until the next annual meeting. The person elected shall at the annual meeting serve until the predecessor's term expires. Incapacity shall include the failure of a ~~selectmen~~ Selectboard member to attend 50 percent of the meetings of the Board in any calendar year.

§ 303. TERMS OF OFFICE; ~~SELECTMEN~~ SELECTBOARD

MEMBERS

(a) Three ~~selectmen~~ Selectboard members shall be elected for a three-year term and two ~~selectmen~~ Selectboard members for a one-year term.

(b) All ~~selectmen~~ Selectboard members shall be elected at large. The persons with the largest number of votes for office of equal terms shall be elected to those offices. If there are ~~selectmen's~~ Selectboard member offices with different terms, each candidate shall specify the term for which he or she seeks election. No person shall seek election to concurrent terms for the office of ~~selectmen~~ Selectboard member.

* * *

§ 305. TREASURER

* * *

(b) The Treasurer shall perform the duties required by statute or provided by this charter and shall:

(1) Promptly deposit funds in such depositories as may be designated by the ~~selectmen~~ Selectboard.

* * *

(3) Keep such books and accounts as may be required by the ~~selectmen~~ Selectboard or the Town Manager in addition to those required by law.

(4) Make reports to the ~~selectmen~~ Selectboard or the Town Manager monthly or at such other times as they may require showing the condition of the Town's finances.

(5) Perform such other duties with respect to the Town's finances as the ~~selectmen~~ Selectboard may request.

§ 306. APPOINTED OFFICERS

(a) The ~~Board of Selectmen~~ Selectboard may appoint any officers required by the Town's personnel regulations or this charter.

(b) The Town Manager shall function as the personnel officer of the Town.

(c) ~~The Town Manager shall function as the personnel officer of the Town.~~

[Repealed.]

* * *

§ 307. VACANCIES AND APPOINTMENTS

(a) When the term of any member of the Zoning Board of Adjustment, the Planning Commission, or any other Town board or commission expires, or when the term of any officer appointed by the ~~selectmen~~ Selectboard or the Town Manager expires, or when there is a vacancy in any ~~such~~ board, commission, or office, the Town Manager may cause to be published, in a newspaper of general local circulation, a notice of the vacancy or the expiration of the term.

(b) Any qualified voter of the Town may, within 10 days of the publication, submit his or her name to the Town Manager as an applicant for the vacant or expired office. At the expiration or 10 days from the date of publication, the names of all persons being considered shall be entered in the ~~selectmen's~~ Selectboard's minutes. The ~~selectmen~~ Selectboard shall not fill the vacancy or expired term until after at least seven days from the date the names of the applicants are entered in the minutes.

* * *

§ 311. RECALL OF ELECTED OFFICIALS

(a) Any elected Town officer may be removed from office as follows:

(1) A petition signed by not less than 25 percent of the registered voters shall be filed with the ~~selectmen~~ Selectboard, requesting a vote on whether the elected officer shall be removed from office. The date of signing by each voter shall be indicated in the petition and such date shall not be earlier than 30 days prior to the filing of the petition.

(2) The ~~selectmen~~ Selectboard shall call a special Town meeting, to be held within 45 days of receiving the petition, to vote on whether the elected town officer shall be removed. The officer shall be removed only if at least as many registered voters of the Town vote as voted in the election ~~wherein in~~ which the officer was elected, or at least one-third of the registered voters of the Town vote, whichever is greater, and a majority of the number of votes is

cast for removal. Notwithstanding any other provision of law or of this charter to the contrary, any vote on a recall petition shall be by the Australian ballot system.

(b) If the Town votes for removal of an elected officer, the office shall ~~thereupon~~ become vacant, and the ~~selectmen~~ Selectboard shall call a special meeting, to be held within 45 days of the vote for removal, to fill the vacancy until the term of the officer so removed expires. The office shall remain vacant until the next annual Town meeting if ~~such~~ the special meeting would fall within 75 days prior to the annual Town meeting.

* * *

§ 501. POWERS AND DUTIES

(a) The members of the ~~Board of Selectmen~~ Selectboard shall constitute the legislative body of the Town of Hardwick for all purposes required by law and except as otherwise ~~herein~~ specifically provided in this charter, and shall have all powers and authority given to, and perform all duties required of town legislative bodies or ~~boards of selectmen~~ selectboards under the Constitution and 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.

The ~~selectmen~~ Selectboard may prescribe the duties of all offices, commissions, or departments created by them.

* * *

(7) Exercise each and every power not specifically set forth herein, ~~which~~ that is granted to the ~~selectmen~~ selectboards by the laws of this State.

§ 502. ORGANIZATION

(a) Forthwith after their election and qualification, the ~~selectmen~~ Selectboard shall organize and elect a ~~Chairman~~ Chair and Vice ~~Chairman~~ Chair by a majority vote of the entire ~~Board~~ Selectboard.

(b) The ~~Board~~ Selectboard shall conduct its business in accordance with Robert's Rules of Order. The ~~Chairman~~ Chair shall be entitled to participate as a full voting member.

(c) Three ~~selectmen~~ members of the Selectboard shall constitute a quorum. No action of ~~such Board~~ the Selectboard shall be valid or binding unless adopted by the affirmative vote of a majority of the quorum present. In cases where statute requires a greater fraction of the authorized ~~Board~~ Selectboard for an affirmative vote than as specified above, such provisions of law shall control.

(d) All meetings of the ~~Board~~ Selectboard shall be open to the public in accordance with the provisions of 1 V.S.A., chapter 5, subchapter 2.

(e) The agenda of the ~~selectmen's~~ Selectboard meetings shall be made available to the public at least 24 hours prior to the meeting and posted in one public place.

(f) The agenda of the ~~selectmen's~~ Selectboard meetings shall be made available to the press at least 24 hours prior to the meeting.

* * *

§ 503. RECORD OF PROCEEDINGS

(a) It shall be the duty of the ~~Board of Selectmen~~ Selectboard to keep an official record of its proceedings which shall be open for public inspection under State statutes.

(b) The minutes of each meeting shall be approved by the ~~selectmen~~ Selectboard and shall be filed in the Town Clerk's office and Town Manager's office, a duly certified copy of ~~such~~ the minutes, attesting to the accuracy and recording ~~thereof~~ of the minutes, shall constitute the official transcript of ~~such~~ the meeting and shall constitute prima facie evidence of the conduct ~~thereof~~ of the meeting and the action taken ~~thereat~~.

§ 504. JURISDICTION OVER OFFICES AND EMPLOYEES

Neither the ~~Board of Selectmen~~ Selectboard nor any of its members shall direct or request the appointment, by any officer or employee of the Town, of any person to office or employment, or their suspension or removal therefrom, or in any manner take part in the appointment, discipline, or removal of

subordinates and employees of the Town, except as otherwise provided in this charter. The ~~Board of Selectmen~~ Selectboard and its members shall deal with that position of the service of the Town for which the Manager is responsible solely through the Town Manager and neither the ~~Board of Selectmen~~ Selectboard or any of its members shall give any orders or request any action by a subordinate in office. This shall not be construed to prohibit the ~~selectmen~~ Selectboard from recommending to the Town Manager a prospective employee for consideration and making general complaints to the Town Manager.

* * *

§ 701. APPOINTED BY ~~SELECTMEN~~ SELECTBOARD

The ~~Board of Selectmen~~ Selectboard shall appoint a Town Manager upon ~~such~~ any conditions as they may determine.

§ 702. MANAGER NONPARTISAN

* * *

(c) The Manager shall be a resident of the Town of Hardwick once appointed in office. The ~~Board of Selectmen~~ Selectboard may grant permission for the Manager to live outside the Town should there be sufficient reason.

§ 703. OATH AND BOND

Before entering office, the 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 in such amount and with ~~such~~ any sureties as the ~~selectmen~~ Selectboard may require.

§ 704. DUTIES OF MANAGER

(a) The Manager shall be the Chief Executive Officer of the Town and shall carry out the policies established by the ~~Board of Selectmen~~ Selectboard, to whom the Manager shall be responsible.

(b) The Manager shall attend all meetings of the ~~Board of Selectmen~~ Selectboard, except when compensation or removal of the Town Manager is being considered, or the ~~Board of Selectmen~~ Selectboard allows ~~such~~ the absence. The Manager shall keep the ~~selectmen~~ Selectboard informed of the financial condition and further needs of the Town and shall make ~~such~~ other reports as may be required by law, requested by the ~~selectmen~~ Selectboard, or deemed by the Town Manager to be advisable.

(c) The Manager has the right to attend all meetings of standing committees, boards, and agencies appointed by the ~~Board of Selectmen~~ Selectboard.

* * *

(e) The Manager shall perform all other duties prescribed by this charter, required by laws of this State, or resolution of the ~~selectmen~~ Selectboard.

(f) The Manager shall prepare an annual budget, submit it to the ~~selectmen~~ Selectboard, and be responsible for its administration after adoption by the voters of the Town.

* * *

(h) The Manager shall furnish a monthly financial statement to the ~~selectmen~~ Selectboard, with the assistance and cooperation of the Town Treasurer, who shall furnish whatever financial data are necessary to enable the Town Manager to fulfill his or her budgetary and financial responsibilities.

(i) The Manager shall be responsible for the operation of all departments as designated by the ~~selectmen~~ Selectboard.

* * *

(l) The Manager shall have the authority to appoint, fix the salary of, within the salary ranges established by the ~~selectmen~~ Selectboard, suspend, and remove all employees of the Town appointed by him or her, subject to the provisions of the charter and any Personnel Regulations as approved by the ~~Board of Selectmen~~ Selectboard.

(m) The Manager may, when advisable or proper, and with the approval of the ~~selectmen~~ Selectboard, delegate to subordinate officers and employees of the Town, any duties conferred upon him or her.

(n) The Manager, with the department heads, shall prepare annually for the ~~selectmen~~ Selectboard a three-year Capital Improvement Plan.

* * *

§ 705. COMPENSATION

The Manager shall receive such compensation as may be fixed by the ~~selectmen~~ Selectboard.

§ 706. ABSENCE

In the event of a temporary absence or disability, the Town Manager may, with the consent of the ~~Board~~ Selectboard, designate by letter filed with the Town Clerk, a qualified person to perform the Manager's duties. If the Manager fails to make ~~such the~~ designation, the ~~selectmen~~ Selectboard may appoint a person to perform the duties of the Manager until he or she shall return or his or her disability shall cease.

* * *

§ 901. APPOINTMENTS

The ~~selectmen~~ Selectboard may appoint commissions or committees as needed, and delegate incidental powers necessary for the proper functioning ~~thereof~~ of the commissions or committees, as established by law.

* * *

§ 903. SEWAGE COLLECTION AND DISPOSAL; DUTIES OF

~~SELECTMEN~~ SELECTBOARD

It shall be the responsibility of the ~~Board of Selectmen~~ Selectboard, acting as sewer commissioners, to provide adequate collection and disposal for domestic and industrial sewerage within those parts of the Town served by existing sewage collection and distribution system. In order to implement ~~said~~ the authority, the ~~Board of Selectmen~~ Selectboard shall have, in addition to those powers enumerated in the general laws of this State with respect to sewage disposal, the following powers:

(1) Whenever the public health or convenience shall require the construction of a common sewer or sewers in the Town, the ~~Board of Selectmen~~ Selectboard is hereby authorized and empowered to so construct ~~said~~ the sewers and to repair the same from time to time when necessary, and for ~~such~~ the purpose may take the land of individuals and corporations on making compensation for the lands so taken, and the ~~selectmen~~ Selectboard shall proceed in the same manner as is prescribed by law for ~~selectmen~~ legislative bodies in taking for public highways and ~~in~~ awarding damages for the taking of lands ~~therefore~~, and the ~~said selectmen~~ Selectboard shall make a return of their doings to the office of the Clerk of said Town who shall record the ~~same~~ return in the records of the Town, and ~~said~~ the Town may also lay

pipes along and across the streets, alleys, lanes, and highways in ~~said the~~ the Town.

(2) The ~~Board of Selectmen~~ Selectboard shall have the power by ordinance and regulations to require any building owner to connect to and use any sewer drain or line installed and maintained along and across the streets, alleys, lanes, and highways of the Town ~~which~~ that abut or adjoin ~~such the~~ the building.

(3) ~~Said Board of Selectmen~~ The Selectboard, in making, installing, maintaining, or repairing sewers and drains, shall have the power, on giving 12 days' notice to the interested parties ~~interested~~ of the time and the place of hearing, to assess the owner or owners of land or lands benefited ~~thereby~~, so much of the expense of making, altering, or repairing the same as ~~said Board of Selectmen~~ the Selectboard shall judge ~~such the~~ the lands to be benefited thereby.

(4) When ~~said Board of Selectmen~~ the Selectboard enters upon lands under the authority and for the purpose stated in subdivision (3) of this section, they shall give 12 days' notice to all persons owning or interested in ~~such the~~ the lands when they will hear and consider the question of assessments for benefits, or both. And in all cases when either assessments are made or damages are allowed, the ~~said Board of Selectmen~~ Selectboard shall forthwith make a report of their doings, which report they shall cause to be filed in the

office of the Town Clerk, who shall record the same in the records of ~~said~~ the Town.

(5) When any person shall be dissatisfied with the decision of ~~said~~ ~~Board of Selectmen~~ the Selectboard in the award of damages for laying, making, altering, or repairing any sewer and drain, or in any assessment for benefits of the same, ~~such~~ the persons may petition a court of competent jurisdiction for a reassessment of ~~such~~ damages or benefits. ~~Said~~ The petition shall be served on the Clerk of said Town within 60 days next after ~~said~~ the award of damages or assessment for benefit shall be filed in ~~said~~ the Clerk's office, and ~~such~~ the petition shall not delay the making or repairing of ~~such~~ the sewer or drain, or sidewalk or culvert, or laying ~~said~~ the water pipe.

(6) The ~~Board of Selectmen, as aforesaid,~~ Selectboard may make and adopt ~~such~~ bylaws and regulations concerning the management and use of ~~such~~ sewers and drains and appurtenances not inconsistent with law as it may deem expedient, including the fixing and collecting of sewer use and benefit rates and assessments and ~~said~~ the sewer use and benefit rates so fixed shall, until paid, be and remain a lien upon the premises of the parties so furnished with sewer service in like manner as real estate is by law held for other taxes.

* * *

§ 904. ELECTRIC DEPARTMENT COMMISSIONERS

(a) The Town of Hardwick may own and operate municipal electric plants as provided in 30 V.S.A. chapter 79, the management, operation, and administration of which shall be vested in a Board of Electric Utility Commissioners consisting of five persons to be appointed by the ~~Board of Selectmen~~ Selectboard whose initial terms shall be established by resolution of the ~~Board of Selectmen~~ Selectboard so as to provide that ~~no~~ not more than two of ~~such~~ the commissioners shall be appointed annually. Each appointment shall take effect on July 1 of each year, and no commissioner may be removed from office except for cause. Notwithstanding any provision of this charter or the general law, the ~~Board of Selectmen~~ Selectboard may appoint ~~no~~ not more than two electric utility commissioners who are not residents of the Town; provided, however, that ~~such~~ the commissioners reside within and are ~~full-time~~ full-time residents of the area served by the Town's municipal electric plant.

* * *

§ 907. FIRE AND POLICE DEPARTMENTS; GENERAL PROVISIONS

* * *

(b) The ~~Board of Selectmen~~ Selectboard shall determine and establish the conditions under which fire department members and police officers may exercise the functions of their respective offices beyond the limits of the Town to the extent authorized by law.

* * *

§ 909. BOARD OF HEALTH

The ~~Board of Selectmen~~ Selectboard shall act as and constitute the Town Board of Health, the responsibilities and powers of which shall be as established by law.

* * *

§ 1104. POSTPONEMENT AND COMBINING OF TOWN MEETING

(a) If an application for a special Town meeting is made not more than 60 days and not less than 40 days before annual Town meeting day, the ~~selectmen~~ Selectboard may postpone voting on any one or more of the articles requested in the petition until annual Town meeting day.

(b) If, within five days after application is made for a special Town meeting, a petition for another Town meeting is filed, the ~~selectmen~~ Selectboard may postpone voting on any one or more of the articles requested in the first petition until the Town meeting called upon the second petition, provided that the meeting on the second petition is warned for a day falling not more than 60 days after the filing date of the first petition.

* * *

§ 1301. APPLICABILITY OF STATE LAW TO ZONING AND
PLANNING

The Zoning Administrator under the Hardwick zoning ordinance or bylaw shall be appointed annually by the ~~selectmen~~ Selectboard, after the annual meeting and shall serve for one year or until a successor is appointed and qualified. All other matters pertaining to zoning land subdivision, municipal and regional plans, shall be exclusively controlled by the general law of the State of Vermont, except as specifically provided in this charter.

* * *

§ 1502. PREPARATION AND SUBMISSION OF BUDGET

(a) The Town Manager, at least 90 days before the date of the regular annual Town meeting, shall submit to the ~~selectmen~~ Selectboard a budget ~~which that~~, except as required by law or this charter, shall be in ~~such~~ the form as ~~that~~ the Manager deems desirable or the ~~selectmen~~ Selectboard members may require. The budget shall contain:

* * *

(4) ~~Such~~ Any other information as may be required by the ~~Board of~~ Selectmen Selectboard.

(b) At least 10 days before the annual meeting of the Town, the ~~selectmen~~ Selectboard shall publish in a newspaper of general local circulation a notice

containing the amount ~~which~~ that the Town anticipates must be raised by Town taxes and to be voted at its annual meeting.

(c) The ~~selectmen's~~ Selectboard's budget in its final form and the warning of the meeting shall be made available to the legal voters of the Town at least 10 days prior to the annual meeting.

* * *

§ 1504. APPROPRIATIONS

The Town at the annual meeting shall adopt a budget which shall include the proposed expenditure of each department for the coming fiscal year, and adoption of a budget at the annual meeting shall be deemed an appropriation to each department of the sum allotted in the budget for ~~such~~ the department. A department's expenditures may not exceed the amount appropriated to it, except by consent of the ~~selectmen~~ Selectboard and subject to the provisions of sections 1506 and 1507 of this charter. The amounts stated in the budget, and as approved by the Town, shall become appropriated to the several agencies, departments, and purposes ~~therein~~ named in the budget.

§ 1505. AMOUNT TO BE RAISED BY TAXATION

Upon passage of the budget by the annual Town meeting, the amounts stated ~~therein~~ in the budget 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~~ the taxes on the grand list furnished by the listers for the corresponding tax year.

§ 1506. BUDGET LIMITATIONS-BORROWING

* * *

(b) The Town, through the ~~selectmen~~ Selectboard, may borrow money in anticipation of taxes.

* * *

(d) In cases of emergency, the ~~selectmen~~ Selectboard may appropriate funds or borrow money in the name of the Town.

(e) The ~~selectmen~~ Selectboard, in the name of the Town, may borrow funds in anticipation of federal and State funds ~~which~~ that have been approved and committed, until ~~such~~ the time ~~as~~ ~~such~~ that the funds are available, but in no event for a term of longer than one year. Any debt so incurred for a project shall be repaid from the first Federal or State funds received for that project.

* * *

§ 1507. TRANSFERS OF APPROPRIATIONS

At any time during the fiscal year, the Manager may transfer part or all of any unused appropriation balance among the programs within a department, office, or agency. Upon written request by the Manager, the ~~selectmen~~ Selectboard may by resolution transfer part or all of any unused appropriation balance from one department, office, or agency to another. Notwithstanding

the above, no unexpended balance in any appropriation not included in the budget of the ~~selectmen~~ Selectboard shall be transferred or used for any other purpose.

* * *

Sec. 9. 24 App. V.S.A. chapter 127 is amended to read:

CHAPTER 127. TOWN OF MIDDLEBURY

* * *

§ 105. RESERVATION OF POWERS TO THE TOWN

Nothing in this charter shall be construed to in any way limit the powers and functions conferred on the Town of Middlebury and the ~~selectmen~~ Selectboard of ~~said the~~ said the Town by general or special enactments of State statutes or regulations 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 unless this charter otherwise provides.

* * *

§ 107. ORDINANCES; ADOPTION BY ~~SELECTMEN~~ SELECTBOARD

(a) If the ~~selectmen desire~~ Selectboard desires to adopt an ordinance, they shall cause it to be entered in the official record kept of their proceedings, and thereafter, they shall adopt it subject to final approval after the public hearing as ~~hereafter~~ set forth in this section. The ordinance shall then be published in a

newspaper of general circulation in the Town, together with a notice of the time and place of a public hearing to consider the ordinance for final passage, ~~such~~ the publication to be on a day at least one week and not more than two weeks prior to the date of hearing.

(b) At the public hearing or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be read in full, unless the ~~Board of Selectmen elect~~ Selectboard elects to read the ordinance by title; and after ~~such~~ the reading, all persons interested shall be given an opportunity to be heard.

(c) After the public hearing, the ~~selectmen~~ Selectboard may finally adopt the ordinance, with or without amendment. If they amend the ordinance prior to passage, they shall cause the amended ordinance to be entered in the official record of their proceedings, and shall also cause the amended sections of the ordinance, as finally passed, to be published in a newspaper of general circulation in the Town on a day not more than 14 days after adoption.

(d) Every ordinance shall become effective 40 days after adoption, unless the ~~selectmen specify~~ Selectboard specifies a longer period; or if the ordinance is conditioned on approval by voters of the Town, then upon ~~such~~ voter approval. If within 40 days of adoption, a referendum petition is filed, the ordinance shall not become effective until after the question of repeal is voted.

* * *

§ 108. REFERENDUM

(a) All Town ordinances, except as specified in section 110 of this charter, may be repealed by vote of the Town as follows: A petition signed by not less than 10 percent of the registered voters shall be filed with the Town Clerk requesting a vote on the question of repealing the ordinance. The ~~selectmen~~ Selectboard shall call a special Town meeting to be held within 60 days of the date of filing the petition, to vote on whether the ordinance shall be repealed. The ordinance shall be repealed only if at least 15 percent of the registered voters vote and a majority of that number vote for repeal.

* * *

§ 109. INITIATIVE

Any lawful ordinance may be enacted by vote of the Town as follows: A petition signed by not less than five percent of the registered voters shall be filed with the Town Clerk requesting enactment of the ordinance and accompanied by the text ~~thereof~~ of the ordinance. The ~~selectmen~~ Selectboard shall call a special Town meeting to be held within 60 days of the date the petition is filed, unless prior to ~~such the~~ the meeting, the ~~selectboard~~ Selectboard members shall have enacted the ordinance. The warning for the meeting shall include the text of the proposed ordinance and shall provide for a “yes” or “no” vote as to its enactment. The ordinance shall be adopted if at least 15 percent

of the registered voters vote and a majority of that number vote for adoption.

The ordinance shall take effect on the 30th day following adoption.

* * *

§ 303. TERMS OF OFFICE—~~SELECTMEN~~; SELECTBOARD

(a) Each ~~selectman~~ Selectboard shall be elected for a three-year term, except in the first election after this charter is adopted, at which two ~~selectmen~~ Selectboard members shall be elected for three-year terms, and one ~~selectman~~ member shall be elected for a two-year term. The two incumbent ~~selectmen~~ members shall serve to the ends of their respective elected terms. After the first election following adoption of this charter, ~~selectmen~~ members shall be elected for three-year terms as prior terms expire. Additional ~~selectmen~~ members elected under section 302(e) of this charter shall be elected to initial terms ~~which~~ that expire at the annual meeting for three-year terms.

(b) All ~~selectmen~~ Selectboard members shall be elected at large. The persons with the largest number of votes for offices of equal terms shall be elected to those offices. If there are ~~selectmen's~~ Selectboard offices with different terms, each candidate shall specify the term for which ~~he/she~~ he or she seeks election.

* * *

§ 305. TREASURER

* * *

(b) The Treasurer shall perform the duties required by State statutes or provided by this charter. ~~He/she~~ The Treasurer shall:

(1) Promptly deposit funds coming into ~~his/her~~ his or her hands in such depositories as may be designated by the ~~selectmen~~ Selectboard;

(2) Invest Town funds coming into ~~his/her~~ his or her hands in the manner designated by the ~~selectmen~~ Selectboard;

(3) Keep such books and accounts as may be required by the ~~selectmen~~ Selectboard;

(4) Make reports to the ~~selectmen~~ Selectboard monthly, or at ~~such~~ other times as ~~they~~ the Selectboard may require, showing the ~~State~~ state of the Town's finances; and

(5) Perform ~~such~~ other duties with respect to the Town's finances as the ~~selectmen~~ Selectboard may require.

§ 306. APPOINTED OFFICERS

(a) The ~~Board of Selectmen~~ Selectboard shall appoint any officers required by the Town's personnel regulations or this charter.

* * *

(c) Within one year after the adoption of this charter, the ~~Board of Selectmen~~ Selectboard shall adopt a written personnel policy.

(d) The ~~Board of Selectmen~~ Selectboard shall appoint:

* * *

(e) The ~~selectmen~~ Selectboard may appoint:

* * *

§ 307. RECALL

(a) Any officer elected under subsection 302(a) of this charter may be removed from office as follows:

(1) A petition signed by not less than 15 percent of the registered voters shall be filed with the ~~selectmen~~ Selectboard, requesting a vote on whether the elected officer shall be removed from office.

(2) The ~~selectmen~~ Selectboard shall call a special Town meeting, to be held within 45 days of receiving the petition, to vote on whether the elected officer shall be removed.

(3) The official shall be removed only if at least as many registered voters of the Town vote as voted in the election ~~wherein~~ in which the officer was elected, or at least one-third of the registered voters of the Town vote, whichever is greater, and a majority of that number vote for removal.

(b) If the Town votes for removal of an elected officer, the office shall ~~thereupon~~ become vacant, and the ~~selectmen~~ Selectboard shall call a special meeting, to be held within 45 days of the vote for removal, to fill the vacancy until the term of the officer so removed expires.

* * *

§ 308. VACANCIES AND APPOINTMENTS

* * *

(b) Any qualified voter of the Town may, within 10 days of the publication, submit ~~his/her~~ his or her name to the Town Manager as an applicant for the vacant or expired office. At the expiration of 10 days from the date of the publication, the names of all persons being considered shall be entered in the ~~Selectmen's~~ Selectboard's minutes; the ~~selectmen~~ Selectboard shall not fill the vacancy or expired term until after at least seven days from the date the names of the applicants are entered in their minutes.

* * *

§ 502. ORGANIZATION

(a) Forthwith after their election and qualification, the ~~selectmen~~ Selectboard shall organize and elect a ~~Chairman~~ Chair and Vice ~~Chairman~~ Chair by a majority vote of the entire Board.

(b) The ~~Chairman~~ Chair of the Board, or in his or her absence, the Vice ~~Chairman~~ Chair, shall preside at all meetings of the Board and shall be recognized as the head of the Town government for all ceremonial purposes.

§ 503. MEETINGS

(a) As soon as possible after the election of the ~~Chairman~~ Chair and Vice ~~Chairman~~ Chair, the Board shall fix the time and place of its regular meetings and ~~such~~ the meetings shall be held at least twice a month.

* * *

(c) If there are five ~~selectmen~~ Selectboard members, three shall constitute a quorum. No action of ~~such Board~~ the Selectboard shall be valid or binding unless adopted by the affirmative vote of at least three ~~selectmen~~ members. If the ~~Board~~ Selectboard is expanded to seven ~~selectmen~~ members, four shall constitute a quorum and no action of ~~such Board~~ the Selectboard shall be valid or binding unless adopted by the affirmative vote of at least four ~~selectmen~~ members. In cases where State law requires a greater fraction of the authorized board for an affirmative vote than as specified above, ~~such~~ the provisions of State law shall control.

* * *

(e) The agenda of the ~~selectmen's~~ Selectboard meetings shall be made available to the public at least 24 hours prior to the meeting and posted in one public place.

* * *

§ 504. RECORD OF PROCEEDINGS

(a) It shall be the duty of the ~~Board of Selectmen~~ Selectboard to keep an official record of its proceedings ~~which~~ that shall be open for public inspection.

(b) The minutes of each meeting shall be approved by the ~~selectmen~~ Selectboard. The official copy shall be filed in the Town Clerk's office and copies in the public library in East Middlebury and the Ilsley Library.

§ 505. APPOINTMENTS

(a) The ~~selectmen~~ Selectboard may appoint commissions or committees as needed.

(b) Jurisdiction over other officers and employees. Neither the ~~Board of Selectmen~~ Selectboard nor any of its members shall direct or request the appointment, by any officer or employee of the Town, of any person to office or employment, or ~~his/her~~ his or her suspension or removal ~~therefrom~~, or in any manner take part in the appointment, discipline, or removal of subordinates and employees of the Town, except as otherwise provided in this charter. The ~~Board of Selectmen~~ Selectboard and its members shall deal with that position of the service of the Town for which the Manager is responsible solely through the Town Manager, and neither the ~~Board of Selectmen~~ Selectboard nor any of its members shall give any orders or request any action by a subordinate in office. This shall not be construed to prohibit the ~~selectmen~~ Selectboard from recommending to the Town Manager a prospective employee for ~~his/her~~ his or her consideration, and making general complaints to the Town Manager or to department heads.

* * *

§ 701. APPOINTED BY ~~SELECTMEN~~ SELECTBOARD

The ~~Board of Selectmen~~ Selectboard shall appoint a Town Manager for an indefinite term, and upon ~~such~~ the conditions as ~~that~~ they may determine.

§ 702. MANAGER NONPARTISAN

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

* * *

(c) The Manager shall be a resident of the Town of Middlebury, once ~~he/she~~ he or she has been appointed to office. The ~~Board of Selectmen~~ Selectboard may grant permission for the Manager to live outside the Town should there be sufficient reason.

§ 703. OATH AND BOND

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

§ 704. DUTIES OF MANAGER

(a) The Manager shall be the chief executive officer of the Town and shall carry out the policies established by the ~~Board of Selectmen~~ Selectboard, to whom the Manager shall be responsible.

(b) The Manager shall attend all meetings of the ~~Board of Selectmen~~ Selectboard, except when ~~his/her~~ his or her compensation or removal is being considered, or the ~~Board of Selectmen~~ Selectboard allows ~~his/her~~ his or her absence. The Manager shall keep the ~~selectmen~~ Selectboard 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 ~~selectmen~~ Selectboard, or deemed by ~~him/her~~ the Manager to be advisable.

(c) The Manager has the right to attend all meetings of standing committees, boards, and agencies appointed by the ~~Board of Selectmen~~ Selectboard.

* * *

(e) The Manager shall perform all other duties prescribed by this charter, required by laws of the State, or resolution of the ~~selectmen~~ Selectboard.

(f) The Manager shall prepare an annual budget, submit it to the ~~selectmen~~ Selectboard, and be responsible for its administration after adoption.

* * *

(h) The Manager shall furnish a monthly financial statement to the ~~selectmen~~ Selectboard, with the assistance and cooperation of the Town Treasurer, who shall furnish whatever financial data are necessary to enable the Town Manager to fulfill ~~his/her~~ his or her budgetary and financial responsibilities.

* * *

(l) The Manager shall have authority to appoint, fix the salary of, suspend, and remove all employees of the Town appointed by ~~him/her~~ him or her, subject to the provisions of this charter and any personnel regulations as

approved by the ~~Board of Selectmen~~ Selectboard. ~~He/she~~ He or she shall obtain approval from the ~~Board of Selectmen~~ Selectboard before appointing, removing, or suspending the head of any department.

(m) The Manager may, when advisable or proper, and with the approval of the ~~selectmen~~ Selectboard, delegate to subordinate officers and employees of the Town; any duties conferred upon ~~him/her~~ him or her.

(n) The Manager with the department heads shall prepare annually for the ~~selectmen~~ Selectboard a five-year capital improvement plan.

§ 705. COMPENSATION

The Manager shall receive such compensation as may be fixed by the ~~selectmen~~ Selectboard.

§ 706. REMOVAL

The ~~Board of Selectmen~~ Selectboard may remove the Town Manager by a majority vote of its total membership. At least 30 days before ~~such~~ the 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/her~~ his or her removal. The Manager may reply in writing and may request a public hearing ~~which~~ that shall be held not earlier than 20 days nor later than 30 days after the filing of ~~such~~ the request. After ~~such~~ the public hearing, if one ~~be~~ is requested, and after full consideration, the ~~Board~~ Selectboard by a majority vote of its members may adopt a final resolution of

removal. By the preliminary resolution, the ~~Board~~ Selectboard may suspend the Manager from duty, but the regular salary of the Manager shall continue to be paid to ~~him/her~~ him or her during the period of suspension. The Manager's pay will continue up to 30 days and will not be contingent upon whether or not a public hearing is held or when it is held. The ~~Board of Selectmen~~ Selectboard may appoint a temporary Manager to serve at the pleasure of the ~~Board~~ Selectboard, for not more than 90 days. The temporary Manager shall have none of the powers of appointment. ~~He/she~~ He or she shall have the power to suspend, but not to remove employees.

§ 707. ABSENCE

To perform the Manager's duties in ~~his/her~~ his or her temporary absence or disability, the Manager may, with the consent of the ~~Board~~ Selectboard, designate by letter filed with the Town Clerk, a qualified person. If the Manager fails to make such designation, the ~~selectmen~~ Selectboard may appoint a person to perform the duties of the Manager until ~~he/she~~ he or she shall return or ~~his/her~~ his or her disability shall cease.

* * *

§ 902. TIME OF HOLDING

* * *

(b) The ballot boxes shall be open for a minimum of nine consecutive hours determined and warned by the ~~Board of Selectmen~~ Selectboard.

* * *

§ 905. POSTPONEMENT AND COMBINING OF TOWN MEETINGS

(a) The ~~selectmen~~ Selectboard may postpone the vote on any question to be voted at a special Town meeting to the annual meeting or the November federal general election if ~~such~~ the special meeting falls within 75 days of the annual meeting or the November federal general elections; provided that the ~~selectmen~~ Selectboard may not postpone ~~such~~ a vote if the vote is for the purpose of using or discontinuing the use of the Australian ballot system for budgets as provided in 17 V.S.A. § 2680(c).

(b) If a special Town meeting falls within 45 days of a later special Town meeting called by petition, the ~~selectmen~~ Selectboard may warn the question to be voted at ~~such~~ the Town meeting for the later Town meeting, and may by resolution rescind the call of the earlier meeting.

§ 906. VOTING QUESTION BY AUSTRALIAN BALLOT

The ~~selectmen~~ Selectboard may cause any question to be voted by Australian ballot at any annual meeting or at any special Town meeting called on their motion or by petition, provided that the warning for ~~such~~ the meeting specifies the questions to be voted. A question voted by Australian ballot shall be preceded by a public hearing for discussion. The warning for the special meeting to vote by Australian ballot shall include a notice of the time and place of the public hearing.

* * *

§ 1101. APPLICABILITY OF STATE LAW TO ZONING AND
PLANNING

The Zoning Administrator under any Middlebury zoning ordinance or bylaw shall be appointed annually by the ~~selectmen~~ Selectboard, after the annual meeting and shall serve for one year or until ~~his/her~~ his or her successor is appointed and qualified. All other matters pertaining to zoning, land subdivision, municipal and regional plans, shall be exclusively controlled by the statutes of the State of Vermont, except as specifically provided in this charter.

* * *

§ 1302. PREPARATION AND SUBMISSION

(a) The Town Manager, at least 60 days before the date of the regular annual Town meeting, shall submit to the ~~selectmen~~ Selectboard a budget ~~which that~~, except as required by law or this charter, shall be in ~~such~~ the form as the Manager deems desirable or the ~~selectmen~~ Selectboard may require. The budget shall contain:

* * *

(5) ~~Such~~ The other information as may be required by the ~~Board of~~ Selectmen Selectboard.

* * *

(c) The Boards of Directors of the Middlebury Incorporated School District No. 4 and Union School District No. 3 shall submit to the ~~selectmen~~ Selectboard the information required by subdivisions (b)(2) and (3) of this section at least 20 days prior to the Town's annual meeting, and the Chairs ~~Chairman~~ of each Board shall certify that ~~such~~ the information is accurate, based upon the information available to each Board of Directors.

(d) Prior to finally determining the Middlebury Town budget, and at least 40 days prior to the annual meeting, the ~~selectmen~~ Selectboard shall hold a public hearing, giving notice ~~thereof~~ of the hearing in a newspaper of general local circulation at least seven days prior ~~thereto~~ to the date of the hearing.

(e) The ~~selectmen's~~ Selectboard budget in its final form and the warning for the annual meeting shall be distributed to the legal voters of the Town at least 10 days prior to the annual meeting.

* * *

§ 1304. APPROPRIATIONS

The Town at the annual meeting shall adopt a budget ~~which~~ that shall include the proposed expenditure of each department for the coming fiscal year, and adoption of a budget at the annual meeting shall be deemed an appropriation to each department of the sum allotted in the budget for such department. A department's expenditures may not exceed the amount appropriated to it, except by consent of the ~~selectmen~~ Selectboard and subject

to the provisions of sections 1307 and 1308 of this charter. The amounts stated in the budget, and as approved by the Town, shall become appropriated to the several agencies, departments, and purposes ~~therein~~ named in the budget.

§ 1305. AMOUNT TO BE RAISED BY TAXATION

(a) Upon passage of the budget by the annual Town meeting, the amounts stated ~~therein~~ in the budget 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~~ the taxes on the grand list furnished by the listers for the corresponding tax year.

(b) The ~~selectmen~~ Selectboard shall ~~likewise~~ levy ~~such~~ taxes for the purposes of meeting the budget of the Middlebury Incorporated School District No. 4 and paying the amount ~~which~~ that the Union School District No. 3 assesses the Town. In the event the Union School District No. 3 has not passed a budget at the time the ~~selectmen~~ Selectboard levies ~~the~~ the taxes, the ~~selectmen~~ Selectboard may, in their sole discretion, base ~~such~~ the levy on the prior tax year assessment to the Town by the Union School District No. 3. In ~~such~~ that case, after the passage of the Union School District No. 3 budget and assessment to the Town, the ~~selectmen~~ Selectboard may adjust the levy of ~~such~~ the taxes and the Town shall credit the taxpayers for payment of property taxes for the year accordingly.

§ 1306. BUDGET LIMITATIONS; BORROWING

* * *

(b) The Town, through the ~~selectmen~~ Selectboard, may borrow money in anticipation of taxes. The total amount so borrowed shall not exceed 90 percent of the taxes assessed for ~~such~~ the year, and the notes or orders issued ~~therefor~~ shall mature not later than the end of the fiscal year of the Town.

* * *

(d) In cases of emergency, the ~~selectmen~~ Selectboard may appropriate funds or borrow money in the name of the Town. The total combined emergency appropriations and borrowing in any year shall not exceed five percent of the amount voted at the annual meeting as the Town budget, or if the appropriation or borrowing is prior to the annual meeting, then five percent of the amount voted at the prior annual meeting as the Town budget. Notes or orders for ~~such~~ the emergency borrowing shall mature not more than one year from the date of issuance and shall not ~~thereafter~~ be renewed unless the Town ~~so~~ votes to approve. Any emergency borrowing or appropriation shall be reported at the next Town meeting.

(e) The ~~selectmen~~ Selectboard, in the name of the Town, may borrow funds in anticipation of federal and State funds ~~which~~ that have been approved and committed, until ~~such~~ the time as ~~such~~ the funds are available. Any debt ~~so~~

incurred for a project shall be repaid from the first federal or State funds received for that project.

* * *

§ 1307. TRANSFERS OF APPROPRIATIONS

At any time during the fiscal year the Manager may transfer part or all of any unused appropriation balance among programs within a department, office, or agency. Upon written request by the Manager, the ~~selectmen~~ Selectboard may by resolution transfer part or all of any unused appropriation balance from one department, office, or agency to another. Notwithstanding the above, no unexpended balance in any appropriation not included in the budget of the ~~selectmen~~ Selectboard shall be transferred or used for any other purpose.

* * *

§ 1309. INVESTMENTS

* * *

(c) The ~~selectmen~~ Selectboard shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds shall have been invested, as well as the proceeds of ~~such~~ the investments.

* * *

Sec. 10. 24 App. V.S.A. chapter 129 is amended to read:

CHAPTER 129. TOWN OF MILTON

* * *

§ 1003. PREPARATION AND SUBMISSION OF THE CAPITAL BUDGET

* * *

(b) The Town Manager in the case of the Town and the Superintendent in the case of the school, at least 60 days before the date of the regular annual meeting, shall submit to the Selectboard or school trustees a budget ~~which~~ that, except as required by law or this charter, shall be in such form as the Manager or Superintendent deems desirable and the Selectboard or school trustees may require. The capital budget shall contain:

* * *

(3) Other. Such other information as may be required by the ~~Board of Selectmen~~ Selectboard or school trustees.

* * *

Sec. 11. 24 App. V.S.A. chapter 131 is amended to read:

CHAPTER 131. TOWN OF PLAINFIELD

* * *

§ 203. RESERVATION OF POWERS TO THE TOWN

Nothing in this charter shall be construed to in any way limit the powers and functions conferred on the Town of Plainfield, the ~~selectmen~~ Selectboard

of ~~said~~ the Town, or its elected and appointed officials by general or special enactments of State statutes or regulations 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 unless this charter otherwise provides.

* * *

Sec. 12. 24 App. V.S.A. chapter 133 is amended to read:

CHAPTER 133. TOWN OF POULTNEY

* * *

§ 104. FORM OF GOVERNMENT

The municipal government provided by this charter shall be known as council-manager form of government. Pursuant to these provisions and subject only to the limitations imposed by the Vermont Constitution and by this charter, all powers of the Town shall be vested in an elective council, ~~hereinafter~~ referred to in this charter as the ~~Board of Selectmen~~ Selectboard.

* * *

§ 302. SPECIAL ELECTIVE OFFICERS

In addition to those elective officers provided for by law, the officers elected at the annual Town meeting shall be:

* * *

(2) water and sewer commissioners, ~~(in the event the Board of Selectmen so direct)~~ Selectboard directs.

§ 303. TERMS OF OFFICE ~~SELECTMEN; SELECTBOARD~~

(a) There shall be three ~~selectmen~~ Selectboard members elected for a staggered term of three years, with only one of these positions vacant in any one year, and two ~~selectmen~~ Selectboard members elected for a one-year term.

(b) At their first regular meeting following the annual Town meeting, the ~~selectmen~~ Selectboard shall elect a Chair and a Vice Chair of the ~~Board of Selectmen~~ Selectboard, each of whom shall be elected for a term of one year and may succeed himself or herself indefinitely.

* * *

§ 305. APPOINTED OFFICERS

(a) The ~~Board of Selectmen~~ Selectboard may appoint any officers, commissioners, or employees required by the Town's personnel regulations or this charter. All appointments shall require as a precondition a job description.

(b) The Town Manager shall function as the personnel officer of the Town and shall present to the ~~Board of Selectmen~~ Selectboard members all candidates for Town positions.

(c) All matters relating to the hiring, performance, tenure, discipline, and termination of Town employees shall be controlled by personnel policies and plans to be adopted by the ~~Board of Selectmen~~ Selectboard.

(d) The ~~Board of Selectmen~~ Selectboard shall appoint the following officers:

* * *

§ 306. VACANCIES OF ELECTED AND APPOINTED OFFICERS

* * *

(b) Any person of legal voting age may, within 10 days of the publication, submit ~~his/her~~ his or her name to the Town Manager as an applicant for the vacancy. The names of all applicants shall be entered in the minutes of the next regularly scheduled ~~selectmen's~~ Selectboard meeting.

(c) At the first regular meeting of the ~~Board of Selectmen~~ Selectboard following the expiration of the period set forth in subsections (a) and (b) of this section, the ~~selectmen~~ Selectboard shall fill the vacancy. ~~Said~~ The appointments shall be for the remainder of the unexpired term unless this charter provides otherwise.

* * *

§ 501. POWERS AND DUTIES

(a) The members of the ~~Board of Selectmen~~ Selectboard shall constitute the legislative body of the Town of Poultney for all purposes required by law, and shall constitute the Board of Cemetery Commissioners, the Board of Liquor Control Commissioners and, with the Town Health Officer, the Local Board of Health Commissioners.

(b) While the ~~Board of Selectmen~~ Selectboard shall establish policies governing the management of Town affairs, it shall be the sole duty and responsibility of the Town Manager to implement Town policies and supervise the day-to-day operation of Town government.

§ 502. ORGANIZATION

(a) Three ~~selectmen~~ Selectboard members shall constitute a quorum. No action of the ~~Board~~ Selectboard shall be valid or binding unless adopted by the affirmative vote of at least three ~~selectmen~~ Selectboard members. In cases where a statute requires a greater number of the ~~Board~~ Selectboard for an affirmative vote, ~~such~~ the provisions of law shall control.

(b) The ~~Board of Selectmen~~ Selectboard may vote on an item not warned on a public agenda only in an emergency and with the consent of the majority of the ~~Board~~ Selectboard. An emergency may be defined as an unforeseen situation that imperils the welfare of the Town and that requires immediate action.

§ 503. RECORD OF PROCEEDINGS

(a) The ~~Board of Selectmen~~ Selectboard shall keep an official record of its proceedings.

(b) The minutes of each meeting shall be approved by the ~~selectmen~~ Selectboard and shall be filed in the Town Clerk's office. A duly certified copy of such minutes, attesting to the accuracy thereof, shall constitute the

official record of ~~such~~ the meeting and shall constitute prima facie evidence of the action taken.

* * *

§ 701. APPOINTED BY ~~SELECTMEN~~ SELECTBOARD MEMBERS

The ~~Board of Selectmen~~ Selectboard shall appoint a Town Manager whose responsibilities, powers, and terms of employment shall be as provided by general law, except as otherwise provided by this charter.

* * *

§ 901. APPOINTMENTS

The ~~Board of Selectmen~~ Selectboard may appoint and compensate commissions, committees, and employees as needed, and delegate incidental powers necessary for the proper functioning ~~thereof~~ of the commissions, committees, or employees as established by law.

* * *

§ 903. POLICE DEPARTMENT; APPOINTMENTS

Public safety services shall be provided for the Town in a manner acceptable to the ~~Board of Selectmen~~ Selectboard.

* * *

§ 1001. WATER AND SEWER SYSTEMS; DUTIES OF ~~SELECTMEN~~

SELECTBOARD

Until such time as a separate Board or Boards of Water and Sewer Commissioners shall be established, the ~~Board of Selectmen~~ Selectboard shall act as ~~such~~ the commissioners.

* * *

§ 1101. POSTPONEMENT AND COMBINING OF TOWN MEETING

(a) The ~~selectmen~~ Selectboard may postpone the vote on any question to be voted at a special Town meeting to the annual meeting if ~~such~~ the special meeting would fall within 120 days of the annual meeting.

(b) If a special Town meeting will fall within 120 days of another special Town meeting called by petition, the ~~selectmen~~ Selectboard may warn the questions to be voted at ~~such~~ the Town meeting for the later Town meeting, and may by resolution rescind the call of the earlier meeting.

§ 1102. VOTING QUESTION BY AUSTRALIAN BALLOT

The election of Town officers and the consideration of all public questions shall be by Australian ballot at any annual meeting or at any special ~~town~~ Town meeting called on motion of the ~~selectmen~~ Selectboard or by petition. A public question voted by Australian ballot shall be preceded by a public informational meeting, to start at 7:30 o'clock in the evening of the day preceding ~~that on which~~ the day that the polls are to be opened. The warning

for the special ~~town~~ Town meeting to vote by Australian ballot shall include a notice of the time and place of the public hearing.

* * *

§ 1105. HIGHWAY BUDGET

Notwithstanding any other provision of general law or this charter to the contrary, annually the ~~selectmen~~ Selectboard shall prepare a highway budget with respect to the operation, maintenance, repair, and construction of Town highways, ~~which~~. The budget shall be voted upon as a separate article at each annual town meeting or a special town meeting called for that purpose. Voting on the proposed highway budget shall be restricted to only those eligible voters residing in that part of the Town not within the incorporated limits of the Village of Poultney. The approved Town highway budget ~~so approved~~ shall be funded by a highway tax to be levied on the grand list of the Town representing ratable property situated in that part of the Town not within the incorporated limits of the Village of Poultney.

* * *

§ 1502. PREPARATION AND SUBMISSION OF BUDGET AND TOWN
REPORT

(a) The Town Manager, at least 60 days before the date of the regular annual Town meeting, shall submit to the ~~selectmen~~ Selectboard a budget which shall contain:

* * *

(6) ~~Such~~ Any other information as that may be required by the ~~Board of~~
~~Selectmen~~ Selectboard or law.

(b) The ~~selectmen's~~ Selectboard budget in its final form and the warning of
the meeting shall be made available to the legal voters of the Town in an
annual Town report at least 14 days prior to the annual Town meeting.

* * *

§ 1504. AMOUNT TO BE RAISED BY TAXATION

Upon approval of the budget under section 1503 of this charter, the amounts
stated ~~therein~~ in the budget as the amount to be raised by property taxes,
reduced by cash surplus from excess collected property taxes, fees, charges,
fines, and interest, if any, as indicated by the statement of the Town auditors,
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~~ the taxes on the grand list furnished by the listers for the
corresponding year.

§ 1505. TRANSFERS OF APPROPRIATIONS

At any time within the fiscal year, the ~~Board of Selectmen~~ Selectboard may
transfer funds from single budget line items to other budget line items. A
budget line item will be an individual budget item listed on the budget
presented to and approved under section 1503 of this charter.

* * *

Sec. 13. 24 App. V.S.A. chapter 141 is amended to read:

CHAPTER 141. TOWN OF READSBORO

* * *

Subchapter 2. ~~Board of Selectmen~~ Selectboard

* * *

§ 21. LEGISLATIVE BODY

The Town of Readsboro shall be managed by the ~~Board of Selectmen which~~
Selectboard that shall be its the legislative body of the Town.

* * *

§ 24. TRANSITIONAL BOARD

The ~~selectmen~~ Selectboard members of the Town of Readsboro, serving on
the effective date of this merger, shall continue in office and be deemed
~~selectmen~~ Selectboard members of the merged and consolidated Town of
Readsboro for the remainder of the terms of their respective elected offices.

§ 25. CHAIR AND QUORUM

The ~~Board~~ Selectboard may elect one of its members as ~~Chairman~~ Chair,
and a majority of the ~~Board~~ Selectboard present shall constitute a quorum for
the transaction of business.

* * *

Sec. 14. 24 App. V.S.A. chapter 149 is amended to read:

CHAPTER 149. TOWN OF SPRINGFIELD

* * *

§ 5. ORDINANCES

* * *

(b) Legislative body:

(1) The ~~Board of Selectmen~~ Selectboard shall constitute the legislative, body of the Town with the power, between Town meetings, to adopt, amend, repeal, or enforce ordinances.

(2) Town meeting, as constituted herein, in addition to its other functions, shall also serve as a legislative body and may adopt, amend, or repeal an ordinance.

* * *

(B) The entire text of ordinances subject to Town meeting action must be published in a newspaper or newspapers of general circulation as may be directed or designated by the ~~Board of Selectmen~~ Selectboard, at least 30 days before the meeting.

* * *

(E) Ordinances acted upon by Town meeting shall not apply to any appointments of officers, members of boards and commissions to be made by

the ~~Board of Selectmen~~ Selectboard, or to the appointment or designation of
the ~~selectmen~~ Selectboard members, or their rules of order.

* * *

(G) Any ordinance to be passed by either Town meeting or the ~~Board
of Selectmen~~ Selectboard must be set forth in a uniform format as follows:

* * *

(c) Ordinance adoption procedure:

(1) The ~~selectmen~~ Selectboard shall designate the category into which
action an ordinance shall fall.

* * *

(d) Procedure for drafting, adoption, rejection, major amendment, or repeal
of ordinances:

(1) Drafting: Ordinances, or related actions ~~related thereto~~, shall be
drafted by or submitted in draft form to an ordinance subcommittee consisting
of ~~no~~ not more than two ~~Board of Selectmen~~ Selectboard members.

(2) Reporting out:

(A) The ordinance subcommittee shall review the ordinance for form
and report it out to the ~~Board of Selectmen~~ Selectboard for first review.

* * *

(3) Introduction and first review:

(A) The proposed ordinance or action shall be introduced at a ~~Board of Selectmen~~ Selectboard meeting by the ordinance subcommittee.

* * *

(5) Amendment during second review: Should the ~~Board of Selectmen~~ Selectboard decide after the public hearing to amend the text of the proposed ordinance, the process and timetable shall revert back to second review with the new public hearing to be held in ~~no~~ not less than 14, but ~~no~~ not more than 28 days and all notice requirements to be met in ~~subsection 4 above~~ subdivision (4) of this subsection.

(6) Final Action:

(A) Upon completion of the second review, the ~~Board of Selectmen~~ Selectboard shall act to adopt or reject the ordinance.

* * *

(7) Repeal: The repeal of any existing ordinance shall follow the procedure prescribed ~~herein~~ by this charter for passage of an ordinance.

(e) Minor Amendments: An action classed by ~~Board of Selectmen~~ Selectboard vote as a minor amendment, pursuant to subsection (c) of this section, may be adopted after the completion of first review.

(f) Emergency ordinances:

(1) To meet a public emergency affecting life, health, property, or the public peace, the ~~Board of Selectmen~~ Selectboard may adopt one or more emergency ordinances.

* * *

(3) An emergency ordinance shall be exempt from the adoption procedures required for ordinances generally. However, it must be submitted in writing at a public meeting of the ~~Board of Selectmen~~ Selectboard in a form consistent with other ordinances.

* * *

(5) An emergency ordinance may be adopted or rejected, with or without amendment, at the meeting at which it is introduced, but an affirmative vote of four ~~Board of Selectmen~~ Selectboard members is required for adoption.

* * *

(8) In order for actions taken under an emergency ordinance to be binding beyond the time period of the emergency as determined by the ~~Board of Selectmen~~ Selectboard, the ordinance must be ratified in a manner similar to other ordinances.

* * *

(h) Standard codes of technical regulations:

(1) The ~~Board of Selectmen~~ Selectboard may adopt any standard code of technical regulations by references thereto in an adopting ordinance.

* * *

(i) Authentication and recording, codification, printing:

(1) Authentication and recording: The Town Clerk shall authenticate, by signature, and recording, in full, all ordinances and resolutions adopted by the ~~Board of Selectmen~~ Selectboard.

(2) Printing of ordinances and resolutions:

(A) The ~~Board of Selectmen~~ Selectboard shall cause each ordinance and resolution having the force and effect of law to be printed.

(B) Printed ordinances, resolutions, charters, and charter amendments shall be distributed or sold to the public at reasonable prices set by the ~~Board of Selectmen~~ Selectboard.

* * *

(3) Codification:

(A) Within one year after the adoption of this charter, and at least every five years thereafter, the ~~Board of Selectmen~~ Selectboard shall provide for the uniform codification of all ordinances and resolutions having the force of law.

(B) When completed, the updated codification will be adopted by the ~~Board of Selectmen~~ Selectboard by ordinance, and shall be published in a form convenient for general use and shall be incorporated into the Town code.

(j) Penalties:

(1) The ~~selectmen~~ Selectboard may provide for and authorize within an ordinance, penalties for the breach of any ordinance ~~which~~ that the general law or this charter authorized.

* * *

§ 6. OPEN MEETINGS; FREEDOM OF INFORMATION

* * *

(d) Access to public records:

* * *

(2) The ~~Board of Selectmen~~ Selectboard shall fix a fee for costs of recovering and reproduction of public records in consideration of their availability and effort involved in production and reproduction.

§ 7. POTENTIAL OR ACTUAL CONFLICT OF INTEREST; PERSONAL
FINANCIAL INTEREST

(a) At a meeting, no elective or appointive officer, acting in an official capacity, or employee of the Town, while engaged in his or her duties, shall raise the issue of, place on the agenda, participate in a discussion of, or take part in a discussion concerning any business of the Town relating to ~~his/her~~ his or her business or personal financial interests, or those of a spouse, be they direct or indirect, to the degree that said interests exceed those of taxpayers generally.

* * *

(f) Any contract, sale, or action taken in violation of this section shall be voidable by the ~~Board of Selectmen~~ Selectboard.

* * *

(h) The ~~Board of Selectmen~~ Selectboard may require public disclosure of assets or financial interest, in a form they may prescribe, of any elected or appointed official as part of an investigation into matters of conflict of interest, or for the purposes of general investigation. Failure to disclose or incomplete or falsified disclosure may be cause for removal as provided under subdivision 23(b)(8)(B) of this charter.

* * *

§ 8. LICENSES; FEES; CHARGES; USER FEES; FEES FOR SERVICE

(a) The ~~Board of Selectmen~~ Selectboard shall have the sole authority for the setting of all fees, charges, user fees, or fees for services, related to Town government, except those prescribed by State statute relating to the Office of the Town Clerk. All fees and charges set by the ~~Board of Selectmen~~ Selectboard shall be reasonably related to actual costs.

(b) The ~~Board of Selectmen~~ Selectboard shall have the authority to license or issue permits for any function or activity, taking place or occurring within the boundaries of the Town, over which jurisdiction is established by statute, ordinance, or this charter.

* * *

(d) All fees, charges, user fees, or fees for service shall be implemented by passage of a comprehensive fee ordinance ~~which~~ that shall be placed on the ~~Board of Selectmen~~ Selectboard agenda for review ~~and/or~~ or update, every three years from its date of passage.

(e) No officer of the Town shall collect fees or prerequisites for ~~his/her~~ his or her own use, and all fees or charges shall be accrued to the General Fund.

§ 9. ACQUISITION AND DISPOSITION OF TOWN PROPERTY

(a) The ~~Board of Selectmen~~ Selectboard shall pass an ordinance governing the acquisition or disposition of Town property, ~~which~~ that shall outline procedures for the handling of ~~such matters~~ the acquisition or disposition of Town property.

(b) The ~~Board of Selectmen~~ Selectboard may acquire or dispose of real property in accordance with ~~such~~ the ordinance.

§ 10. EMERGENCY POWERS

(a) Declaration of public emergency: The ~~Board of Selectmen~~ Selectboard may, upon majority vote, declare a state of public emergency ~~which~~ that threatens life, property, or the public health or welfare.

(b) Condemnation, eminent domain: In the event of a declared public emergency ~~which~~ that threatens life, property, or the public health or welfare, duly declared by unanimous ~~Board of Selectmen~~ Selectboard action at a duly warned meeting, the ~~Board of Selectmen~~ Selectboard may exercise powers of

eminent domain and condemnation and take real property or personal property, after notice to the owner and the fixing of fair compensation. An aggrieved party may appeal to Superior Court.

(c) Civil preparedness: The Town Manager shall be the designated ~~civil preparedness chairman~~ Civil Preparedness Chair and shall be duty bound to exercise the powers afforded by statute, and any powers and functions outlined by the ~~Board of Selectmen~~ Selectboard in a declared emergency.

§ 11. PROCEDURES FOR CHARTER REVISION AND AMENDMENT

(a) The procedures and process for charter amendment ~~herein~~ in this section may be initiated either by a unanimous vote of the ~~Board of Selectmen~~ Selectboard, or by a citizen initiative (~~petition~~) or petition equal to five percent of the voters.

(b) The procedure for charter revision shall be as follows:

(1) The ~~Board of Selectmen~~ Selectboard shall appoint a Charter Review Committee of not less than ten (~~10~~) members, which shall include representatives from the ~~Board of Selectmen~~ Selectboard, the administration, and the community at large, with the majority from the community at large.

(2) Within one year after appointment, the Charter Review Committee shall report out any amendments, revisions, or changes.

(3) The ~~Board of Selectmen~~ Selectboard shall determine if the proposed amendments are a comprehensive revision, and shall determine the format of the article.

* * *

(c) In addition to the procedure set forth above in subsections (a) and (b) of this section, the charter may be revised or amended by the submission of a citizen initiative (~~petition~~) or petition signed by 10 percent of the voters. The petition and subsequent action shall conform to the requirements of State statutes relating to charter amendment procedures, shall be subject to the determination of the ~~Board of Selectmen~~ Selectboard as to whether or not they are comprehensive in nature, and shall be approved by a Town meeting vote with at least 25 percent of voters participating.

* * *

§ 13. USE OF STREETS BY PUBLIC UTILITIES AND PRIVATE INTERESTS

Every public utility and private interest that desires to dig up a public street or alley for the purpose of laying pipes or wires shall first obtain from the ~~selectmen~~ Selectboard a written permit stating the place where and the time when digging may be done. Upon receipt of a permit, the digging up and replacing of the street or alley shall be done under the supervision of the ~~selectmen~~ Selectboard, they may complete the work at the expense of the

utility or private interest and recover that expense in an action of tort under
19 V.S.A. § 1525, in the name of the Town, with costs.

* * *

§ 22. TOWN MEETING; ELECTIONS

* * *

(b) Meetings and Elections:

(1) Annual Town meeting:

(A) On the Monday preceding the first Tuesday in March, beginning
at 7:30 p.m. at a place designated by the ~~selectmen~~ Selectboard, the Town shall
start its annual meeting and may transact at that time any business not
involving Australian ballot. At this meeting, public discussion of ballot issues
and all other issues appearing on the warning, other than the election of
candidates, shall be permitted.

* * *

(2) Special Town meetings:

(A) Special Town meetings may be called at any time for reasons as
prescribed by charter, by a majority vote of the ~~Board of Selectmen~~
Selectboard; or by the decree of the Town Clerk upon receipt of a petition
signed by ~~no~~ not less than five percent of the voters registered at the time the
petition is submitted.

* * *

(3) Warnings:

(A) Timetable and notice: Public notice of every annual or special Town meeting, or Town election, shall be given by a warning posted in at least five public places in the Town, at least 30, but ~~no~~ not more than 40 days prior to the meeting; and published in a newspaper or newspapers of general circulation in the municipality as may be directed or designated by the ~~Board of Selectmen~~ Selectboard.

(B) Contents: The warning shall contain:

* * *

(iii) The signatures of a majority of the ~~Board of Selectmen~~ Selectboard.

(C) Placing of articles on a warning for the annual Town meeting:

(i) Articles may be placed on the warning by:

(I) A majority vote of the ~~Board of Selectmen~~ Selectboard;

* * *

(4) Power of ~~selectmen~~ Selectboard on Australian ballot decree:

(A) The ~~selectmen~~ Selectboard may cause any question not covered in section 21(1) of this charter to be voted by Australian ballot at any annual or special Town meeting called on their action, or by petition, provided that the warning for ~~such~~ the meeting specifies the question to be voted.

* * *

(6) Postponing or continuing of Town meetings:

(A) The ~~selectmen~~ Selectboard may postpone the vote on any question to be voted at a special meeting to the later annual meeting if the date of the special meeting would fall 75 days prior to the annual meeting.

(B) If a special Town meeting falls within 45 days of a later special Town meeting called by petition, the ~~selectmen~~ Selectboard may warn the questions to be voted at such Town meeting for the later Town meeting, and may by resolution rescind the call of the earlier meeting.

(7) Citizen initiatives; revote; ~~recession~~ recission of articles other than election of officers:

(A) Any question voted at an annual or special Town meeting, except charter revision or amendment, may be submitted for revote or ~~recession~~ recission at a subsequent annual or special Town meeting, subject to the limits contained ~~herein~~ in this section.

(B) Requests for revote or ~~recession~~ recission must be by resolution of at least four members of the ~~Board of Selectmen~~ Selectboard, or by a petition signed by at least five percent of the voters registered on the date of the action.

(C) Any action for revote or ~~recession~~ recission must be taken or filed within 30 days of the date the action was first considered.

(D) The Town Clerk shall warn a special Town meeting to be held within 60 days of the date of the call for revote or ~~recession~~ recission.

* * *

(G) Any question voted on or considered shall be subject to revote or ~~recision~~ recision only once in the 12 months following the initial vote, except for the Town budget ~~which~~ that shall be voted until passed.

* * *

(9) Nonproductive elections: In the event that a legal election fails to produce a person to fill any elected Town office, the ~~Board of Selectmen~~ Selectboard shall, within 30 days of the election, appoint a qualified individual to serve in the position until the next annual Town meeting.

(10) Board of Civil Authority:

(A) The Board of Civil Authority shall consist of the justices of the peace residing within the Town who shall be elected in accordance with State statute, the Town Clerk, and the ~~Board of Selectmen~~ Selectboard.

(B) At the first meeting following the first day of February of odd numbered years, the Board of Civil Authority shall elect a ~~Chairman~~ Chair and a Vice ~~Chairman~~ Chair from among its members.

* * *

§ 23. LOCAL ELECTED OFFICIALS

(a) Local elective offices to be filled by the voters of the Town of Springfield shall be only those articulated by this charter and shall include:

(1) ~~Board of Selectmen~~ Selectboard;

* * *

(b) Provisions related generally to all elected local offices:

* * *

(3) Compensation:

(A) The manner of compensation for the ~~selectmen~~ Selectboard ~~members~~ and the Moderator shall be fixed by the voters, and for all other elective offices, by the ~~Board of Selectmen~~ Selectboard.

* * *

(4) Recall of elected officials:

(A) Any elected official may be removed from office as follows: A petition signed by not less than 15 percent of the registered voters shall be filed with the ~~selectmen~~ Selectboard, requesting a vote on whether the elected officer shall be removed from office. The date of signing by each voter shall be indicated in the petition and ~~such~~ the date shall not be earlier than 30 days prior to the filing of the petition. The ~~selectmen~~ Selectboard shall call a special Town meeting, to be held within 45 days of receiving the petition, to vote on whether the elected officer shall be removed. The official shall be removed only if at least as many registered voters of the Town vote as voted in the election ~~wherein~~ in which the officer was elected, or at least one-third of the registered voters of the Town vote, whichever is greater, and a majority of the number of votes is cast for removal.

(B) If the Town votes for removal of an elected officer, the office shall thereupon become vacant, and the ~~selectmen~~ Selectboard shall call a special meeting, to be held within 45 days of the vote for removal, to fill the vacancy until the term of the officer ~~so removed~~ expires. The office shall remain vacant until the next annual Town meeting if ~~such~~ the special meeting would fall within 75 days prior to the annual Town meeting.

* * *

(7) Qualification to run for and hold local office:

* * *

(B) Should an elected holder of local office establish residence in some place other than Springfield, the office shall be declared immediately vacant by the ~~Board of the Selectmen~~ Selectboard and ~~said~~ the vacancy shall be filled in accordance with the provisions of the charter.

* * *

(8) Vacancy:

* * *

(B) The declaration of a condition for forfeiture of office shall be made by the unanimous vote of the ~~Board of Selectmen~~ Selectboard, or in the case of a ~~selectmen~~ Selectboard member, by the other members of the ~~Board of Selectmen~~ Selectboard, and shall be according to procedures established in

3 V.S.A. chapter 25, as they pertain to contested cases, and may be appealed to the Superior Court as contested cases are appealed.

(c) Elected officers, duties, responsibilities, and conduct:

(1) ~~Board of Selectmen~~ Selectboard:

(A) Number and term: Unless altered by the procedures provided ~~herein in this section~~, the policy making body for the Town shall be a five member ~~Board of Selectmen~~ Selectboard, elected at large, on a nonpartisan basis, to rotating, ~~three-year~~ three-year terms.

(B) Powers and duties: The ~~Board of Selectmen~~ Selectboard shall discharge all duties conferred, imposed, or implied, by statute or prescribed by this charter for ~~boards of selectmen legislative bodies~~, except as ~~herein~~ limited by this section, or specifically transferred to the Town Manager. Further, unless stated in this charter, the powers and duties of any elected or appointed office not created by this charter shall be conferred on the ~~Board of Selectmen~~ Selectboard. All committees of the ~~Board~~ Selectboard, and all citizen boards and commissions shall be advisory in nature, unless a specific legal or policy making function is otherwise provided by State law or ordinance as limited by this charter. In this charter, the failure to mention a particular power shall not serve to exclude it or be restrictive of the scope of powers ~~which~~ that the ~~Board of Selectmen~~ Selectboard would otherwise have.

(C) Organization of the ~~Board of Selectmen~~ Selectboard, ~~Chairman~~ Chair, Vice ~~Chairman~~ Chair:

(i) The ~~Board of Selectmen~~ Selectboard shall have a ~~Chairman~~ Chair who shall be elected annually by a majority vote of the five members.

(ii) The Board shall, in a similar manner, choose a Vice ~~Chairman~~ Chair to serve in the absence or disability of the ~~Chairman~~ Chair.

(D) Duties of the ~~Chairman~~ Chair:

(i) The ~~Chairman~~ Chair shall be the official head of the Town for all ceremonial purposes.

(ii) The ~~Chairman~~ Chair shall preside at all meetings of the ~~Board of Selectmen~~ Selectboard and may participate in all proceedings as a regular member.

* * *

(E) Meetings:

(i) Organizational meeting:

(I) Within seven days after the annual Town meeting, the ~~Board of Selectmen~~ Selectboard, duly certified, shall meet for the purpose of taking the oath of office, organizing, electing a ~~Chairman~~ Chair and Vice ~~Chairman~~ Chair, and the adoption of rules for the transaction of business.

(II) The Town Clerk shall preside at the organizational meeting of the ~~Board of Selectmen~~ Selectboard prior to the election of the ~~Board Chairman~~ Chair of the Selectboard.

* * *

(ii) Regular meetings:

* * *

(II) The time and place of regular ~~Board of Selectmen~~ Selectboard meetings shall be publicly announced to the media.

(iii) Agenda:

(I) The ~~Chairman~~ Chair or Vice ~~Chairman~~ Chair shall, with the Town Manager, prepare a written agenda for each regular meeting of the ~~Board of Selectmen~~ Selectboard.

(II) Any ~~Board of Selectmen~~ Selectboard member, citizen in attendance, or the Manager, may request at the start of the meeting that items be added to the agenda, provided all ~~selectmen~~ Selectboard members present ~~so~~ vote to add the item.

* * *

(v) Clerk; minutes:

* * *

(II) The ~~Board of Selectmen~~ Selectboard may employ a stenographer to assist the Town Clerk in the discharge of duties related to minutes.

(vi) Special meetings and workshops:

(I) Special meetings may be called at any time by the ~~Chairman~~ Chair, or the Vice ~~Chairman~~ Chair in the absence of the ~~Chairman~~ Chair, or by written request, signed by three ~~Board~~ Selectboard members.

(II) Notice of a special meeting shall be served, in a reasonable manner, on all members of the ~~Board of Selectmen~~ Selectboard.

* * *

(V) If an emergency meeting of the ~~Board of Selectmen~~ Selectboard is required, on very short notice, every possible effort shall be made to notify the media.

(vii) Public meetings; citizen input; executive session:

(I) All meetings of the ~~Board of Selectmen~~ Selectboard shall be open to the public, and shall comply with all the pertinent provisions of this charter.

* * *

(viii) Correction of irregularities: Any irregularities or defects in the notice of or conduct of any meeting of the ~~Board of Selectmen~~ Selectboard may be cured at any subsequent regular meeting, provided that ~~such~~ the

resolution is included on the agenda of a regular or special meeting and is adopted by a majority of the ~~Board~~ Selectboard.

(ix) Vacancies: A vacancy on the ~~Board of Selectmen~~ Selectboard shall be filled by a majority vote of the remaining ~~Board~~ Selectboard, ~~said the~~ appointment to run until the next annual Town meeting at which an election can be warned to fill the unexpired term.

(2) Listers:

* * *

(D) Vacancies on the Board of Listers shall be filled by a majority vote of the ~~Board of Selectmen~~ Selectboard, ~~said the~~ appointment to run until the next annual Town meeting at which an election can be warned to fill the unexpired term.

(3) Moderator:

* * *

(B) Should a vacancy occur in the office of Moderator, it shall be filled by a majority vote of the ~~Board of Selectmen~~ Selectboard for the unexpired term.

(4) Town Constable:

* * *

(F) A vacancy in the Office of Constable shall be filled by a majority vote of the ~~Board of Selectmen~~ Selectboard.

(5) Cemetery commissioners:

* * *

(C) The Cemetery Commission shall advise the ~~Board of Selectmen~~ Selectboard regarding the condition, operation, and maintenance of cemeteries, but shall in no way supervise administration of cemetery personnel.

* * *

(F) Vacancies in the office of cemetery commissioner shall be filled by a majority vote of the ~~selectmen~~ Selectboard, ~~said the~~ the appointment to run until the next annual Town meeting at which an election can be warned to fill the unexpired term.

(6) Trustees of public funds:

* * *

(D) The trustees shall be charged with maximizing the return on all invested funds while maintaining their security. In service of this goal, they shall file with the ~~Board of Selectmen~~ Selectboard an annual plan outlining the program of investments for the year.

* * *

(F) Vacancies on the trustees of public funds shall be filled by a majority vote of the ~~Board of Selectmen~~ Selectboard, ~~said the~~ the appointment to run until the next annual Town meeting at which an election can be warned to fill the unexpired term.

§ 24. APPOINTED NONADMINISTRATIVE OFFICIALS

(a) General provisions applying to all appointed positions:

(1) The appointed positions herein shall all be appointed by a majority vote of the ~~Board of Selectmen~~ Selectboard.

(2) Terms of appointment shall begin immediately upon ~~Board of Selectmen~~ Selectboard action and run for a period as specified herein.

* * *

(4) Appointees may be afforded compensation or reimbursement for expenses as determined by the ~~Board of Selectmen~~ Selectboard.

(5) For the purposes of the administrative code, within one year after the adoption of this charter, all appointees, positions, boards, and commissions shall be required to submit a proposed ordinance to the ~~Board of Selectmen~~ Selectboard outlining duties and responsibilities, which the ~~Board of Selectmen~~ Selectboard shall amend and adopt.

(6) To the highest degree possible, the ~~Board of Selectmen~~ Selectboard shall strive for a balance of opinion on all appointive positions, boards, and commissions.

(7) Although operating independently, all appointive boards and commissions shall be required to cooperate with the ~~Board of Selectmen~~ Selectboard in the exercise of their duties in the pursuit of the public good. They shall be required to file an annual report for inclusion in the Town report,

and also to file any other reports requested by the ~~Board of Selectmen~~
Selectboard, and be in attendance at any meeting so requested by the ~~Board of~~
~~Selectmen~~ Selectboard.

(8) If an appointed official misses three consecutive regular scheduled meetings of the appointed body for reasons other than health or personal emergency, that office may be declared immediately vacant by the ~~Board of Selectmen~~ Selectboard. The official shall be entitled to a hearing before the ~~Board~~ Selectboard prior to a final determination.

* * *

(c) Appointed boards and commissions established by charter:

(1) Planning Commission:

(A) The ~~Board of Selectmen~~ Selectboard shall appoint the members of the Planning Commission in accordance with State statute.

* * *

(2) Zoning Board of Adjustment:

(A) The ~~Board of Selectmen~~ Selectboard shall appoint the members of the Zoning Board of Adjustment in accordance with State statute.

* * *

(3) Housing Authority:

(A) The ~~Board of Selectmen~~ Selectboard shall appoint members of the Housing Authority.

* * *

(4) Airport Commission:

(A) So long as there is an airport in Springfield, the ~~Board of Selectmen~~ Selectboard shall appoint an Airport Commission, the number of members to be decided by the ~~Board of Selectmen~~ Selectboard.

(B) The purpose of the Airport Commission shall be to advise the ~~Board of Selectmen~~ Selectboard on airport-related matters.

* * *

(d) Boards, commissions, committees created by ~~Board of Selectmen~~ Selectboard action:

(1) The ~~Board of Selectmen~~ Selectboard may, at any time, in response to a perceived need, create, by ordinance or resolution, a board, commission, or committee.

* * *

(3) Any body created under this section shall not have an effective life of more than three years. At the end of that period the mandate creating the committee shall terminate and the ~~Board of Selectmen~~ Selectboard shall be required to review the reason for the body's existence and may act to reconstitute the body.

* * *

§ 31. THE TOWN MANAGER

(a) Appointment: The ~~Board of Selectmen~~ Selectboard shall appoint, with no fewer than four ~~(4)~~ affirmative votes, a Town Manager.

(b) Qualifications: The Town Manager shall be appointed solely on the basis of ~~his/her~~ his or her executive and administrative skills, based on education, training, and experience relative to the duties of the Town Manager, and without reference to political belief or personal relationships.

* * *

(d) Residency: The person appointed as Town Manager need not be a resident of the Town or State at the time of appointment, but must assume residence within a period judged reasonable by the ~~Board of Selectmen~~ Selectboard, but not to exceed six months.

(e) Conditions of employment; compensation: The conditions of employment and compensation shall be a matter to be determined at the time of appointment, and annually thereafter by the ~~Board of Selectmen~~ Selectboard on the Manager's anniversary date, after negotiations in executive session between the Manager ~~(candidate)~~ or candidate and the ~~selectmen~~ Selectboard.

(f) Town Manager; evaluation: Before the ~~Board of Selectmen~~ Selectboard determines the subsequent annual compensation of the Manager, the ~~Board~~ Selectboard and ~~manager~~ Manager shall be required to hold an evaluation session in executive session, at which the ~~manager~~ Manager shall present

management goals for the coming year based on ~~townwide~~ town-wide goals articulated by the ~~Board of Selectmen~~ Selectboard, and shall be evaluated by the ~~Board of Selectmen~~ Selectboard regarding performance in relation to ~~such~~ the goals set out for the previous year.

(g) Oath and bond: Before entering into the duties of office, the Town Manager shall be sworn to the impartial and faithful performance thereof, with a certificate to that effect to be filed with the Town Clerk. The Manager shall execute a bond in favor of the Town for the faithful performance of ~~his/her~~ his or her duties in a sum determined by the ~~Board of Selectmen~~ Selectboard. The premium for ~~said~~ the surety shall be paid by the Town.

(h) Town Manager removal: The Town Manager may be removed at the discretion of the ~~Board of Selectmen~~ Selectboard with ~~no less~~ not fewer than four affirmative votes, after the following procedure is followed:

* * *

(2) Within five working days from the date of service of the resolution, the Manager must file with the ~~Board of Selectmen~~ Selectboard a written request for a public hearing. Failure to file ~~said~~ the notice shall constitute waiver of the right to a hearing.

(3) ~~No~~ Not less than 15 days but ~~no~~ not more than 45 days from the deadline prescribed in subdivision (2) of this subsection, the ~~Board of~~

~~Selectmen~~ Selectboard shall schedule a meeting or public hearing for the purpose of considering the resolution.

* * *

(6) Action by the ~~Board of Selectmen~~ Selectboard in the removal of a Manager shall be final.

(7) In the event of the removal of a Manager for reasons other than poor performance or wrongful conduct, the ~~Board of Selectmen~~ Selectboard may negotiate severance pay to the maximum of six months.

(i) Acting Town Manager; vacancy in the office:

* * *

(2) In the event that illness or injury renders a Manager unable to discharge ~~his/her~~ his or her duties, or in the event that the Manager is suspended or placed on administrative leave, the ~~Board of Selectmen~~ Selectboard shall declare a vacancy in the office and appoint an Acting Manager to serve until such time as the Manager is able to assume regular duties or a new Manager is selected.

* * *

(4) In no case, shall a ~~selectman~~ member of the Selectboard act as Town Manager.

(j) Responsibilities of the Town Manager and authority:

(1) In general. The Town Manager shall be the chief administrative officer of the Town. ~~He/she~~ He or she shall be responsible to the ~~Board of Selectmen~~ Selectboard for the administration and general supervision of all business affairs and property placed in ~~his/her~~ his or her charge pursuant to this charter, State statute, or otherwise.

(2) Limits to authority in general:

(A) The authority of the Manager shall in no way extend to:

* * *

(iii) Judicial or legislative functions of the ~~Board of Selectmen~~ Selectboard or other legal bodies, boards, and commissions;

* * *

(C) The Town Manager may not serve in any elective position in the Town of Springfield. ~~He/she~~ He or she may, however, serve on appointed boards and commissions relevant to Town functions in an ex officio status, as may be determined by the ~~Board of Selectmen~~ Selectboard.

(3) Authority and duties in particular: The Manager shall be charged with full authority to, and be responsible for the following:

* * *

(C) To carry out the policies determined by the ~~Board of Selectmen~~ Selectboard and report to the ~~Board~~ Selectboard on their disposition;

* * *

(E) To keep the ~~Board of Selectmen~~ Selectboard informed on the financial condition of the Town, including monthly and ~~year-end~~ year-end reports showing in detail all receipts and expenditures for Town functions.

(F) To keep the ~~Board of Selectmen~~ Selectboard informed as to the future needs of the Town and make proper administrative provisions for long-term planning, in all areas within the scope of the duties of the Manager.

(G) To make ~~such any~~ reports as that the ~~Board of Selectmen~~ Selectboard may require, or the Manager deems appropriate, or may be required by law or ordinance regarding any and all functions under ~~his/her~~ his or her supervision.

* * *

(I) To be present at all regular ~~Board of Selectmen~~ Selectboard meetings unless excused by the ~~Board~~ Selectboard, and to have the right to attend and take part in all special meetings of the ~~Board of Selectmen~~ Selectboard and subcommittees ~~thereof~~, except when the removal of the Manager is being discussed. Nothing herein shall deny the Manager any rights outlined in subsection (h) of this section, Town Manager removal.

* * *

(M) To remain ultimately responsible to the ~~Board of Selectmen~~ Selectboard for all administrative actions under ~~his/her~~ his or her jurisdiction

although ~~he/she~~ he or she may hold subordinate employees, offices, or agents responsible for the faithful discharge of their duties.

* * *

(O) To examine, or cause to be examined, with or without notice, the affairs of any department under ~~his/her~~ his or her control, ~~or including~~ the conduct of any officer or employee ~~thereof~~. For this purpose, the Manager shall have access to all books, papers, files, reports, or records of all departments that may be necessary for the proper performance of ~~his/her~~ his or her duties.

* * *

(V) To perform such other duties consistent with ~~his/her~~ his or her office as may be required by a vote of the ~~Board of Selectmen~~ Selectboard, by law, ordinance, or mandate not inconsistent with this charter.

(4) Accountability, noninterference, and appointive power: The Town Manager shall be responsible to the ~~Board of Selectmen~~ Selectboard for the proper and efficient administration of the departments under ~~his/her~~ his or her charge as outlined above in this charter. Neither the ~~Board of Selectmen~~ Selectboard, any individual member of the ~~Board~~ Selectboard, nor any of its committees or committee members shall dictate the appointment or discharge of any Town employee by the Town Manager, or in any manner interfere with

~~his/her~~ his or her exercising of judgment in the appointment and discharge of employees in the administration.

(5) Noninterference with administrative discretion and supervision:

Except for the purposes of formal inquiries or investigations made under this charter, the ~~Board of Selectmen~~ Selectboard and its members shall deal with the administration, Town officers, and employees, who are subject to the Manager's direction and supervision, solely through the Town Manager. Neither the ~~Board of Selectmen~~ Selectboard ~~or~~ nor any of its members shall give orders to, or request any action publicly or privately of, any Town employee. Communications for the purposes of information and background shall be considered proper when approved by the Manager.

§ 32. ADMINISTRATIVE DEPARTMENTS

(a) Plan of administrative organization: Within one year after the adoption of this charter, the Town Manager shall submit to the ~~Board of Selectmen~~ Selectboard a plan of organization for the administration, dividing the administrative service into departments and divisions and defining the functions of each. ~~Said~~ The plan shall be reviewed and acted on within 30 days from submission.

* * *

(d) Creation, reorganization, consolidation, or abolition of administrative departments: Departments within the administrative service can only be

created, reorganized, consolidated, or abolished by formal action of the ~~Board of Selectmen~~ Selectboard.

§ 33. ADMINISTRATIVE CODE

(a) Submission and adoption: On a timetable prescribed by the ~~Board of Selectmen~~ Selectboard, but not to exceed two years in length, the Town Manager shall assemble an administrative code for review and approval by the ~~Board of Selectmen~~ Selectboard, ~~which that~~ shall consist of the following:

* * *

(b) Distribution and availability:

* * *

(2) The document shall be placed in the Town Hall and Library for free public access and sufficient copies made for sale to citizens at a cost of production fixed by the ~~Board of Selectmen~~ Selectboard.

* * *

§ 34. ADMINISTRATIVE AND POLICY FUNCTIONS PRESCRIBED BY
CHARTER

(a) Department of Assessment:

(1) There shall be a Department of Assessment to consist of a Chief Assessor, the elected listers, as prescribed by charter and State statute, and ~~such~~ any assistants and support staff ~~as that~~ may be recommended by the Town Manager and approved by the ~~Board of Selectmen~~ Selectboard.

(2) The Chief Assessor shall be appointed or removed by the Town Manager with the advice and consent of the ~~Board of Selectmen~~ Selectboard.

* * *

(b) Town Clerk, Grand Juror, Town Treasurer, Town Attorney:

(1) The ~~Board of Selectmen~~ Selectboard shall appoint and remove, on the basis of qualifications and performance alone, a Town Clerk, Grand Juror, Town Treasurer, and Town Attorney.

* * *

(4) The term of the Grand Juror shall not exceed three years. ~~He/she~~ He or she shall be responsible for the prosecution of violations of local ordinances. The salary of the Grand Juror shall be fixed by the ~~Board of Selectmen~~ Selectboard and ~~he/she~~ he or she shall be responsible to the ~~Board~~ Selectboard in the performance of ~~his/her~~ his or her duties. The Grand Juror shall be duty bound to work in cooperation with the Town Manager and administrative service. The Grand Juror may recommend to the ~~Board of Selectmen~~ Selectboard the appointment of staff who shall be part of the administrative service.

* * *

(7) Compensation for the Town Clerk, Town Treasurer, and Town Attorney shall be recommended by the Manager and approved by the ~~Board of Selectmen~~ Selectboard. Any and all fees collected by the Town Treasurer and

Town Clerk, pursuant to statutory duties, shall accrue as General Fund revenues to the Town.

(8) Support personnel, supplies, material, and equipment for the Town Clerk and Town Treasurer shall be provided by the ~~Board of Selectmen~~ Selectboard upon recommendation by the Town Manager.

(9) The ~~Board of Selectmen~~ Selectboard or the Town Manager may seek legal services outside the offices of the Town Attorney whenever judged in the best interests of the Town.

* * *

(12) In the absence or disability of the Town Clerk, Town Treasurer, or Town Attorney, the ~~Board of Selectmen~~ Selectboard shall ensure that the functions are continued and shall have the power to appoint temporary substitutes.

(c) Personnel system:

* * *

(2) Personnel Director:

(A) There shall be a Personnel Director who shall be responsible for the ongoing administration of the Town's personnel system. The Personnel Director shall be the Town Manager or ~~his/her~~ his or her designated agent, but must be a member of the administrative service.

* * *

(3) Personnel merit system ordinance:

* * *

(B) The personnel ordinance shall enable the enactment of rules and regulations which shall include the following provisions:

* * *

(ix) Provisions for relations with employee organizations ~~and/or~~ or unions;

* * *

(4) Personnel rules and regulations employee handbook:

* * *

(B) The personnel rules shall be adopted and amended by a procedure established by the ~~Board of Selectmen~~ Selectboard and shall carry the full force of law of this charter.

* * *

(5) Town charter and collective bargaining agreements:

(A) The ~~Board of Selectmen~~ Selectboard may not commit the Town to any collective bargaining agreement ~~which~~ that shall contradict, violate, or circumvent any provision of this charter or ordinances passed pursuant to this charter.

(B) ~~Board of Selectmen~~ Selectboard may commit the Town to bargaining agreements ~~which~~ that shall act as a substitute for rules and regulations ~~promulgated~~ adopted pursuant to this charter.

(6) Service of Town employees in elective or appointive office:

(A) A Town employee may not, other than membership in the General Assembly, hold a local, State, or federal elective office ~~which~~ that makes policy that shall directly or indirectly affect ~~his/her~~ his or her department or any Town functions while employed by the Town of Springfield.

* * *

(7) Surety bonds: Any Town officer and employee, as required by the ~~Board of Selectmen~~ Selectboard, shall annually give surety bonds to the satisfaction of the ~~Board of Selectmen~~ Selectboard for the faithful discharge of ~~his/her~~ his or her duties. In the event any officer or employee neglects to give a bond as herein specified, after 10 days' notice from the ~~Board~~ Selectboard that ~~he/she~~ he or she is required to do so, ~~his/her~~ his or her office shall ~~thereupon~~ become vacant and the vacancy shall be filled as provided in this charter. Each bond must be approved by the Town Attorney. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the Town. ~~Such~~ The bonds shall be filed with the Town Clerk.

* * *

§ 41. FISCAL YEAR TOWN GOVERNMENT

The fiscal year for Town government shall be fixed by the ~~Board of Selectmen~~ Selectboard, in a manner to maximize efficiency in Town financial matters.

§ 42. OPERATING BUDGET TIMETABLE AND PREPARATION

(a) Submission of timetable: At least five months before the scheduled date of Town meeting, the Manager shall prepare and present to the ~~Board of Selectmen~~ Selectboard a proposed timetable ~~which~~ that shall project the progress of events leading to the adoption of the Town budget.

(b) Statement by the ~~Board of Selectmen~~ Selectboard regarding budget policy: Upon receipt of the timetable, the ~~Board of Selectmen~~ Selectboard shall issue an annual budget policy statement, outlining the direction the Manager shall take in the drafting or assembly of the budget document.

(c) Departmental submissions: In following the timetable submitted to the ~~Board of Selectmen~~ Selectboard, all department heads; and elected or appointed officials with budget responsibility shall submit operating budget requests to the Manager in a uniform format to be established by the Manager.

(d) Drafting of administration's proposed budget:

(1) Unified administrative request: The Manager shall, upon consultation with department heads, draft a unified, proposed operating budget

for submission to the ~~Board of Selectmen~~ Selectboard, reflecting a single request from the administration for each department.

* * *

(3) Budget-contents, format:

(A) The proposed budget shall provide a complete financial plan for all Town funded activities for the ensuing fiscal year, and except as required by law, or charter, shall be in a form the Town Manager deems appropriate or the ~~Board of Selectmen~~ Selectboard may require.

* * *

(E) The budget shall include in separate sections:

* * *

(e) Subsidiary budgets for utilities:

(1) For each utility or enterprise owned and operated by the Town, a subsidiary budget shall be drafted in accordance with these guidelines, with the process of review and approval to be dictated by the ~~Board of Selectmen~~ Selectboard.

(2) Cross subsidy in areas other than fund management between Town government operations and utility operations shall be limited to legitimate services and support provided as approved by the ~~Board of Selectmen~~ Selectboard.

§ 43. CAPITAL EXPENDITURE PROGRAM

(a) Preparation and submission: The Manager, after consultation with department heads, shall submit a proposed five-year capital expenditure program to the ~~Board of Selectmen~~ Selectboard at least three months prior to Town meeting.

* * *

§ 44. CAPITAL RESERVE FUNDS AND EQUIPMENT FUNDS

The ~~Board of Selectmen~~ Selectboard may raise and appropriate money for the establishment of capital reserve or equipment reserve funds for the financing of all or part of:

* * *

(3) The size and regulation of capital reserve funds shall be determined by ~~Board of Selectmen~~ Selectboard action.

§ 45. ~~SELECTMEN~~ SELECTBOARD ACTION ON THE BUDGET

~~Board review:~~

(1)(a) ~~The Board of Selectmen~~ The Selectboard shall schedule public meetings, as it deems appropriate, for the review and discussion of the administration's budget proposal.

(2)(b) Upon completion of its review, the ~~Board of Selectmen~~ Selectboard shall act to finalize its budget proposal.

(3)(c) The ~~Board~~ Selectboard shall then schedule a public hearing prior to Town meeting, warned as such.

(4)(d) Following the public hearing, the ~~Board of Selectmen~~ Selectboard shall act to officially fix the budget to be finalized or proposed at Town meeting.

(5)(e) The ~~Selectmen~~ Selectboard, in fixing the budget, shall place it on the warning as a gross appropriation.

§ 46. SPECIAL APPROPRIATIONS

In response to a request, or upon its own initiative, should the ~~Board of Selectmen~~ so Selectboard judge, the appropriation relative to a special element of Town business may be placed on the warning as a special appropriation by a majority vote of the Board. In taking action, the ~~Board of Selectmen~~ Selectboard shall maintain the right to reject, alter, or reduce a request.

§ 47. CITIZEN INPUT; CITIZEN PARTICIPATION IN THE BUDGET PROCESS

Citizen participation plan; public notice:

(1) Timetable: Before the sixth month of a fiscal year, the ~~Board of Selectmen~~ Selectboard shall draft and adopt a citizen participation plan, which shall provide for a committee of not more than 18 citizens, for the upcoming budget cycle.

(2) Contents:

(A) The citizen participation plan shall outline, in specific terms, the manner by which the ~~Board of Selectmen~~ Selectboard intends to provide for citizen input and public notice of the budget and its contents.

* * *

§ 48. APPROPRIATION-TOWN BUDGET

(a) Gross appropriation fixed and levy:

(1) The vote of Town meeting or other action finalizing the Town budget shall make a gross appropriation for the coming fiscal year. The Town meeting may not make any budget appropriation not recommended by the ~~selectmen~~ Selectboard, unless such action was duly warned.

* * *

(4) Any officer may, upon approval of the ~~Board of Selectmen~~ Selectboard, make a contract or lease for payments beyond the end of the fiscal year.

* * *

(6) The money raised by taxation, and other lawful sources, shall constitute the entire sum from which appropriations and payments are to be made by or under the authority of the ~~Board of Selectmen~~ Selectboard.

(b) Overruns on gross appropriations, emergency appropriations:

(1) The gross appropriation may not be exceeded, except by consent of the ~~Board of Selectmen~~ Selectboard, as ~~herein~~ limited in this section.

(2) In the event of an emergency situation officially declared by the ~~Board of Selectmen~~ Selectboard, an amount not exceeding five percent of the gross appropriation may be expended.

* * *

(d) Surplus: Any surplus created, subject to the provisions of subsection ~~(d)~~(c) of this section, shall be carried over to the next budget and counted as a fixed receipt on the calculation of the ensuing tax rate, or, by action of the ~~Board of Selectmen~~ Selectboard, may be placed in a capital reserve fund as provided for in this charter.

(e) Transfers-alterations in the work program:

* * *

(2) The ~~Board of Selectmen~~ Selectboard may transfer, by formal vote, any unencumbered portion or balance of an appropriation from one department or agency to another.

* * *

§ 49. FINANCIAL ADMINISTRATION TOWN BUDGET

(a) Financial officer:

* * *

(3) The financial officer shall perform ~~such~~ the duties as the job description submitted by the Manager and approved by the ~~Board of Selectmen~~ Selectboard shall indicate.

(b) Depository of Town funds; cash and fund management:

(1) The ~~Board of Selectmen~~ Selectboard shall designate the depository of Town funds, and shall ensure the appropriate cash management by the Town Treasurer and administration.

(2) The ~~Board of Selectmen~~ Selectboard may provide for ~~such~~ the security to Town deposits as it may deem necessary except that personal surety bonds shall not be deemed proper security.

(3) The officer responsible for fund management shall issue a regular report of investments and yields to the manager and the ~~Board of Selectmen~~ Selectboard.

(c) Independent audit; Town Auditor:

(1) The ~~Board of Selectmen~~ Selectboard shall provide for an independent audit of all Town accounts and may require for any special audit it deems necessary.

* * *

(d) Authorization for expenditure of Town funds:

(1) Money shall not be paid out of the Town Treasury unless it is authorized by a payroll or payment authorization signed by at least three members of the ~~Board of Selectmen~~ Selectboard.

(2) No payment of money on account of any department ~~of which that~~ the Town Manager ~~has supervision~~ supervises shall be made except upon vouchers approved by the Manager or ~~his/her~~ his or her designated agent.

(3) In the event of the absence, disability, or suspension of the Manager, the ~~Board of Selectmen~~ Selectboard may approve ~~such~~ the vouchers or authorize their approval by some other person.

* * *

(e) Budget reports, books, records:

(1) ~~Regular reporting~~ The reporting: The Manager shall submit, on a schedule prescribed by the ~~Board of Selectmen~~ Selectboard, but no less often than quarterly, a budget report indicating the relationship between actual and estimated receipts and expenditures to date.

(2) All books of account, in relation to the receipt, holding, or disbursement of money of the Town kept by any official of the Town, shall be paid for by the Town, shall remain the property of the Town, and shall be turned over to the Town Clerk whenever the keeper of the books of account retires from office. All books pertaining to Town affairs kept by the Town Manager, Town Clerk, or other elective or appointive officer of the Town shall

be kept in the Town buildings in their proper places and shall not be removed ~~therefrom~~ without an order of a court or a vote of the ~~Board of Selectmen~~ Selectboard.

* * *

§ 51. TAXATION AND COLLECTION

(a) Authority for taxation:

* * *

(2) The ~~Board of Selectman~~ Selectboard shall be the tax authority for all Town and school functions and shall fix all rates of taxation as limited by charter and statute.

(b) Responsibility for taxation and collection:

* * *

(2) The ~~Board of Selectman~~ Selectboard shall designate the Collector of Delinquent Taxes.

(3) The Collector of Taxes or Delinquent Taxes may charge and collect ~~such~~ the fees as that may be fixed by the ~~Board of Selectman~~ Selectboard and shall deposit them in the General Fund. Fees established shall not exceed those provided by statute.

* * *

(e) Tax stabilization:

(1) Authority to negotiate and grant tax stabilization agreements shall be granted and revoked by the voters.

(2) The ~~Board of Selectman~~ Selectboard shall negotiate all stabilization agreements.

(3) Under this section, the ~~Board of Selectman~~ Selectboard shall draft uniform guidelines outlining the scope and nature of tax stabilization agreements.

(4) The ~~Board of Selectman~~ Selectboard shall confer with the School Board on ~~stabilization-related~~ stabilization-related matters, but shall retain final authority on stabilization agreements.

(f) Special assessments:

(1) The ~~Board of Selectman~~ Selectboard shall have the authority to negotiate or impose by ordinance, reasonable special assessments or special use charges.

* * *

§ 52. DEBT; BONDED DEBT FOR TOWN AND SCHOOL
IMPROVEMENTS

* * *

(b) An article requesting authorization to incur long-term debt can only be placed on the warning by a vote of four ~~selectmen~~ Selectboard members,

~~which~~ that indicates that the cost of the improvement will be too great to be paid out of the annual income or revenues of the Town.

* * *

(e) The Town Treasurer shall be authorized, subject to the approval of the ~~Board of Selectmen~~ Selectboard, to incur short-term debt in anticipation of taxes for Town and school funding.

Sec. 15. 24 App. V.S.A. chapter 151 is amended to read:

CHAPTER 151. TOWN OF ST. JOHNSBURY

* * *

§ 2. ASSETS TRANSFERRED; LIABILITIES; TAXATION; SPECIAL SERVICES; DOWNTOWN IMPROVEMENT DISTRICT

(a) All assets of the Village of St. Johnsbury on the date Act No. 345 of the Acts of 1957, as amended, becomes effective shall become the property of the Town of St. Johnsbury, except that those assets shall be subject to the debts of the Village of St. Johnsbury to the extent provided by law on that date. The Village of St. Johnsbury shall remain in existence so far as necessary to complete payment of its indebtedness and other obligations to which it was subject on that date. The taxpayers residing in the Village of St. Johnsbury as it was bounded just prior to that date shall be subject to a tax on their grand list to be assessed annually by the ~~selectmen~~ Selectboard of the Town of

St. Johnsbury in an amount sufficient to pay off any such indebtedness according to its terms.

(b) The taxpayers residing in the Village of St. Johnsbury as it was bounded just prior to the date Act No. 345 of the Acts of 1957, as amended, becomes effective shall be subject to a tax on their grand list to be assessed annually by the ~~selectmen~~ Selectboard of the Town of St. Johnsbury in an amount sufficient to pay off current expenses and indebtedness in continuing the present functions and additions ~~thereto~~ to the functions within that area ~~which~~ that are not common to the Town of St. Johnsbury.

(c) For the purpose of providing special services to a portion of the Town, the warning for any annual or special meeting may contain appropriate articles under which the legal voters in that area may vote for ~~such~~ the special services as they desire. The Town shall furnish to each area ~~such~~ the special services ~~as that are so voted~~ approved by voters, and the cost in each area, including the cost of all equipment, replacements, maintenance, salaries, and other operating expenses, shall be paid by a tax on the grand list of each taxpayer ~~therein in~~ that area for his or her ratable share ~~thereof~~ of the costs, to be assessed annually by the ~~selectmen~~ Selectboard to be collected at the same time and in the same manner as the Town votes to have its other taxes collected, and ~~such~~ the tax assessed upon the grand list shall be a lien ~~thereon~~ with the same priority as other taxes lawfully assessed ~~thereon~~ on real property.

* * *

(e) A special district to be known as the St. Johnsbury Downtown Improvement District (District) is created. The District shall be that area consisting of properties with frontage on either side of Railroad Street from Cross Street to Maple Street and seven additional properties on Eastern Avenue and Pearl Street. The District is more precisely shown on the Plan "St. Johnsbury Downtown Improvement District, Revised January 3, 1997" and recorded with the Town Clerk in the Town of St. Johnsbury.

(1) Commission-Creation; Membership: A St. Johnsbury Downtown Improvement District Commission (Commission) is created consisting of seven members appointed by the Selectboard. Five members shall be, at the time of appointment and during their terms, natural persons who are owners of property, managers, proprietors, operators, officers, or directors of businesses located within the District who shall be appointed to serve for a term of five years and until their successors are appointed and qualified, except that the terms of the first five commissioners shall be from the date of appointment until one year, two years, three years, four years, and five years after April 1, 1997, respectively. One member shall be a member at large who shall be, at the time of appointment and during his or her term, a legal resident of the Town of St. Johnsbury, who shall be appointed to serve for the term of five years commencing the first day of April and until the member's successor is

appointed and qualified. One member shall be a ~~Selectman~~ member of the Selectboard, or an employee of the Town of St. Johnsbury, who shall be appointed to serve for a term of one year commencing the first day of April and until the member's successor is appointed and qualified. The Commission shall have a Chair and Vice Chair elected by the Commission members. Any vacancy shall be filled by the appointing authority for the remainder of the unexpired term. Commissioners may be removed by unanimous vote of the Selectboard.

(2)(A) Purposes and Powers: The Commission is created for the general purpose of maintaining and improving the economic, cultural, and environmental vitality and quality of the Town of St. Johnsbury and, in particular, the District created by this subsection; to promote the Town and the District as a regional retail, commercial, and service center; and to serve as an advocate for 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.

(B) The rights, powers, and duties of the Commission acting on its own authority or acting through the Town of St. Johnsbury Selectboard, as set forth in this section, shall be broadly construed to accomplish the purposes set forth within the District and shall include the following:

~~(A)~~(i) to prepare a budget (the “budget”) for the District in accordance with subdivision (1) of this subsection;

~~(B)~~(ii) to advertise and promote the District;

~~(C)~~(iii) to represent the interests of the District;

~~(D)~~(iv) to hire and remove personnel as provided for in the budget or as otherwise approved by the Selectboard;

~~(E)~~(v) to apply for available governmental grants in aid and economic and in kind incentives when approved by the Selectboard;

~~(F)~~(vi) to receive and expend contributions, grants, and income;

~~(G)~~(vii) to apply for an allocation of the State’s private activity bond volume cap under 26 U.S.C. § 141, as amended, when approved by the Selectboard;

~~(H)~~(viii) to expend funds as provided for in the budget or as otherwise approved by the Selectboard;

~~(I)~~(ix) to manage and maintain public spaces and to assume or supplement the services and maintenance heretofore provided the District by the Town as recommended to and approved by the Selectboard;

~~(J)~~(x) to acquire and dispose of property as recommended to and approved by the Selectboard;

~~(K)~~(xi) to install and make public improvements as recommended to and approved by the Selectboard;

~~(L)~~(xii) to cooperate with the Town in the use, management, and improvement of public parking facilities and to undertake such management or improvements and to regulate vehicular traffic within the district as recommended by the Selectboard;

~~(M)~~(xiii) to enter into contracts;

~~(N)~~(xiv) to regulate, lease, license, establish rules and fees, and otherwise manage the use of public spaces within the District;

~~(O)~~(xv) to plan for the orderly development of the District in cooperation with the Town Planning Commission and as recommended to and approved by the Selectboard;

~~(P)~~(xvi) to do all other things necessary or convenient to carry out the purposes of this subsection except that the Commission may not assume authority over any subject matter or activity under the jurisdiction of another Town official, department, or board as of the effective date of this subsection or contrary to any order or ordinance in effect as of such date other than to hire and remove personnel under contract or employed by the Commission, unless and until the Selectboard, by order, transfers such jurisdiction to the Commission, notwithstanding section 8 of the charter, or amends the order or ordinance.

* * *

(4) Common Area Fees:

* * *

(ii) A flat fee per taxable parcel plus a formula based on any one, or combination thereof, of square footages of commercial space, number of apartments, square footage of lot size, linear footage of frontage, number of parking spaces provided, number of parking spaces that would be needed to conform to the Town's existing zoning bylaws for new construction, or any equation which raises fees adequate to meet an annual Commission budget with a method that reasonably apportions costs to property owners in relation to the benefit that accrues to them.

(iii) The Commission shall only raise common area fees sufficient to meet the budget regardless of the assessment method.

(iv) The common area fees shall be established by the Commission upon approval of the Commission budget by the Selectboard and shall be assessed annually by the Selectboard to be collected at the same time and in the same manner as the Town votes to have its taxes collected, and such common area assessment shall be a lien thereon with the same priority as taxes lawfully assessed thereon.

* * *

(D) Appeals: Persons aggrieved by any decision of the Commission involving the assessment or levy of common area fees may appeal the decision

to the Selectboard by filing a written notice of appeal with the Town Clerk within 30 days of the date of such decision, and furnishing a copy of the notice of appeal to the Commission. The Selectboard shall set a date and place for a hearing on the appeal within 60 days of the filing of the notice of appeal. The Selectboard shall give the appellant and the Commission at least 15 days' notice prior to the hearing date. Any person entitled to take an appeal may appear and be heard in person or be represented by agent or attorney at such hearing. Any hearing held under this subsection may be adjourned by the Selectboard from time to time; provided, however, that the date and place of adjourned hearing shall be announced at that hearing or 15 days' notice thereof is furnished to the appellant and the Commission. The Selectboard shall render its decision, which shall include findings of fact, within 45 days after completing the hearing, and shall within that period send the appellant, and the Commission, by certified mail, a copy of the decision. An aggrieved person may appeal a decision of the Selectboard to the Caledonia County Superior Court. The appeal shall be taken in such manner as the Supreme Court may by rule provide for appeals from State agencies governed by 3 V.S.A. §§ 801 through 816. Notice of appeal shall be sent by mail to the Commission.

* * *

§ 7. BYLAWS

In meetings duly warned for the purpose, the Town of St. Johnsbury shall have power to make, alter, repeal, or amend bylaws, which together with the ordinances and regulations adopted by the ~~selectmen~~ Selectboard shall regulate its affairs, and shall carry into effect the provisions and intent of this charter.

§ 8. ORDINANCES AND REGULATIONS

The ~~selectmen~~ Selectboard of the Town of St. Johnsbury consistent with the Constitution and laws of the United States and of this State, shall have the power and authority to make, establish, impose, alter, amend, or repeal ordinances and regulations and to enforce the same by fine, penalty, forfeiture, injunction, restraining order, or any proper remedy, with respect to the inspection, regulation, licensing, or suppression of the following affairs, establishments, employments, enterprises, uses, undertakings, and businesses, viz:

* * *

§ 9. PUBLICATION OF BYLAWS AND ORDINANCES

The bylaw adopted by the Town and the ordinances and regulations passed by the ~~selectmen~~ Selectboard, whether enacted under the authority of general or special law, shall be published in a newspaper having general circulation in ~~said~~ the Town at least 20 days before the effective date ~~thereof~~, and all ~~such~~ the enactments shall ~~thereupon~~ be recorded at length by the Town Clerk in a

book kept for that purpose in the office of the Town Clerk, and the Town Clerk's certificate that ~~such~~ the bylaws, ordinances, and regulations were duly adopted and passed at an annual meeting of ~~said~~ the Town or at a special meeting ~~thereof~~ lawfully called for that purpose or were duly enacted and adopted by the ~~selectmen~~ Selectboard of the Town under authority of law or under authority of a vote of the Town shall be prima facie evidence of ~~such~~ fact in any court in this State; and certified copies of ~~said~~ the bylaws, ordinances, and regulations and the Clerk's certificates shall be received as evidence in all the courts of the State.

§ 10. PENALTIES

(a) Fines, penalties, and forfeitures up to and including two hundred dollars, for each breach of an ordinance or bylaw, may be established by the ~~selectmen~~ Selectboard, or by a properly warned Town meeting. These fines, penalties, and forfeitures may be recovered in an action of tort brought in the name of the Town, and in any ~~such~~ action a general complaint relying on the ordinance or the bylaw shall be sufficient. The process may issue either against the body or the property of the defendant, and if the defendant is found guilty, and if it is found by the court that the cause of action arose from his or her willful or malicious act or neglect, it shall so adjudge, and may further adjudge that he or she be confined in close jail, and may issue execution against his or her body with a certificate of ~~such~~ the findings endorsed ~~thereon~~

on the execution; and ~~such the~~ execution with such the certificate ~~thereon~~ shall have the same effect as an execution issued on a judgment founded upon tort having a like certificate ~~endorsed thereon~~.

* * *

§ 12. OFFICERS

The elective officers of the Town shall be those authorized by the general laws of this State, except that, notwithstanding the provisions of section 3509 of the Vermont Statutes, Revision of 1947, the listers shall be appointed annually by the ~~selectmen~~ Selectboard, unless the Town at an annual or special meeting duly warned for that purpose shall vote otherwise.

§ 13. EXPIRATION OF TERMS OF ~~SELECTMEN~~ SELECTBOARD

MEMBERS UPON MERGER

Upon such effective date of the merger of the Village of St. Johnsbury and the Town of St. Johnsbury, the ~~selectmen~~ Selectboard members shall continue in office for the remainder of their respective terms and the other officers of the Town of St. Johnsbury shall continue in office until the first Tuesday in March next following, and their successors shall have been elected or appointed; and the ordinances of the Village of St. Johnsbury then in force shall remain of full force and effect, following the effective date of this act for a period of one year only, so far as ~~such the~~ ordinances shall continue to be applicable and appropriate, except as repealed, amended, altered, or modified

by the ~~selectmen~~ Selectboard of the Town of St. Johnsbury, and as respects only that part of the Town of St. Johnsbury comprised within the limits of the Village of St. Johnsbury, as defined by No. 179 of the Acts of 1927.

* * *

Sec. 16. 24 App. V.S.A. chapter 203 is amended to read:

CHAPTER 203. VILLAGE OF ALBURGH

* * *

§ 802. EMINENT DOMAIN AUTHORITY

For any of the foregoing purposes said Village may take, use, or occupy the land of individuals and corporations on making compensation therefor, and the trustees in the taking of ~~such~~ land and in the awarding of damages therefor shall proceed in the manner prescribed by law for ~~selectmen~~ legislative bodies in the taking of land for public highways and in the awarding of damages. The trustees shall cause to be recorded in the office of the Village Clerk a certificate of their doings ~~which~~ that shall be signed by a majority.

§ 803. PROCEDURES FOR EMINENT DOMAIN AUTHORITY

In all proceedings under this act for taking land, rights, or property the trustees shall pass upon the convenience and necessity therefor at hearings held by them after giving notice to each owner or interested person ~~interested~~ ~~therein~~ of the time, place, and purpose of ~~such~~ the hearing. ~~Such~~ The notice shall give a description of the land, property, or rights to be taken and used. At

~~such~~ the hearing the trustees shall determine the question of convenience and necessity and decide the question of damages and shall pay or tender the amount of ~~such~~ the damages to the person or persons entitled to the same, in the same manner as is provided by law for ~~selectmen~~ a legislative body in taking lands for highways and ~~in~~ awarding damage ~~therefor~~ for the taking of lands. A person aggrieved by any act of the trustees in the taking of lands, rights, or property for the foregoing purposes and in the awarding of damages therefor may have the same right of appeal, and in the case of ~~such~~ the appeal proceedings shall be had in the same manner as is provided for appeals from acts of ~~selectmen~~ legislative bodies in taking land and awarding damages for highway purposes.

* * *

§ 809. FUNDS FOR SIDEWALK AND CURBING REPAIRS

The ~~selectmen~~ Selectboard of the Town of Alburgh shall, on or before the first day of November in each and every year, draw their order on the Treasurer of the Town of Alburgh for a sum of money equal to 10 percent of the Village grand list, ~~which~~ that shall be used by the Village of Alburgh in building, repairing, and maintaining sidewalks and curbs within ~~said~~ the Village. After the passage of this act, the Town of Alburgh shall be relieved from any liability or expense for building, repairing, and maintaining sidewalks and curbs within the Village of Alburgh; and thereafter the Village

of Alburgh shall assume all ~~such~~ Town liabilities. But the Town of Alburgh shall not be relieved from ~~such~~ the liability except upon the payment of the 10 percent.

* * *

Sec. 17. 24 App. V.S.A. chapter 207 is amended to read:

CHAPTER 207. VILLAGE OF BELLOWS FALLS

* * *

§ 23. STREETS AND SIDEWALKS

* * *

(b) The trustees shall have no power to control or direct the expenditure of funds for the purpose of maintaining the highways, bridges, and culverts located within the corporate limits. The trustees may, on behalf of the corporation, petition the ~~selectmen~~ Selectboard of the Town of Rockingham to make repairs to highways, bridges, and culverts within the corporate limits, or to lay out, alter, or discontinue highways within ~~said~~ the corporate limits. Upon receipt of ~~such~~ a petition, the ~~selectmen~~ Selectboard shall take appropriate action ~~thereon~~ as if the petition had been submitted in accordance with ~~Title 19, 19 V.S.A. chapter 7 of the Vermont Statutes Annotated~~ and the trustees may appeal the actions of the ~~selectmen~~ Selectboard and exercise any other rights of an interested person with respect to ~~said~~ the petition.

* * *

§ 27. DRAINS AND SEWERS

The Board of Trustees of ~~said~~ the corporation may lay out, grade, alter, maintain, and discontinue any sewers or drains in ~~said~~ the corporation, and may appraise and settle the damages ~~therefor~~, causing their proceedings to be recorded in the ~~office~~ Office of the Clerk of the Town of Rockingham, provided that any person or persons aggrieved by the appraisal of ~~said~~ the Board shall have the like opportunity for applying to the Superior Court for the County of Windham to obtain redress, as is or may be allowed ~~by the law to those aggrieved with the proceedings of selectmen in similar cases~~ pursuant to 19 V.S.A. chapter 7.

* * *

Sec. 18. 24 App. V.S.A. chapter 217 is amended to read:

CHAPTER 217. VILLAGE OF DERBY LINE

* * *

§ 501. SEWER SYSTEM; ESTABLISHMENT; FEE ASSESSMENT AND
COLLECTION

(a) When the public health or convenience shall require the construction of a common sewer or main drain in the Village of Derby Line and through the principal streets ~~thereof~~ of the Village, the trustees of ~~said~~ the Village, upon application in writing of 20 or more freeholders and legal voters of ~~said~~ the Village are ~~hereby~~ authorized and empowered to lay, make, and maintain ~~such~~

a common sewer or main drain and repair the ~~same~~ sewer or drain when necessary, from time to time;

(b) ~~and for such purpose~~ For the purposes described in subsection (a) of this section, the trustees of the Village may take the lands of any individuals or corporations; and said. The trustees shall proceed in the same manner as is prescribed by law for ~~selectmen~~ legislative bodies in taking lands for highways and in awarding damages ~~therefor~~ for the taking of lands; and ~~said~~ the trustees shall make a ~~return~~ report of their doings to the office of the Clerk of ~~said~~ the Village, who shall record the ~~same~~ report in the records of the Village.

(c) Each person or corporation whose particular drain shall enter into ~~such~~ the main drain or sewer, or who in the opinion of the ~~said~~ trustees shall receive benefit thereby for draining the premises of ~~such~~ the person or corporation shall be liable to contribute a just share toward the expense of laying and constructing and maintaining of ~~such~~ the sewer or drain, and shall be assessed ~~therefor~~ by ~~said~~ the trustees ~~such~~ the just share; ~~and at~~. At least 10 days' notice of the time and place of ~~such~~ the assessment for ~~said~~ the contribution shall be given to ~~such~~ the person or corporation, its agent, tenant, or lessee, and a certificate of ~~such~~ the assessment shall be left with the Clerk of ~~said~~ the Village, and recorded by ~~said~~ the Clerk, and when ~~so~~ recorded the amount ~~so~~ assessed shall be and remain a lien, in the nature of a tax upon the lands and premises ~~so~~ assessed until the same shall be paid;

(d) ~~and if~~ If the owner of ~~such the~~ lands and premises shall neglect, for the space of six months after the final decision of ~~said the~~ trustees, or in case of appeal to the County Court, to pay the Village Treasurer the amount of ~~such the~~ assessment, ~~said the~~ trustees shall issue their warrant for the collection of the ~~same~~ assessment, directed to the Village Tax Collector, who shall have authority to sell at public auction ~~so much~~ any portion of ~~said the~~ lands and premises ~~as that~~ will satisfy ~~said the~~ assessment and all legal fees, and who shall proceed in the same manner as collectors of town taxes are required by law to proceed in selling real estate at auction for the collection of town taxes.

* * *

§ 902. ASSESSMENT OF TAX

~~Said~~ The Village may, at its annual meeting or at any special meeting warned for that purpose, assess a tax on the list of the Village's taxable real and personal estate ~~taxable therein~~, for any of the purposes mentioned in this ~~act~~ charter, and shall have all the powers, and may collect ~~such the~~ tax in such manner as is provided by law for the collection of town taxes in towns, and the trustees of ~~said the~~ Village are to have the power and perform the duties herein required of the ~~selectmen~~ Selectboard in towns.

* * *

Sec. 19. 24 App. V.S.A. chapter 235 is amended to read:

CHAPTER 235. VILLAGE OF LUDLOW

* * *

§ 52. HIGHWAY TAXES

* * *

(b) Three-fifths of the highway taxes assessed by the ~~selectmen~~ Selectboard or voted by the Town of Ludlow, upon the grand list of the inhabitants of ~~said~~ the Village and upon the ratable estate of non-residents situated within the limits of ~~said~~ the Village of Ludlow shall be paid by the Treasurer or the ~~selectmen~~ Selectboard of the Town to the Treasurer of the ~~said~~ Village, to be expended in the maintenance and repair of highways and sidewalks in ~~said~~ the Village.

* * *

§ 76. APPEAL OF DAMAGE AND COMPENSATION

DETERMINATIONS

When any person shall be dissatisfied with the award of the ~~water~~ Water Commissioners, in any of the cases mentioned in section 75 of this charter, ~~such~~ the person may petition the Windsor County Court for a reassessment and award of damages, and ~~such~~ the proceeding shall be had in ~~said-Court~~ the court on ~~said~~ the petition as are provided by law for the assessment of damages for land taken for highways, except that the ~~commissioners~~ Commissioners appointed by ~~said-Court~~ the Court shall notify one of ~~said-water-commissioners~~ the Water Commissioners of ~~said~~ the Village,

instead of one of the ~~selectmen~~ Selectboard members. ~~Said~~ The petition shall be served on the Clerk of ~~said the~~ Village within 60 days next after ~~said the~~ award shall be filed in the ~~town-clerk's~~ Town Clerk's office ~~as aforesaid~~, and at least 12 days before the term of ~~Court~~ court to which it is made returnable, but nothing in ~~such the~~ proceedings shall prevent the ~~water-commissioners~~ Water Commissioners from entering on ~~such the~~ land, and laying and constructing ~~said the~~ aqueduct, reservoirs, and appurtenances, and using ~~said the~~ water after their award shall have been made and the amount ~~thereof~~ of the award tendered by them.

* * *

§ 81. CONSTRUCTION OF SEWERS

Whenever the public health or convenience shall require the construction of a common sewer or sewers in the Village of Ludlow, the ~~said~~ Village of Ludlow is hereby authorized and empowered to ~~so~~ construct ~~said~~ sewers and to repair the ~~same~~ sewers from time to time when necessary, and for ~~such purpose~~ the purposes described in this section may take the land of individuals and corporations on making compensation for the lands ~~so~~ taken, and the trustees of ~~said the~~ Village shall proceed in the same manner as is prescribed by law for ~~selectmen~~ Selectboard in taking land for public highways and in awarding damages ~~therefor~~, and the ~~said~~ trustees shall make a ~~return~~ report of their doings to the office of the Clerk of ~~said the~~ Village who shall record the same

in the records of the Village, and ~~said the~~ Village may also lay pipes along and across the streets, alleys, lanes, and highways in ~~said the~~ Village and Town.

* * *

§ 93. PETITION FOR COURT HEARING ON COMPENSATION AND
DAMAGES FOR LAND TAKEN

When any person shall be dissatisfied with award of the ~~electric light commissioners~~ Electric Light Commissioners made in any of the cases mentioned in ~~the preceding~~ section 92 of this charter, ~~such the~~ person may petition the Windsor County Court for a ~~re-assessment~~ reassessment of damages, and ~~such the~~ proceedings shall be had in ~~said the~~ Court on ~~said the~~ petition as are provided by law for the assessment of damages for land taken for highways, except that the Commissioners appointed by ~~said the~~ Court shall notify one of said Electric Light Commissioners ~~of said~~ instead of one of the ~~selectmen~~ Selectboard members; ~~said the~~ petition shall be served on the Clerk of ~~said the~~ Village within 60 days next after ~~said the~~ award shall be filed in the ~~town clerk's~~ Town Clerk's office ~~as aforesaid~~, and at least 12 days before the term of ~~Court~~ court to which it is made returnable; but nothing in ~~such the~~ proceedings shall prevent the Electric Light Commission from taking and entering on ~~such the~~ water powers and lands, and laying, constructing, and completing ~~said the~~ electric light plant, reservoirs, lines, and appurtenances

~~thereof~~, and using ~~said~~ the water powers and lands after their award shall have been made and the amount ~~thereof~~ the damages tendered by them.

* * *

§ 101. ESTABLISHING AND DISCONTINUING STREETS

The trustees of ~~said~~ the corporation shall have the power to lay out, alter, maintain, or discontinue any street or walk and lane in ~~said~~ the Village, and appraise and settle the damage ~~therefor~~, causing their proceedings to be recorded in the Town Clerk's office in ~~said~~ the Town; provided that the trustees, in laying out, altering, and maintaining, or discontinuing, any ~~such~~ street, walk, or lane, shall be subject to the same regulations, and in all respects shall proceed in the same manner, as ~~selectmen~~ legislative bodies of towns in like cases; and any party aggrieved shall be entitled to the same redress to which they would be entitled if the same had been done by the ~~selectmen~~ Selectboard of the Town of Ludlow.

* * *

Sec. 20. 24 App. V.S.A. chapter 237 is amended to read:

CHAPTER 237. VILLAGE OF LYNDONVILLE

* * *

§ 21. TOWN HIGHWAY DISTRICT

(a) All of the territory embraced within the limits of ~~said~~ the Village ~~is hereby constituted~~ shall constitute a highway district of the Town of Lyndon,

and all of the highway taxes assessed upon the ratable estate ~~thereof~~ within the district shall be paid in money, and the ~~selectmen~~ Selectboard of the Town of Lyndon shall make out a tax bill ~~thereof~~ and deliver the ~~same~~ bill seasonably as required by law with a warrant for its collection to the Collector of ~~said the~~ Village, who shall collect the ~~same~~ tax bill as other taxes of ~~said the~~ Village are collected, and shall pay the ~~same~~ collected taxes over to the Treasurer of ~~said the~~ Village, ~~which moneys.~~

(b) The monies shall be withdrawn from ~~said the~~ treasury by the trustees of the Village, and shall be expended by them or under their direction in building, constructing, maintaining, repairing, clearing, sprinkling, sanding, and lighting streets, highways, walks, and alleys, and constructing and maintaining a common sewer and main drain of ~~said the~~ Village, and also for improving and beautifying streets, highways, walks, parks, and commons of ~~said the~~ Village. No surveyor of highways shall be elected for ~~said the~~ Village or chosen by ~~said the~~ Town.

§ 22. HIGHWAY TAXES

The trustees shall have power to direct the expenditure of highway taxes assessed upon the ratable estate within the limits of the Village of Lyndonville; ~~said the~~ trustees shall have the same power to lay out, alter, maintain, and discontinue any street, highway, lane, or walk within the Village limits and appraise and settle damages ~~therefor~~ as is given by law to the ~~selectmen~~

legislative bodies of towns, causing their proceedings to be recorded in the office of the Town Clerk of the Town of Lyndon, ~~provided that any.~~ Any person aggrieved by ~~such~~ the proceedings shall have the same opportunities and rights to appeal and to apply to the courts for redress as is ~~or may be~~ allowed to those aggrieved by the proceedings of ~~the selectmen~~ legislative bodies in similar cases.

§ 23. LICENSES

The trustees of ~~said~~ the Village shall have the same power of granting licenses and vacating the ~~same~~ licenses within the limits of ~~said~~ the Village, agreeably to the bylaws, ordinances, and regulations that ~~the selectmen~~ a Selectboard has by law.

* * *

§ 39. SEWER SYSTEM

(a) Whenever the public health or convenience may require, a common sewer or main drain may be laid, constructed, maintained, altered, repaired, or replaced for use of ~~said~~ the Village. Upon written application of five or more freeholders and legal voters of ~~said~~ the Village, the trustees shall be authorized and empowered to lay, construct, maintain, alter, repair, or replace ~~said~~ the common sewer or main drain, and for this purpose from time to time when necessary they may take any land whatever on making compensation paying damages therefor, provided ~~such~~ the use of any ~~such~~ public way, or other

property, does not unreasonably interfere with public travel; ~~the~~. The trustees shall proceed in the same manner as is prescribed by law for ~~selectmen~~ legislative bodies taking land for public highways and in awarding damages ~~therefor~~ for the taking of lands, and ~~said~~ the trustees shall make a report of their action ~~which~~ that shall be recorded by the Clerk of the Village in the records of the Village.

(b) Every person whose particular drain shall enter into any ~~such~~ sewer or main drain, or who in the opinion of ~~said~~ the trustees shall receive benefit ~~thereby~~ in the draining of his or her premises, shall be liable to contribute his or her just share towards the expense of laying, constructing, or replacing ~~such~~ the sewer or main drain, and he or she shall be assessed ~~therefor~~ by ~~said~~ the trustees. Notice of the time and place of ~~such~~ the assessment shall be given to ~~such~~ the person in a manner reasonably calculated to bring his or her attention to the fact of the assessment.

(c) A certificate of ~~such~~ the assessment shall be left with the Clerk of ~~said~~ the Village to be recorded by him or her in the records of ~~said~~ the Village; ~~when so~~ When recorded the amount ~~so~~ assessed shall be a lien in the nature of a tax on the ~~land so~~ assessed land until the ~~same~~ assessment shall be paid, and if the owner of ~~such~~ the land shall neglect for the period of six months after the decision of ~~said~~ the trustees, or in case of appeal to the County Court, to pay to the Treasurer of ~~said~~ the Village the amount of ~~such~~ the assessment, ~~said~~ the

trustees shall issue their warrant for the collection of the same directed to the Collector of ~~said the~~ Village who shall have authority to sell at public auction ~~so much any portion of said the~~ land, or personalty, of ~~such the~~ person as will satisfy ~~such the~~ assessment and all legal fees; ~~said.~~ The Collector shall proceed in the same manner as Collectors of Taxes are required by law to proceed in selling real estate or personalty of ~~such~~ delinquents at auction for the collection of town taxes.

(d)(1) When any person shall be dissatisfied with the decision of ~~said the~~ Trustees in the award of damages or compensation for land taken for ~~such the~~ sewer or main drain, or in any assessment or contribution for the ~~same sewer or drain,~~ ~~such the~~ person may petition the Caledonia County Court for a ~~re-assessment~~ reassessment, and any number of persons aggrieved may join in the petition; ~~such petition, however.~~ However, the petition shall not delay the laying, constructing, maintaining, altering, replacing, or repairing of ~~such the~~ sewer or main drain.

(2) ~~Such The~~ petition shall be served on the Clerk of said Village within 60 days next after ~~said the~~ award of damages or compensation shall be filed in the office of ~~said the~~ Clerk. ~~Such The~~ proceedings shall be had in the County Court on ~~said the~~ petition as ~~are provided for the reassessment of damages for land taken for highways by sections 4768, 4769, and 4770 of the public laws pursuant to 19 V.S.A. chapter 7, except as herein provided in this charter. and~~

~~the~~ The commissioners appointed by the County Court to ~~re-examine~~
reexamine any assessment shall notify the Clerk of ~~said~~ the Village of the time
and place when they will hear the matter.

* * *

Sec. 21. 24 App. V.S.A. chapter 249 is amended to read:

CHAPTER 249. VILLAGE OF NEWFANE

* * *

§ 502. SEWERS

~~Said corporation~~ The Village is empowered to construct a system of sewers
and repair the ~~same~~ sewer system, and for that purpose may take ~~such~~ the lands
as that are necessary, ~~and in.~~ In taking lands for ~~such~~ these purposes, ~~said~~ the
corporation and its Board of Trustees shall proceed in the manner prescribed
for towns ~~and selectmen~~ in taking lands for highway purposes, and ~~said~~
~~corporation~~ the Village may borrow ~~such~~ the sums of money to defray the
expenses of ~~such~~ the sewers as it may by vote determine, and for that purpose
may issue bonds with coupons attached on ~~such~~ terms and in ~~such~~ the manner
as ~~said corporation~~ the Village may prescribe. If ~~said~~ the Village votes to
construct a sewer, it may make and establish bylaws regulating the manner of
construction, the raising of the money ~~therefor~~, and all other matters of detail
~~relating thereto~~.

§ 503. STREETS AND WALKS

The Board of Trustees of ~~said corporation~~ the Village shall have the power to lay out, alter, maintain, or discontinue any street or walk and lane in ~~said the~~ the Village, and appraise and settle ~~the damage therefor~~ any damages, causing its proceedings to be recorded in the Town Clerk's office in ~~said the~~ the Town; provided, that the trustees, in laying out, altering, and maintaining, or discontinuing, any ~~such~~ street, walk, or lane, shall be subject to the same regulations, and in all respects shall proceed in same manner, as ~~selectmen~~ selectboards of towns in like cases; and any party aggrieved shall be entitled to the same redress to which they would be entitled if the same had been done by the ~~selectmen~~ Selectboard of the Town of Newfane.

§ 504. WATER PIPES

The trustees, or a majority of them, may lay water pipes, within the limits of ~~said the~~ the Village, and may, for that purpose enter upon the lands of any land owner in ~~said the~~ the Village, and lay and maintain water pipes through ~~such the~~ the land, and repair the ~~same~~ pipes when necessary, upon payment or tender of payment of ~~such~~ compensation as damages ~~therefor~~ as the ~~said~~ trustees shall award to ~~such the~~ the land owner, and to any tenant or occupant of ~~such the~~ the land to the amount that the individual's interests are affected ~~thereby~~. Any party aggrieved shall be entitled to the same redress as is provided in case of taking of land by ~~selectmen~~ a town for highway purposes.

* * *

Sec. 22. 24 App. V.S.A. chapter 285 is amended to read:

CHAPTER 285. VILLAGE OF WELLS RIVER

* * *

§ 25. ROADS, WALKWAYS, AND SEWERS

(a) The ~~trustees~~ Trustees of the Village may lay out, grade, alter, maintain, and discontinue any street, road, lane, alley, sewer, or walk in the Village, and appraise and settle ~~the~~ any damages ~~thereof~~, causing their proceedings to be recorded in the office of the Clerk of the Town of Newbury, provided that any person or persons aggrieved by their appraisal shall have the like opportunity for applying to the County Court for the County of Orange to obtain redress, as is or may be allowed by law to those aggrieved with the proceedings of ~~selectmen~~ selectboards in similar cases.

(b)(1) The ~~trustees~~ Trustees in making, altering, or repairing sidewalks, culverts, sewers, or drains shall have power, subject to the bylaws and ordinances of the Village on giving 12 days' notice to the interested parties ~~interested~~ of the time and place of hearing to assess the owner or occupant of the land or lands benefited ~~thereby~~, ~~so much~~ the share of the expense of making, altering, or repairing the ~~same~~ sidewalks, culverts, sewers, or drains as the ~~trustees~~ Trustees shall judge ~~such~~ the land to be benefited ~~thereby~~, not to exceed one half of ~~such~~ the expense.

(2) When any person shall be dissatisfied with the decision of the ~~trustees~~ Trustees in the award of damages for laying, making, altering, or repairing any sewer, drain, sidewalk, or culvert, or in any assessment for benefits of the same, ~~such~~ the person may petition the Orange County Court for a reassessment of ~~such~~ the damages or benefits. The persons so aggrieved by the action of the ~~trustees~~ Trustees shall have the same right and opportunity for applying to the County Court to obtain redress in the premises as is now provided by law to persons aggrieved by the action of ~~the selectmen~~ a town legislative body in like matters and proceedings.

(c)(1) Each and every owner of a building in the Village of Wells River used for human habitation or for business purposes situated upon any street, alley, or lane through which a main sewer shall be constructed, and the mortgagees of such a building, shall be legally responsible for the construction and maintenance, under the direction of the ~~trustees~~ Trustees, of a sewer or drain from ~~such~~ the building to ~~such~~ the main sewer, which sewer or drain shall be constructed and connected with the main sewer and ~~so~~ maintained as to provide adequate drainage for all sewerage and liquid waste in and about the building and the premises upon which the ~~same~~ sewer main shall be located, and to discharge ~~such~~ the sewerage and waste into the main sewer; ~~and in case,~~

(2) Whenever any person or persons owning ~~such~~ a building in the Village shall fail or neglect to construct and maintain a proper sewer or drain

from the building to the main sewer, it shall be the duty of ~~trustees~~ Trustees to give the person or persons owning or having an interest in the building and premises reasonable notice to build and construct an adequate sewer or drain from the building and premises to the main sewer. ~~In case such~~

(3) Whenever a person or persons shall fail to construct an adequate drain and sewer within 30 days from the time of receiving the notice, it shall be the duty of the ~~trustees~~ Trustees to declare the building and the premises upon which the same may be situated a nuisance and the ~~trustees~~ Trustees are hereby authorized and empowered to enter upon the premises and to build and construct an adequate sewer or drain from the premises to the main sewer and the person or persons upon whose premises the sewer or drain shall be so constructed, ~~as aforesaid,~~ shall pay to the ~~trustees~~ Trustees for the benefit of the Village all of the expense incurred by the Village in constructing the sewer and drain; ~~and in case such.~~

(4) Whenever a person or persons fail or neglect to pay the ~~same~~ amounts due pursuant to subdivision (3) of this subsection upon demand, the ~~trustees~~ Trustees may bring an action against the persons ~~so~~ notified to recover ~~such~~ the expense in the name of the Village, and the premises shall be holden for the payment of ~~such~~ the expense in building the sewer or drain and no homestead or interest of any mortgagee shall be exempt from attachment and execution in a suit brought to recover ~~such~~ the expense.

* * *

Sec. 23. 24 App. V.S.A. chapter 505 is amended to read:

CHAPTER 505. WILLIAMSTOWN FIRE DISTRICT ~~CHARTER~~

* * *

§ 2. BODY CORPORATE AND CORPORATE LIMITS

* * *

(b) While the District encompasses the same area as the Town of Williamstown, it shall be a corporate body separate from the Town of Williamstown. It shall elect its own officers, vote its own taxes, and manage its own affairs as follows:

(1) The Fire District Prudential Committee shall, for the Fire District, set a Fire District tax rate in the same manner that ~~the selectmen set~~ a selectboard sets the Town tax rate as provided by 17 V.S.A § 2664.

* * *

Sec. 24. 24 App. V.S.A. chapter 703 is amended to read:

CHAPTER 703. CHAMPLAIN WATER DISTRICT

* * *

§ 6. ORGANIZATION AND ADMINISTRATION

* * *

(c) All officers and commissioners of the existing Champlain Water District shall hold office for their existing terms and until others are elected

and qualified following the first annual meeting. The ~~selectmen~~ legislative body of each town may appoint an alternative ~~water commissioner~~ Water Commissioner for each ~~commissioner~~ Commissioner elected from that Town, whose duty shall be to serve in place of the elected ~~commissioner~~ Commissioner if the latter is unable to serve and to serve in that ~~commissioner's~~ Commissioner's place if that ~~commissioner~~ Commissioner resigns or is unable to proceed while in office.

* * *

(e) The ~~commissioners~~ Commissioners shall be the administrative body of the District and shall have the same general powers and duties as conferred by statute upon ~~selectmen~~ selectboards. They may appoint committees as they deem necessary or appropriate and shall set all policies of the District as required by this chapter or as they may deem proper. The Board of Commissioners shall have the authority to appoint a Manager for the District and fix his or her compensation. The Board may delegate to ~~such~~ the Manager any and all functions it may deem necessary and appropriate for the proper administration of the District, including the power to hire an administrative staff; provided, however, that the Board shall have the exclusive power to set and determine the policies of the District.

* * *

* * * City of Barre School District and Pronoun Corrections * * *

Sec. 25. 24 App. V.S.A. chapter 1 is amended to read:

CHAPTER 1. CITY OF BARRE

* * *

§ 110. FISCAL YEAR

The fiscal year of the City ~~and the City School District~~ shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter.

* * *

§ 203. SPECIAL CITY ~~AND SCHOOL DISTRICT~~ MEETINGS

Special City meetings ~~and Special School District meetings~~, shall be called in the manner provided by the laws of the State and the voting on all questions shall be by the Australian ballot system, except for budget votes as provided in section 207(d).

* * *

§ 205. OFFICERS ELECTED

(a)(1) The legal voters shall elect biennially a Mayor, a First Constable, and one person to serve as Clerk and Treasurer.

* * *

~~(3) Annually, the legal voters shall elect school commissioners to serve for a term of three years, as follows:~~

~~(A) at the 2019 annual City meeting, and each successive three year cycle after that, three school commissioners;~~

~~(B) at the 2020 annual City meeting, and each successive three year cycle after that, two school commissioners;~~

~~(C) at the 2021 annual City meeting, and each successive three year cycle after that, two school commissioners. [Repealed.]~~

~~(b) The legal voters shall elect annually Spaulding Union High School District School Board members in the manner, number, and term limit as is specified in the Barre City/Barre Town Union High School Agreement, dated November 30, 1986, or any such successor document. [Repealed.]~~

§ 206. VACANCIES

(a) In case of vacancy of any elected municipal City officer, except a councilor ~~or school commissioner~~, occasioned by death, removal from the City, resignation, or inability to serve, ~~such~~ the vacancy, unless ~~herein~~ otherwise provided in this charter, shall be filled by appointment by the City Council until the next annual election. In such case, nomination may be made by any member for the Council.

(b) In case of a vacancy of any councilor, occasioned by death, removal from the ward, resignation, or inability to serve, ~~such~~ the vacancy, unless

~~herein~~ otherwise provided in this charter, shall be filled by election at a caucus of the legal voters of the ward in which the vacancy occurs, duly warned, until the next annual election. In such case, nomination may be made by any legal voter from the ward in which the vacancy occurs.

~~(c) In case of a vacancy of any school commissioner, occasioned by death, removal from the City, resignation, or inability to serve, such vacancy, unless herein otherwise provided, shall be filled by appointment by the remaining members of the School Board until the next annual election. In such case, nomination may be made by any member of the School Board. [Repealed.]~~

§ 207. VOTING ON REQUEST OF THE CITY MANAGER

* * *

(b) If, at the annual March meeting, the voters disapprove the request of the City Manager, the Mayor, or in ~~his or her~~ the Mayor's absence or disability, the City Clerk shall warn a general meeting of the legal voters to consider the article disapproved by the voters, and to authorize a specific sum of money therefore. The meeting shall be in accordance with 17 V.S.A. §§ 2630-2689 and shall be held at the same location as the previous meeting with the polls open for the same hours as the previous meeting. If the voters continue to disapprove any portion of the request, similar meetings shall be held in the same manner.

* * *

§ 311. BUSINESS OR CONTRACTS BETWEEN CITY AND CITY
OFFICIALS OR EMPLOYEES

No City official or employee shall be directly or indirectly interested in any contract with ~~said~~ the City for an amount in excess of \$500.00, or furnish any material, or perform any labor, except in the discharge of ~~his or her~~ the official's or employee's official duties for which ~~said~~ the City officer shall receive a sum in excess of \$500.00, unless ~~such~~ the contract shall have been awarded upon bids advertised for by publications ~~[which]~~ that must have appeared six days previous to the opening of ~~such~~ the bids.

* * *

§ 315. COMPENSATION OF CITY OFFICIALS

Compensation of Mayor, councilors, and other appointees and City officers:

* * *

(c) When the legal voters have authorized an annual City ~~and school~~ budget, the City Council, ~~School Board, and/or~~ and the City Manager shall not authorize appropriations, expenditures, or payment in excess of the amount voted. Deficit spending shall be prohibited by the City of Barre ~~and the City of~~ Barre Schools.

* * *

§ 401. APPOINTMENT AND QUALIFICATIONS

The City Manager shall be appointed annually on the first day of July by the Council solely on the basis of ~~his or her~~ the Manager's executive and administrative qualifications with special reference to ~~his or her~~ actual experience, in, or knowledge of, accepted practice in respect to the duties of ~~his or her~~ the Manager's office, ~~as hereinafter set forth~~ pursuant to section 404 of this charter. At the time of ~~his or her~~ appointment, ~~he or she~~ the Manager need not be a resident of the City or State, but during ~~his or her~~ the Manager's tenure of office ~~he or she~~ the Manager may reside outside the City only with the approval of the Council. The ~~City~~ Manager shall hold office at the will of the Council.

§ 402. REMOVAL

(a) On 90 days' notice, the Manager may be removed without cause by a majority of the Council so voting. ~~He or she~~ The Manager may be suspended during this period, but ~~his or her~~ the Manager's pay shall continue until ~~his or her~~ the date of removal.

(b)(1) Notwithstanding the above, the Council may adopt a resolution stating its intention to remove the Manager and the reasons therefore, a copy of which shall be served forthwith on the Manager who may, within 10 days, demand a public hearing. Upon or after passage of such resolution, the

Council may suspend ~~him or her~~ the Manager from duty, but ~~his or her~~ the Manager's pay shall continue until ~~his or her~~ the date of removal.

(2) If no appeal is filed, the Council may dismiss ~~him or her~~ the Manager. In the event of an appeal, the Council shall hold a public hearing not less than 10 days or more than 20 days from the date of appeal, after which they may dismiss ~~him or her~~ the Manager.

§ 403. MANAGER'S ABSENCE

The City Manager may designate a qualified administrative officer of the municipality to perform ~~his or her~~ the Manager's duties during ~~his or her~~ any temporary absence or disability. In the event of ~~his or her~~ the Manager's failure to ~~make such designation~~ designate an administrative officer, the Council may, by resolution, appoint an officer of the City to perform the duties of the Manager during such absence or disability, until ~~he or she~~ the Manager shall return or ~~his or her~~ the Manager's disability shall cease.

§ 404. DUTIES AND RESPONSIBILITIES

The City Manager shall:

* * *

(c)(1) Appoint and remove all department heads and all other officers, subordinates, and assistants and fix their salary or compensation, for whose selection or removal no other method is provided in this act, except that ~~he or~~

~~she~~ the Manager may authorize the head of a department to appoint and remove subordinates in ~~such~~ the department;:

(2) supervise and control ~~his or her~~ the Manager's appointees; and

(3) report the appointment or removal at the next meeting ~~thereafter~~ of the City Council;

* * *

(g) Recommend to the City Council for adoption ~~such~~ any measures ~~as he or she~~ that the Manager may deem necessary or expedient, keep the Council advised of the financial condition* of the City, make reports to the Council, as requested by it, and at least once a year make an annual report of ~~his or her~~ the Manager's work for the benefit of the Council and the public;

* * *

§ 406. BUDGET

The City Manager shall prepare ~~his or her~~ the recommended budget for the next fiscal year and present the ~~same~~ recommendation to the City Council not later than 45 days prior to the annual meeting date each year. At the same time, the City Manager shall submit ~~his or her~~ a request for a specific sum of money under provisions of section 207 of this chapter.

* * *

§ 409. DUTIES

(a) The Mayor shall be chief conservator of the peace and safety of the City and, ~~as such,~~ is empowered to control and direct the police force, in case of riot, insurrection, or other emergency, ~~when he or she.~~ The Mayor may take command of the whole police force, including the chief executive ~~thereof of~~ the force, and may, for the occasion, appoint and commission as many special ~~policemen~~ police officers as ~~he or she~~ the Mayor may deem necessary. ~~who~~ The special police officers shall have all the powers of regular members of the police force. Any emergency as provided for in this section shall not be construed to be the operation of the police force in its routine duty. The Mayor shall have the power to administer oath before the City Council and official oaths to the several officers of the City, when required by law.

(b) The Mayor shall preside at all meetings of the City Council and shall have a voice and vote in its proceedings. ~~He or she~~ The Mayor shall be recognized as head of the municipal government for all ceremonial purposes and by the Governor for the purposes of military law. In the event of ~~his or her~~ the Mayor's inability to act, ~~his or her~~ absence, or disability, the Council shall designate one of its members to act as Mayor during ~~his or her~~ the Mayor's absence or disability.

§ 410. DUTIES

* * *

(b) All the books of records, papers, and documents belonging to the Town of Barre at the time the City of Barre was organized shall continue to be kept and deposited in the office of the City Clerk, copies of which, duly certified by ~~him or her~~ the City Clerk, shall be legal evidence for all purposes for which they would have been evidenced if the City has not been created, and they had been duly certified by the Clerk of the Town of Barre.

* * *

§ 413. ~~SCHOOL DISTRICTS~~

~~The City Treasurer shall be Treasurer of the City of Barre School District and shall have the same duties, powers, and liabilities of a treasurer of a town school district, except as otherwise provided. [Repealed.]~~

§ 414. DUTIES AND RESPONSIBILITIES

The City Attorney shall be corporation counsel for the City. ~~He or she~~ The City Attorney may prosecute and defend in behalf of the City all suits in which the City is interested. ~~He or she~~ The City Attorney is authorized to file information and complaints in criminal causes involving violation of an ordinance of the City, and shall prosecute the same. ~~A~~ The City Attorney shall file a copy of all his or her written opinions shall be filed by him or her any City Attorney written opinion in the office of the City Clerk.

§ 415. DUTIES AND RESPONSIBILITIES

The City Grand Juror shall have the same powers, perform the same duties, and incur the same liabilities as grand jurors of towns, and ~~he or she~~ the Grand Juror shall prosecute violations of ordinances, regulations, and bylaws of the City. ~~His or her~~ The Grand Juror's compensation shall be established by the City Council.

§ 416. APPOINTMENT

The City Council shall annually appoint from among the legally qualified voters of the City a Collector of Taxes and fix ~~his or her~~ the Collector's compensation; and for cause, incapacity, negligence, or misconduct, they may remove ~~such officer~~ the Collector and fill any vacancy in ~~such~~ the office by the appointment of a successor collector of taxes from among the legally qualified voters of the City arising from any cause. The successor ~~collector of taxes~~ Collector of Taxes shall hold the office for the unexpired term of ~~his or her~~ the predecessor in office.

* * *

§ 419. DUTIES

The City Engineer shall make all public surveys of the streets and public grounds of the City and shall perform ~~such~~ other services as ~~he or she may be required by~~ the City Manager may require.

* * *

§ 421. DUTIES

The Superintendent of Streets, subject to the order of the City Manager, shall have immediate care and supervision of the public streets, highways, and sewers of the City. ~~He or she~~ The Superintendent of Streets shall be under the general direction and control of the City Manager.

* * *

§ 516. ~~POWERS AND DUTIES~~

~~(a) Except as otherwise provided, the school commissioners, elected as herein before provided, shall have the same duties, powers, and liabilities prescribed for school directors of town school districts. They shall compose the Board of School Commissioners of the City of Barre School District, with the same duties, powers, and liabilities of the board of school directors of a town school district. The Board of School Commissioners shall consist of seven members, each serving a term of three years.~~

~~(b) The Board of School Commissioners shall have the care and custody of all the property belonging to, or used for, the public schools located in the City. Payments due or to become due on bonds and interest thereon, used by the City of Barre for school purposes, shall be paid by the City of Barre School District.~~

~~(c) No later than 45 days prior to the annual meeting date each year, the Board of School Commissioners shall present to the City Council its budget requests for the next fiscal year.~~

~~(d) The Board shall appoint from among its members, a Clerk who shall have the same duties and responsibilities as prescribed by statute. [Repealed.]~~

~~§ 517. APPOINTMENT OF SUPERINTENDENT AND PRINCIPAL;
COMPENSATION; TERM~~

~~The school commissioners shall annually appoint a Superintendent of schools and a principal of high schools and shall fix their compensation which shall be paid by the school commissioners in the same manner as other expense for the support of schools; and for such cause of incapacity, negligence, or misconduct, they may remove such officers and shall by appointment fill any vacancy in such office arising from any cause. The Superintendent shall perform all such duties in connection with the public schools of the City as shall be assigned him or her by the Board of School Commissioners and as may be prescribed by law. He or she shall annually report to the City Council such statistics as are required by law and such other information as the school commissioners shall direct. [Repealed.]~~

* * *

§ 604. NOTICE OF TAX DUE

The City Treasurer shall upon ~~delivery to him or her~~ receipt of the tax rate, publish at least three times in a newspaper with the general circulation in the City a notice calling upon the taxpayer to pay their respective taxes on the dates provided in section 601, and to mail to each taxpayer, at ~~his or her~~ the

taxpayer's last known address, a tax bill stating the amount of the ~~grant~~ grand
list, the amount of taxes due, and when those taxes are payable.

* * *

* * * Interpretation and Effective Date * * *

Sec. 26. INTERPRETATION

It is the intent of the General Assembly that the technical amendments in
this act shall not supersede substantive changes contained in other bills enacted
by the General Assembly during the current biennium. Where possible, the
amendments in this act shall be interpreted to be supplemental to other
amendments of the same sections of statute; to the extent the provisions
conflict, the substantive changes in other acts shall take precedence over the
technical changes of this act.

Sec. 27. EFFECTIVE DATE

This act shall take effect on passage.