

1 Introduced by Committee on Government Operations

2 Date:

3 Subject: Municipal government; municipal charters; technical corrections

4 Statement of purpose of bill as introduced: This bill proposes to amend certain
5 municipal charters to make the terms for municipal offices gender neutral and
6 to remove certain school districts and all gendered pronouns from the City of
7 Barre charter.

8 An act relating to technical corrections to municipal charters

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

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

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

12 CHAPTER 3. CITY OF BURLINGTON

13 * * *

14 § 28. WARNING REQUIRED; LOCATION; VOTING

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

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

3 § 29. CHECKLISTS TO BE PREPARED AND POSTED

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

9 § 30. GENERAL LAWS APPLICABLE; EXCEPTIONS

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

16 § 31. DUTIES OF ELECTION INSPECTORS AND WARD CLERKS

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

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

4 * * *

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

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

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

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

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

10 * * *

11 § 234. PURPOSES AND POWERS

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

18 * * *

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

20 CHAPTER 7. CITY OF NEWPORT

21 * * *

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

2 RATES

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

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

13 * * *

14 § 38. PAUPERS

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

1 on the City Farm of ~~said~~ the City for the year ensuing, and, if they agree, they
2 shall reduce their agreement to writing in duplicate and file one of ~~said~~ the
3 duplicates with the City Clerk of ~~said~~ the City and one with the Town Clerk of
4 ~~said~~ the Town; but if ~~said~~ the overseers cannot agree upon ~~said~~ the charge, the
5 City Council of ~~said~~ the City and the ~~Selectmen~~ Selectboard of ~~said~~ the Town
6 shall each select one disinterested person from outside ~~said~~ the Town and City,
7 and the two ~~thus~~ selected persons shall select a third person also disinterested
8 and from outside ~~said~~ the Town and City, whose expense shall be borne
9 equally by ~~said~~ the Town and City, who shall forthwith hear the parties and
10 determine either a reasonable charge for board and lodging of ~~said~~ the paupers
11 on ~~said~~ the City farm, or shall make division of all ~~said~~ the paupers as
12 equitably as may be, and ~~said~~ the three persons, or a majority thereof, shall
13 reduce their award to writing under their hands and in duplicate showing the
14 reasonable charge for board and lodging of ~~said~~ the paupers, or showing and
15 designating which paupers shall be supported by ~~said~~ the Town and City
16 respectively and deliver one of ~~said~~ the duplicates to ~~said~~ the Town and City,
17 respectively, to be recorded by the respective Clerks of ~~said~~ the Town and
18 City, whereupon ~~such~~ the award and designation, if it provides a division of
19 ~~said~~ the paupers, shall become and remain binding upon ~~said~~ the Town and
20 City forever, and ~~said~~ the Town and City shall thereafter be liable for the
21 support of ~~such~~ the persons as that are designated in ~~said~~ the award to be by

1 them respectively supported. The City of Newport and the Town of Newport
2 shall be respectively liable for the support of all other persons who were
3 receiving aid from the Town of Newport on the first Tuesday of March 1918,
4 who resided within their respective limits when they became paupers.

5 Territory within the limits of the Town of Newport owned by the City of
6 Newport, shall be considered as City territory in determining all pauper
7 residence questions.

8 * * *

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

10 CHAPTER 9. CITY OF RUTLAND

11 * * *

12 § 6.1. SEQUESTRATION

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

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

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

20 (3) the preservation, protection, maintenance, and operation of the same;

21 ~~the Board of Civil Authority shall proceed in the same manner in which~~

1 ~~selectmen of towns are authorized to proceed in the taking of lands for~~
2 ~~highways.~~

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

12 **(2)** If the proceedings are instituted only in respect to the appraisal of
13 damages for lands, springs, streams, water rights, and water; so taken by the
14 Board of Civil Authority, ~~such~~ the proceedings shall not prevent ~~said~~ the City
15 from establishing, increasing, maintaining, and repairing reservoirs, aqueducts,
16 water pipes, pipe lines, hydrants, and all other apparatus necessary for ~~such~~
17 these purposes on the lands so taken, and from taking springs, streams, water
18 rights, and water, as if ~~no such~~ proceedings had not been instituted.

19 **(b)(c)** In giving notice to all persons owning or interested in any lands,
20 streams, springs, water rights, or water, to be taken for ~~such~~ the purposes; set
21 forth ~~above~~ in this section, the Board of Civil Authority shall issue its citation,

1 signed by the Mayor or its Clerk; ~~which.~~ The citation shall be served in the
2 same manner and the several officers shall perform the same duties ~~in respect~~
3 ~~thereto,~~ as provided in this ~~act~~ charter for citations issued by the Board of
4 Highway Commissioners.

5 * * *

6 § 24.4. COMMISSIONER; CONTROL OF WATER SUPPLY

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

14 (b) The Commissioner of Public Works shall have the exclusive general
15 management and control, and the immediate and practical supervision of the
16 City streets, bridges, culverts, curbs, sidewalks, and sewers, and the work done
17 thereon, and shall see that the same are properly constructed and kept in repair.
18 He or she shall have the same powers in respect to repairs of streets, highways,
19 bridges, and culverts as road commissioners and ~~selectmen~~ selectboard
20 members in towns and shall, when the public good requires, cause all streets

1 and highways to be worked and graded the entire width thereof and made in
2 such a manner as will in his or her judgment best accommodate the public.

3 * * *

4 § 25.1. MEMBERSHIP AND DUTIES

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

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

11 CHAPTER 13. CITY OF SOUTH BURLINGTON

12 * * *

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

14 (a) There shall be a City Council consisting of five members.

15 (b) Three members shall have terms of office of three years; two members
16 shall have terms of office of two years.

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

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

4 * * *

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

6 CHAPTER 15. CITY OF VERGENNES

7 * * *

8 § 6. MAYOR AND ALDERMEN

9 The Mayor shall preside at all meetings of the City except freeman's
10 meetings, with the power of moderator in town meetings, and at meetings of
11 the City Council. The Mayor, together with the aldermen, shall constitute a
12 Board of City Council and shall have the management of the affairs of the
13 corporation and the necessary powers for that purpose, and in addition thereto
14 all the powers of ~~selectmen~~ a selectboard, and shall establish pounds. ~~Said~~ The
15 City Council shall hold a meeting on a stated day of each month, to be
16 determined by that body, and ~~often~~ more frequently at the call of the Mayor.
17 In case of the absence, resignation, or inability from any cause of the Mayor,
18 the duties of the Office shall devolve on the senior Alderman, chosen by City
19 Council, for the remainder of the Mayor's official term. The Mayor and
20 aldermen shall, ex officio, have and exercise all the powers and authority of
21 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

1 provided, may have the same remedy by application to the county court as is
2 provided by law in cases of highways laid out by the ~~selectmen~~.

3 * * *

4 § 65. DAMAGES; PROCEDURE FOR DETERMINING

5 If in any case the damages caused by ~~taking~~ taking the water, or by taking
6 the land, or any right, title, or interest therein, or for entering upon and using
7 any land ~~as aforesaid~~, are not adjusted by agreement of the parties affected
8 thereby, or if the owner disputes the necessity for ~~such~~ the taking, the City
9 Council shall proceed in the same manner as is provided by law for ~~selectmen~~
10 legislative bodies of towns in taking lands for highway purposes and ~~in~~
11 awarding damages ~~therefor~~ for the taking of lands. If any interested person or
12 corporation is dissatisfied with the decision as to the necessity for or the extent
13 of ~~such~~ the taking or with the award of damages, it may apply by petition to the
14 Addison County Court setting forth the particulars ~~wherein said~~ that the
15 petitioner claims to be aggrieved, and any number of persons may join ~~therein~~
16 the petition. ~~Said~~ The petition, with a citation, shall be served on the Clerk of
17 ~~said~~ the City within 30 days from the filing of the award and description of the
18 property taken, and at least 12 days before the term of the Court to which the
19 petition is returnable; the Court shall thereupon appoint three disinterested
20 persons as commissioners, who shall inquire into the intent and necessity of
21 ~~such~~ the taking, and as to the damages sustained by the petitioners. ~~Said~~ The

1 commissioners shall give at least six days’ notice of the time and place of
2 hearing to the petitioners, and to the Clerk of the City of Vergennes; they shall
3 report their findings to the Court, and upon hearing ~~said~~ the Court may accept
4 or reject ~~said~~ the report, in whole or in part, make ~~such~~ the orders in the
5 premises ~~as~~ that justice requires, may render judgment for the petitioners
6 respectively, may take costs for either party, and award execution. In case final
7 judgment is rendered for the City, or if no appeal from the decision of the
8 commissioners is taken, the City may immediately tender the amount awarded
9 as damages and costs and thereupon enter upon and occupy the premises so
10 taken.

11 * * *

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

13 CHAPTER 113. TOWN OF COLCHESTER

14 * * *

15 § 605. AMOUNT TO BE RAISED BY TAXATION

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

21 * * *

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

2 CHAPTER 117. TOWN OF ESSEX

3 * * *

4 § 103. POWERS OF THE TOWN

5 * * *

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

10 * * *

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

13 (a) Every ordinance shall be introduced in writing. The enacting clause of
14 all ordinances shall be “The ~~selectmen~~ Selectboard of the Town of Essex
15 hereby ~~ordain~~ ordains...”. If the ~~selectmen pass~~ Selectboard passes the
16 proposed ordinance upon first reading, they shall cause it to be published in a
17 newspaper of general circulation in the Town in the form passed, or a concise
18 summary of it including a statement of purpose, principal provisions, and table
19 of contents or list of section headings, together with a reference to a place
20 within the Town where copies of the full text of the proposed ordinance may
21 be examined, at least once, together with a notice of the time and place when

1 and where there will be a public hearing to consider the same for final passage.
2 The first such publication shall be at least one week prior to the date of ~~said~~ the
3 public hearing. Any published notice shall explain citizens' rights to petition
4 for a vote on the ordinance at an annual or special meeting pursuant to
5 24 V.S.A. § 1973 and shall also contain the name, address, and telephone
6 number of a person with knowledge of the ordinance who is available to
7 answer questions about it.

8 * * *

9 (c) After the hearing, the ~~selectmen~~ Selectboard may finally pass the
10 ordinance with or without amendment, except that if the ~~selectmen make~~
11 Selectboard makes an amendment they shall cause the amended ordinance to
12 be published pursuant to section 106(a) ~~hereof~~ of this charter at least once
13 together with a notice of the time and place of a public hearing at which the
14 amended ordinance will be further considered, ~~which~~. The publication shall be
15 at least three days prior to the public hearing. At ~~which~~ the time so advertised
16 or at any time and place to which the meeting may be adjourned, the amended
17 ordinance shall be introduced, and after the hearing, the ~~selectmen~~ Selectboard
18 may finally pass the amended ordinance, or again amend it subject to the same
19 procedures as outlined ~~herein~~ in this charter.

20 * * *

21 § 108. FILING

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

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

10 * * *

11 § 205. RECORD OF PROCEEDINGS

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

17 * * *

18 § 206. APPOINTMENTS BY ~~SELECTMEN~~ SELECTBOARD

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

21 * * *

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

4 * * *

5 § 207. JURISDICTION OVER OTHER OFFICERS OR EMPLOYEES

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

14 (b) This section shall not be construed to prohibit the ~~selectmen~~
15 Selectboard from recommending to the Town Manager a prospective employee
16 for his or her consideration, or bringing to the attention of the Manager any
17 complaint concerning the actions of any officer or employee of the Town.
18 This section shall not be construed to prohibit the review by the ~~Board of~~
19 ~~Selectmen~~ Selectboard of actions by the Manager or hearings brought to the
20 ~~selectmen~~ Selectboard by employees pursuant to appellate rights granted them
21 by statute.

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

3 (a) Compensation paid to the ~~selectmen~~ Selectboard members shall be set
4 by the voters at the annual meeting, with a minimum of \$500.00 a year each.
5 ~~Selectmen's~~ The salaries of Selectboard members must be set forth as a
6 separate item in the annual budget presented to the meeting.

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

9 § 209. POWERS AND DUTIES

10 (a) The members of the ~~Board of Selectmen~~ Selectboard shall constitute the
11 legislative body of the Town of Essex for all purposes required by statute and
12 shall have all powers and authority given to, and perform all duties required of
13 town legislative bodies or ~~boards of selectmen~~ selectboards under the laws of
14 the State of Vermont.

15 (b) Within the limitations of the foregoing, the ~~selectmen~~ Selectboard shall
16 have the power to:

17 * * *

18 § 302. TIME OF HOLDING

19 * * *

20 (b) The election of officers and the voting on all questions to be decided by
21 Australian ballot or voting required by law to be by ballot shall take place on

1 the day specified in 17 V.S.A. § 2640(a) that; may from time to time be
2 amended. The ballot boxes or voting machines shall be open for a minimum of
3 nine consecutive hours between 6:00 a.m. and 10:00 p.m. as shall be
4 determined and warned by the ~~Board of Selectmen~~ Selectboard.

5 § 303. BUDGET

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

16 * * *

17 § 304. RESCISSION OF ORDINANCES

18 (a) All ordinances shall be subject to rescission by a special or annual
19 Town meeting, as follows: If, within 44 days after final passage by the
20 ~~selectmen~~ Selectboard of any ~~such~~ ordinance, a petition signed by voters of the
21 Town not less in number than five percent of the qualified voters of the

1 municipality is filed with the Town Clerk requesting its reference to a special
2 or annual Town meeting, the ~~selectmen~~ Selectboard shall fix the time and place
3 of the meeting, which shall be within 60 days after the filing of the petition,
4 and notice ~~thereof~~ shall be given in the manner provided by law in the calling
5 of a special or annual Town meeting. Voting shall be by Australian ballot.

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

10 § 305. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL
11 MEETING

12 (a) Subject to the provisions of section 304 of this Charter, voters of the
13 Town may at any time petition in the same manner as in section 304 for the
14 enactment of any proposed lawful ordinance by filing the petition, including
15 the text of the ordinance, with the Town Clerk. The ~~selectmen~~ Selectboard
16 shall call a special Town meeting (or include the ordinance as annual meeting
17 business) to be held within 60 days of the date of the filing, unless prior to the
18 meeting the ordinance shall be enacted by the ~~selectmen~~ Selectboard. The
19 warning for the meeting shall state the proposed ordinance in full or in concise
20 summary and shall provide for an Australian ballot vote as to its enactment.
21 The ordinance shall take effect on the 10th day after the conclusion of the

1 meeting provided that voters as qualified in section 304, constituting a majority
2 of those voting ~~thereon~~, shall have voted in the affirmative.

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

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

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

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

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

16 * * *

17 § 501. CREATION OF DEPARTMENT

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

21 * * *

1 § 601. APPOINTMENT OF MANAGER

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

6 § 602. OFFICIALS APPOINTED BY MANAGER

7 The Town Manager shall appoint with the approval of the ~~selectmen~~
8 Selectboard: Town Clerk, Town Treasurer, Assistant Town Clerk, constables,
9 Grand Juror, Director of Public Works, Police Chief, a Town Agent if the
10 Town Attorney is not a resident of the Town of Essex, cemetery
11 commissioners, Health Officer, fire wardens, Zoning Administrator, and if
12 needed, the Town Manager may appoint fence viewers, Inspector of Lumber
13 and Shingles, and any other officer ~~which~~ that the ~~selectmen~~ Selectboard of a
14 Town ~~are~~ is authorized to appoint if the ~~selectmen have~~ Selectboard has not
15 filled the office. The terms of the appointed officials shall commence on the
16 first day of April following appointment. Appointments to fill a vacancy in an
17 office shall be effective at the time of appointment and shall run for the
18 unexpired period of the term.

19 * * *

1 § 702. PREPARATION AND SUBMISSION

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

5 * * *

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

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

14 § 703. TOWN MEETING WARNING AND BUDGET

15 The proposed budget and the warning for the annual meeting shall be
16 distributed to the legal voters of the Town at least 10 days before the annual
17 meeting. In addition, the ~~selectmen~~ Selectboard shall comply with the
18 statutory requirements applicable to town meetings in the warning of any
19 annual or special meeting.

20 * * *

1 § 705. AMOUNT TO BE RAISED BY TAXATION

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

7 * * *

8 § 707. TRANSFERS OF APPROPRIATIONS

9 * * *

10 (b) At the request of the Manager, the ~~Board of Selectmen~~ Selectboard
11 may, by resolution, transfer any unencumbered appropriation balance or
12 portion ~~thereof~~ within the ~~selectmen's~~ Selectboard's budget from one
13 department, office, or agency to another. Notwithstanding the above, no
14 unexpended balance in any appropriation not included in the ~~selectmen's~~
15 Selectboard's budget, shall be transferred or used for any other purpose.

16 * * *

17 § 902. PERSONNEL RULES AND REGULATIONS

18 (a) The Town Manager or the Town Manager's appointee shall be the
19 Personnel Director. The Town Manager shall maintain personnel rules and
20 regulations protecting the interests of the Town and of the employees. These
21 rules and regulations must be approved by the ~~Board of Selectmen~~ Selectboard

1 and shall include the procedure for amending them and for placing them into
2 practice. Each employee shall receive a copy of the rules and regulations when
3 he or she is hired.

4 * * *

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

6 CHAPTER 123. TOWN OF HARDWICK

7 * * *

8 § 104. ADDITIONAL POWERS

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

12 * * *

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

16 * * *

17 § 105. RESERVATION OF POWERS TO THE TOWN

18 Nothing in this charter shall be construed to in any way limit the powers
19 and functions conferred on the Town of Hardwick, the ~~selectmen~~ Selectboard
20 of ~~said the~~ Town, or its elected and appointed officials by general or special
21 enactments of State statutes or regulations in force or effect or hereafter

1 enacted, and the powers and functions conferred by this charter shall by this
2 charter be cumulative and in addition to the provisions of such general
3 enactments unless this charter otherwise provides.

4 * * *

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

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

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

20 (c) After the public hearing, the ~~selectmen~~ Selectboard may finally adopt
21 the ordinance, with or without amendment. If they amend the ordinance prior

1 to passage, they shall cause the amended ordinance to be entered in the official
2 record of their proceedings, and shall also cause notice of the amended and
3 passed ordinance to be published in a newspaper of general circulation in the
4 Town on a day not more than 14 days after adoption.

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

11 * * *

12 § 108. REFERENDUM

13 (a) All Town ordinances, except as specified in section 110 of this charter,
14 may be repealed by vote of the Town as follows: A petition signed by not less
15 than 15 percent of the registered voters shall be filed with the Town Clerk
16 requesting a vote on the question of repealing the ordinance. The ~~selectmen~~
17 Selectboard shall call a special Town Meeting to be held within 60 days of the
18 date of the filing of the petition, to vote on whether the ordinance shall be
19 repealed.

20 * * *

1 § 109. ORDINANCES; ADOPTION ON PETITION

2 Any lawful ordinance may be enacted by vote of the Town as follows: A
3 petition signed by not less than 15 percent of the registered voters shall be filed
4 with the Town Clerk requesting enactment of the ordinance and accompanied
5 by the text ~~thereof~~ of the ordinance. The ~~selectmen~~ Selectboard shall call a
6 special Town meeting to be held within 60 days of the date the petition is filed,
7 unless prior to ~~such~~ the meeting, the ~~selectmen~~ Selectboard shall have enacted
8 the ordinance. The warning for the meeting shall include a summary of the
9 text of the proposed ordinance, its effective date and penalty provision for
10 violation thereof, and shall be posted and published as the law of this State
11 requires for special meeting generally. The warning shall provide for a “yes”
12 and “no” vote by ballot as to its enactment. Copies of the proposed ordinance
13 shall be posted in its entirety in at least five locations in Town for at least 30
14 consecutive days to the date of ~~said~~ the special Town meeting. In the
15 discretion of the ~~selectmen~~ Selectboard, the enactment of ~~such~~ the ordinance
16 may be proposed as an article in the warning for the next ensuing annual Town
17 meeting, providing that ~~such~~ the annual meeting shall be held within 120 days
18 of the filing of ~~such~~ the petition for enactment.

19 * * *

1 § 114. FORM OF GOVERNMENT

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

11 * * *

12 § 116. INTERGOVERNMENTAL RELATIONS

13 The Town, through its ~~Board of Selectmen~~ Selectboard or Board of School
14 Directors, or both, may enter into any agreement with the United States of
15 America or in the State of Vermont, or both, or with any subdivision,
16 department, agency, or activity of the United States of America or the State of
17 Vermont, or both, to make public improvements within ~~said~~ the Town, or upon
18 property or rights of ~~said~~ the Town outside its corporate limits, whether owned
19 by ~~said~~ the Town as sole owner or owned by ~~said~~ the Town in common with
20 another municipality or other municipalities, and may make appropriations
21 consistent with this charter to accomplish ~~such~~ that purpose.

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* * *

§ 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.

§ 123-303. 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.

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

7 * * *

8 § 305. TREASURER

9 * * *

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

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

14 * * *

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

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

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

1 § 306. APPOINTED OFFICERS

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

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

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

6 [Repealed.]

7 * * *

8 § 307. VACANCIES AND APPOINTMENTS

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

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

1 expired term until after at least seven days from the date the names of the
2 applicants are entered in the minutes.

3 * * *

4 § 311. RECALL OF ELECTED OFFICIALS

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

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

11 (2) The ~~selectmen~~ Selectboard shall call a special Town meeting, to be
12 held within 45 days of receiving the petition, to vote on whether the elected
13 town officer shall be removed. The officer shall be removed only if at least as
14 many registered voters of the Town vote as voted in the election ~~wherein~~ in
15 which the officer was elected, or at least one-third of the registered voters of
16 the Town vote, whichever is greater, and a majority of the number of votes is
17 cast for removal. Notwithstanding any other provision of law or of this charter
18 to the contrary, any vote on a recall petition shall be by the Australian ballot
19 system.

20 (b) If the Town votes for removal of an elected officer, the office shall
21 ~~thereupon~~ become vacant, and the ~~selectmen~~ Selectboard shall call a special

1 meeting, to be held within 45 days of the vote for removal, to fill the vacancy
2 until the term of the officer so removed expires. The office shall remain vacant
3 until the next annual Town meeting if ~~such~~ the special meeting would fall
4 within 75 days prior to the annual Town meeting.

5 § 501. POWERS AND DUTIES

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

12 (b) Within the limitations of the foregoing, the ~~selectmen~~ Selectboard shall
13 have the power to:

14 (1) Appoint and remove the Town Manager and supervise, create,
15 change, and abolish offices, commissions, or departments other than the
16 offices, commissions, or departments established by this charter or by law.

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

19 * * *

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

1 § 502. ORGANIZATION

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

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

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

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

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

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

21 * * *

1 § 503. RECORD OF PROCEEDINGS

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

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

11 § 504. JURISDICTION OVER OFFICES AND EMPLOYEES

12 Neither the ~~Board of Selectmen~~ Selectboard nor any of its members shall
13 direct or request the appointment, by any officer or employee of the Town, of
14 any person to office or employment, or their suspension or removal therefrom,
15 or in any manner take part in the appointment, discipline, or removal of
16 subordinates and employees of the Town, except as otherwise provided in this
17 charter. The ~~Board of Selectmen~~ Selectboard and its members shall deal with
18 that position of the service of the Town for which the Manager is responsible
19 solely through the Town Manager and neither the ~~Board of Selectmen~~
20 Selectboard or any of its members shall give any orders or request any action
21 by a subordinate in office. This shall not be construed to prohibit the

1 ~~selectmen~~ Selectboard from recommending to the Town Manager a
2 prospective employee for consideration and making general complaints to the
3 Town Manager.

4 * * *

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

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

8 § 702. MANAGER NONPARTISAN

9 * * *

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

14 § 703. OATH AND BOND

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

1 § 704. DUTIES OF MANAGER

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

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

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

15 * * *

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

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

21 * * *

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

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

7 * * *

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

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

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

18 * * *

19 § 705. COMPENSATION

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

1 § 706. ABSENCE

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

8 * * *

9 § 901. APPOINTMENTS

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

13 * * *

14 § 903. SEWAGE COLLECTION AND DISPOSAL; DUTIES OF

15 ~~SELECTMEN~~ SELECTBOARD

16 It shall be the responsibility of the ~~Board of Selectmen~~ Selectboard, acting
17 as sewer commissioners, to provide adequate collection and disposal for
18 domestic and industrial sewerage within those parts of the Town served by
19 existing sewage collection and distribution system. In order to implement ~~said~~
20 the authority, the ~~Board of Selectmen~~ Selectboard shall have, in addition to

1 those powers enumerated in the general laws of this State with respect to
2 sewage disposal, the following powers:

3 (1) Whenever the public health or convenience shall require the
4 construction of a common sewer or sewers in the Town, the ~~Board of~~
5 ~~Selectmen~~ Selectboard is hereby authorized and empowered to so construct
6 ~~said~~ the sewers and to repair the same from time to time when necessary, and
7 for ~~such~~ the purpose may take the land of individuals and corporations on
8 making compensation for the lands so taken, and the ~~selectmen~~ Selectboard
9 shall proceed in the same manner as is prescribed by law for ~~selectmen~~
10 legislative bodies in taking for public highways and ~~in~~ awarding damages for
11 the taking of lands ~~therefore~~, and the ~~said~~ ~~selectmen~~ Selectboard shall make a
12 return of their doings to the office of the Clerk of said Town who shall record
13 the ~~same~~ return in the records of the Town, and ~~said~~ the Town may also lay
14 pipes along and across the streets, alleys, lanes, and highways in ~~said~~ the
15 Town.

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

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

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

17 (5) When any person shall be dissatisfied with the decision of ~~said~~
18 ~~Board of Selectmen~~ the Selectboard in the award of damages for laying,
19 making, altering, or repairing any sewer and drain, or in any assessment for
20 benefits of the same, ~~such~~ the persons may petition a court of competent
21 jurisdiction for a reassessment of ~~such~~ damages or benefits. ~~Said~~ The petition

1 shall be served on the Clerk of said Town within 60 days next after ~~said~~ the
2 award of damages or assessment for benefit shall be filed in ~~said~~ the Clerk's
3 office, and ~~such~~ the petition shall not delay the making or repairing of ~~such~~ the
4 sewer or drain, or sidewalk or culvert, or laying ~~said~~ the water pipe.

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

12 * * *

13 § 904. ELECTRIC DEPARTMENT COMMISSIONERS

14 (a) The Town of Hardwick may own and operate municipal electric plants
15 as provided in 30 V.S.A. chapter 79, the management, operation, and
16 administration of which shall be vested in a Board of Electric Utility
17 Commissioners consisting of five persons to be appointed by the ~~Board of~~
18 ~~Selectmen~~ Selectboard whose initial terms shall be established by resolution of
19 the ~~Board of Selectmen~~ Selectboard so as to provide that ~~no~~ not more than two
20 of ~~such~~ the commissioners shall be appointed annually. Each appointment
21 shall take effect on July 1 of each year, and no commissioner may be removed

1 from office except for cause. Notwithstanding any provision of this charter or
2 the general law, the ~~Board of Selectmen~~ Selectboard may appoint ~~no~~ not more
3 than two electric utility commissioners who are not residents of the Town;
4 provided, however, that ~~such~~ the commissioners reside within and are ~~full-time~~
5 full-time residents of the area served by the Town's municipal electric plant.

6 * * *

7 § 907. FIRE AND POLICE DEPARTMENTS; GENERAL PROVISIONS

8 * * *

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

13 * * *

14 § 909. BOARD OF HEALTH

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

18 * * *

19 § 1104. POSTPONEMENT AND COMBINING OF TOWN MEETING

20 (a) If an application for a special Town meeting is made not more than 60
21 days and not less than 40 days before annual Town meeting day, the ~~selectmen~~

1 Selectboard may postpone voting on any one or more of the articles requested
2 in the petition until annual Town meeting day.

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

9 * * *

10 § 1301. APPLICABILITY OF STATE LAW TO ZONING AND
11 PLANNING

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

18 * * *

19 § 1502. PREPARATION AND SUBMISSION OF BUDGET

20 (a) The Town Manager, at least 90 days before the date of the regular
21 annual Town meeting, shall submit to the ~~selectmen~~ Selectboard a budget

1 ~~which that~~, except as required by law or this charter, shall be in ~~such the~~ form
2 as ~~that~~ the Manager deems desirable or the ~~selectmen~~ Selectboard members
3 may require. The budget shall contain:

4 * * *

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

7 (b) At least 10 days before the annual meeting of the Town, the ~~selectmen~~
8 Selectboard shall publish in a newspaper of general local circulation a notice
9 containing the amount ~~which that~~ the Town anticipates must be raised by
10 Town taxes and to be voted at its annual meeting.

11 (c) The ~~selectmen's~~ Selectboard's budget in its final form and the warning
12 of the meeting shall be made available to the legal voters of the Town at least
13 10 days prior to the annual meeting.

14 * * *

15 § 1504. APPROPRIATIONS

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

1 sections 1506 and 1507 of this charter. The amounts stated in the budget, and
2 as approved by the Town, shall become appropriated to the several agencies,
3 departments, and purposes ~~therein~~ named in the budget.

4 § 1505. AMOUNT TO BE RAISED BY TAXATION

5 Upon passage of the budget by the annual Town meeting, the amounts
6 stated ~~therein~~ in the budget as the amount to be raised by property taxes shall
7 constitute a determination of the amount of the levy for the purposes of the
8 Town in the corresponding tax year, and the ~~selectmen~~ Selectboard shall levy
9 ~~such~~ the taxes on the grand list furnished by the listers for the corresponding
10 tax year.

11 § 1506. BUDGET LIMITATIONS-BORROWING

12 * * *

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

15 * * *

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

18 (e) The ~~selectmen~~ Selectboard, in the name of the Town, may borrow funds
19 in anticipation of federal and State funds ~~which~~ that have been approved and
20 committed, until ~~such~~ the time as ~~such~~ that the funds are available, but in no

1 event for a term of longer than one year. Any debt so incurred for a project
2 shall be repaid from the first Federal or State funds received for that project.

3 * * *

4 § 1507. TRANSFERS OF APPROPRIATIONS

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

13 * * *

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

15 CHAPTER 127. TOWN OF MIDDLEBURY

16 * * *

17 § 105. RESERVATION OF POWERS TO THE TOWN

18 Nothing in this charter shall be construed to in any way limit the powers
19 and functions conferred on the Town of Middlebury and the ~~selectmen~~
20 Selectboard of said Town by general or special enactments of State statutes or
21 regulations in force or effect or hereafter enacted, and the powers and functions

1 conferred by this charter shall be cumulative and in addition to the provisions
2 of ~~such~~ general or special enactments unless this charter otherwise provides.

3 * * *

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

5 (a) If the ~~selectmen desire~~ Selectboard desires to adopt an ordinance, they
6 shall cause it to be entered in the official record kept of their proceedings, and
7 thereafter, they shall adopt it subject to final approval after the public hearing
8 as ~~hereafter~~ set forth in this section. The ordinance shall then be published in a
9 newspaper of general circulation in the Town, together with a notice of the
10 time and place of a public hearing to consider the ordinance for final passage,
11 ~~such the~~ publication to be on a day at least one week and not more than two
12 weeks prior to the date of hearing.

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

18 (c) After the public hearing, the ~~selectmen~~ Selectboard may finally adopt
19 the ordinance, with or without amendment. If they amend the ordinance prior
20 to passage, they shall cause the amended ordinance to be entered in the official
21 record of their proceedings, and shall also cause the amended sections of the

1 ordinance, as finally passed, to be published in a newspaper of general
2 circulation in the Town on a day not more than 14 days after adoption.

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

8 * * *

9 § 108. REFERENDUM

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

18 * * *

19 § 109. INITIATIVE

20 Any lawful ordinance may be enacted by vote of the Town as follows: A
21 petition signed by not less than five percent of the registered voters shall be

1 filed with the Town Clerk requesting enactment of the ordinance and
2 accompanied by the text ~~thereof~~ of the ordinance. The ~~selectmen~~ Selectboard
3 shall call a special Town meeting to be held within 60 days of the date the
4 petition is filed, unless prior to ~~such~~ the meeting, the ~~selectboard~~ Selectboard
5 members shall have enacted the ordinance. The warning for the meeting shall
6 include the text of the proposed ordinance and shall provide for a “yes” or “no”
7 vote as to its enactment. The ordinance shall be adopted if at least 15 percent
8 of the registered voters vote and a majority of that number vote for adoption.
9 The ordinance shall take effect on the 30th day following adoption.

10 * * *

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

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

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

6 * * *

7 § 305. TREASURER

8 * * *

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

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

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

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

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

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

1 § 306. APPOINTED OFFICERS

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

4 * * *

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

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

8 * * *

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

10 * * *

11 § 307. RECALL

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

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

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

20 (3) The official shall be removed only if at least as many registered
21 voters of the Town vote as voted in the election ~~wherein~~ in which the officer

1 was elected, or at least one-third of the registered voters of the Town vote,
2 whichever is greater, and a majority of that number vote for removal.

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

7 * * *

8 § 308. VACANCIES AND APPOINTMENTS

9 * * *

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

17 * * *

18 § 502. ORGANIZATION

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

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

4 § 503. MEETINGS

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

8 * * *

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

18 * * *

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

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* * *

§ 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

1 recommending to the Town Manager a prospective employee for ~~his/her~~ his or
2 her consideration, and making general complaints to the Town Manager or to
3 department heads.

4 * * *

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

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

8 § 702. MANAGER NONPARTISAN

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

11 * * *

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

16 § 703. OATH AND BOND

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

1 § 704. DUTIES OF MANAGER

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

5 (b) The Manager shall attend all meetings of the ~~Board of Selectmen~~
6 Selectboard, except when ~~his/her~~ his or her compensation or removal is being
7 considered, or the ~~Board of Selectmen~~ Selectboard allows ~~his/her~~ his or her
8 absence. The Manager shall keep the ~~selectmen~~ Selectboard informed of the
9 financial condition and future needs of the Town and shall make ~~such~~ other
10 reports as may be required by law, requested by the ~~selectmen~~ Selectboard, or
11 deemed by ~~him/her~~ the Manager to be advisable.

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

15 * * *

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

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

20 * * *

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

6 * * *

7 (l) The Manager shall have authority to appoint, fix the salary of, suspend,
8 and remove all employees of the Town appointed by ~~him/her~~ him or her,
9 subject to the provisions of this charter and any personnel regulations as
10 approved by the ~~Board of Selectmen~~ Selectboard. ~~He/she~~ He or she shall
11 obtain approval from the ~~Board of Selectmen~~ Selectboard before appointing,
12 removing, or suspending the head of any department.

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

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

18 § 705. COMPENSATION

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

1 § 706. REMOVAL

2 The ~~Board of Selectmen~~ Selectboard may remove the Town Manager by a
3 majority vote of its total membership. At least 30 days before ~~such~~ the
4 removal shall become effective, the ~~Board of Selectmen~~ Selectboard shall by a
5 majority vote of its members adopt a preliminary resolution stating the reason
6 for ~~his/her~~ his or her removal. The Manager may reply in writing and may
7 request a public hearing ~~which~~ that shall be held not earlier than 20 days nor
8 later than 30 days after the filing of ~~such~~ the request. After ~~such~~ the public
9 hearing, if one ~~be~~ is requested, and after full consideration, the ~~Board~~
10 Selectboard by a majority vote of its members may adopt a final resolution of
11 removal. By the preliminary resolution, the ~~Board~~ Selectboard may suspend
12 the Manager from duty, but the regular salary of the Manager shall continue to
13 be paid to ~~him/her~~ him or her during the period of suspension. The Manager's
14 pay will continue up to 30 days and will not be contingent upon whether or not
15 a public hearing is held or when it is held. The ~~Board of Selectmen~~
16 Selectboard may appoint a temporary Manager to serve at the pleasure of the
17 ~~Board~~ Selectboard, for not more than 90 days. The temporary Manager shall
18 have none of the powers of appointment. ~~He/she~~ He or she shall have the
19 power to suspend, but not to remove employees.

1 § 707. ABSENCE

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

8 * * *

9 § 902. TIME OF HOLDING

10 * * *

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

13 * * *

14 § 905. POSTPONEMENT AND COMBINING OF TOWN MEETINGS

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

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

5 § 906. VOTING QUESTION BY AUSTRALIAN BALLOT

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

13 * * *

14 § 1101. APPLICABILITY OF STATE LAW TO ZONING AND
15 PLANNING

16 The Zoning Administrator under any Middlebury zoning ordinance or
17 bylaw shall be appointed annually by the ~~selectmen~~ Selectboard, after the
18 annual meeting and shall serve for one year or until ~~his/her~~ his or her successor
19 is appointed and qualified. All other matters pertaining to zoning, land
20 subdivision, municipal and regional plans, shall be exclusively controlled by

1 the statutes of the State of Vermont, except as specifically provided in this
2 charter.

3 * * *

4 § 1302. PREPARATION AND SUBMISSION

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

9 The budget shall contain:

10 * * *

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

13 * * *

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

20 (d) Prior to finally determining the Middlebury Town budget, and at least
21 40 days prior to the annual meeting, the ~~selectmen~~ Selectboard shall hold a

1 public hearing, giving notice ~~thereof~~ of the hearing in a newspaper of general
2 local circulation at least seven days prior ~~thereto~~ to the date of the hearing.

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

6 * * *

7 § 1304. APPROPRIATIONS

8 The Town at the annual meeting shall adopt a budget ~~which~~ that shall
9 include the proposed expenditure of each department for the coming fiscal
10 year, and adoption of a budget at the annual meeting shall be deemed an
11 appropriation to each department of the sum allotted in the budget for such
12 department. A department's expenditures may not exceed the amount
13 appropriated to it, except by consent of the ~~selectmen~~ Selectboard and subject
14 to the provisions of sections 1307 and 1308 of this charter. The amounts stated
15 in the budget, and as approved by the Town, shall become appropriated to the
16 several agencies, departments, and purposes ~~therein~~ named in the budget.

17 § 1305. AMOUNT TO BE RAISED BY TAXATION

18 (a) Upon passage of the budget by the annual Town meeting, the amounts
19 stated ~~therein~~ in the budget as the amount to be raised by property taxes shall
20 constitute a determination of the amount of the levy for the purposes of the
21 Town in the corresponding tax year, and the ~~selectmen~~ Selectboard shall levy

1 ~~such~~ the taxes on the grand list furnished by the listers for the corresponding
2 tax year.

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

14 § 1306. BUDGET LIMITATIONS; BORROWING

15 * * *

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

20 * * *

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

11 (e) The ~~selectmen~~ Selectboard, in the name of the Town, may borrow funds
12 in anticipation of federal and State funds ~~which~~ that have been approved and
13 committed, until ~~such~~ the time ~~as such~~ the funds are available. Any debt ~~se~~
14 incurred for a project shall be repaid from the first federal or State funds
15 received for that project.

16 * * *

17 § 1307. TRANSFERS OF APPROPRIATIONS

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

1 one department, office, or agency to another. Notwithstanding the above, no
2 unexpended balance in any appropriation not included in the budget of the
3 ~~selectmen~~ Selectboard shall be transferred or used for any other purpose.

4 * * *

5 § 1309. INVESTMENTS

6 * * *

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

11 * * *

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

13 CHAPTER 129. TOWN OF MILTON

14 * * *

15 § 1003. PREPARATION AND SUBMISSION OF THE CAPITAL BUDGET

16 * * *

17 (b) The Town Manager in the case of the Town and the Superintendent in
18 the case of the school, at least 60 days before the date of the regular annual
19 meeting, shall submit to the Selectboard or school trustees a budget ~~which~~ that,
20 except as required by law or this charter, shall be in such form as the Manager

1 or Superintendent deems desirable and the Selectboard or school trustees may
2 require. The capital budget shall contain:

3 * * *

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

6 * * *

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

8 CHAPTER 131. TOWN OF PLAINFIELD

9 * * *

10 § 203. RESERVATION OF POWERS TO THE TOWN

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

18 * * *

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

20 CHAPTER 133. TOWN OF POULTNEY

21 * * *

1 § 104. FORM OF GOVERNMENT

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

7 * * *

8 § 302. SPECIAL ELECTIVE OFFICERS

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

11 * * *

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

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

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

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

1 * * *

2 § 305. APPOINTED OFFICERS

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

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

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

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

14 * * *

15 § 306. VACANCIES OF ELECTED AND APPOINTED OFFICERS

16 * * *

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

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

6 * * *

7 § 501. POWERS AND DUTIES

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

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

17 § 502. ORGANIZATION

18 (a) Three ~~selectmen~~ Selectboard members shall constitute a quorum. No
19 action of the ~~Board~~ Selectboard shall be valid or binding unless adopted by the
20 affirmative vote of at least three ~~selectmen~~ Selectboard members. In cases

1 where a statute requires a greater number of the ~~Board~~ Selectboard for an
2 affirmative vote, ~~such~~ the provisions of law shall control.

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

8 § 503. RECORD OF PROCEEDINGS

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

11 (b) The minutes of each meeting shall be approved by the ~~selectmen~~
12 Selectboard and shall be filed in the Town Clerk's office. A duly certified
13 copy of such minutes, attesting to the accuracy thereof, shall constitute the
14 official record of ~~such~~ the meeting and shall constitute prima facie evidence of
15 the action taken.

16 * * *

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

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

21 * * *

1 § 901. APPOINTMENTS

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

6 * * *

7 § 903. POLICE DEPARTMENT; APPOINTMENTS

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

10 * * *

11 § 1001. WATER AND SEWER SYSTEMS; DUTIES OF ~~SELECTMEN~~

12 SELECTBOARD

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

16 * * *

17 § 1101. POSTPONEMENT AND COMBINING OF TOWN MEETING

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

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

5 § 1102. VOTING QUESTION BY AUSTRALIAN BALLOT

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

14 * * *

15 § 1105. HIGHWAY BUDGET

16 Notwithstanding any other provision of general law or this charter to the
17 contrary, annually the ~~selectmen~~ Selectboard shall prepare a highway budget
18 with respect to the operation, maintenance, repair, and construction of Town
19 highways, ~~which~~. The budget shall be voted upon as a separate article at each
20 annual town meeting or a special town meeting called for that purpose. Voting
21 on the proposed highway budget shall be restricted to only those eligible voters

1 residing in that part of the Town not within the incorporated limits of the
2 Village of Poultney. The approved Town highway budget ~~so approved~~ shall be
3 funded by a highway tax to be levied on the grand list of the Town
4 representing ratable property situated in that part of the Town not within the
5 incorporated limits of the Village of Poultney.

6 * * *

7 § 1502. PREPARATION AND SUBMISSION OF BUDGET AND TOWN
8 REPORT

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

12 * * *

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

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

18 * * *

19 § 1504. AMOUNT TO BE RAISED BY TAXATION

20 Upon approval of the budget under section 1503 of this charter, the amounts
21 stated ~~therein~~ in the budget as the amount to be raised by property taxes,

1 reduced by cash surplus from excess collected property taxes, fees, charges,
2 fines, and interest, if any, as indicated by the statement of the Town auditors,
3 shall constitute a determination of the amount of the levy for the purposes of
4 the Town in the corresponding tax year, and the ~~selectmen~~ Selectboard shall
5 levy ~~such~~ the taxes on the grand list furnished by the listers for the
6 corresponding year.

7 § 1505. TRANSFERS OF APPROPRIATIONS

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

12 * * *

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

14 CHAPTER 141. TOWN OF READSBORO

15 * * *

16 Subchapter 2. ~~Board of Selectmen~~ Selectboard

17 * * *

18 § 21. LEGISLATIVE BODY

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

21 * * *

1 § 24. TRANSITIONAL BOARD

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

6 § 25. CHAIR AND QUORUM

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

10 * * *

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

12 CHAPTER 149. TOWN OF SPRINGFIELD

13 * * *

14 § 5. ORDINANCES

15 * * *

16 (b) Legislative body:

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

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

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

6 (2) Reporting out:

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

9 * * *

10 (3) Introduction and first review:

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

13 * * *

14 (5) Amendment during second review: Should the ~~Board of Selectmen~~
15 Selectboard decide after the public hearing to amend the text of the proposed
16 ordinance, the process and timetable shall revert back to second review with
17 the new public hearing to be held in ~~no~~ not less than 14, but ~~no~~ not more than
18 28 days and all notice requirements to be met in subsection 4 above.

19 (6) Final Action:

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

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* * *

(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.

* * *

1 (3) Codification:

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

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

9 (j) Penalties:

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

13 * * *

14 § 6. OPEN MEETINGS; FREEDOM OF INFORMATION

15 * * *

16 (d) Access to public records:

17 * * *

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

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

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

10 * * *

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

13 * * *

14 (h) The ~~Board of Selectmen~~ Selectboard may require public disclosure of
15 assets or financial interest, in a form they may prescribe, of any elected or
16 appointed official as part of an investigation into matters of conflict of interest,
17 or for the purposes of general investigation. Failure to disclose or incomplete
18 or falsified disclosure may be cause for removal as provided under subdivision
19 23(b)(8)(B) of this charter.

20 * * *

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

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

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

11 * * *

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

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

18 § 9. ACQUISITION AND DISPOSITION OF TOWN PROPERTY

19 (a) The ~~Board of Selectmen~~ Selectboard shall pass an ordinance governing
20 the acquisition or disposition of Town property, ~~which~~ that shall outline

1 procedures for the handling of ~~such matters~~ the acquisition or disposition of
2 Town property.

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

5 § 10. EMERGENCY POWERS

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

9 (b) Condemnation, eminent domain: In the event of a declared public
10 emergency ~~which~~ that threatens life, property, or the public health or welfare,
11 duly declared by unanimous ~~Board of Selectmen~~ Selectboard action at a duly
12 warned meeting, the ~~Board of Selectmen~~ Selectboard may exercise powers of
13 eminent domain and condemnation and take real property or personal property,
14 after notice to the owner and the fixing of fair compensation. An aggrieved
15 party may appeal to Superior Court.

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

1 § 11. PROCEDURES FOR CHARTER REVISION AND AMENDMENT

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

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

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

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

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

16 * * *

17 (c) In addition to the procedure set forth above in subsections (a) and (b) of
18 this section, the charter may be revised or amended by the submission of a
19 citizen initiative (~~petition~~) or petition signed by 10 percent of the voters. The
20 petition and subsequent action shall conform to the requirements of State
21 statutes relating to charter amendment procedures, shall be subject to the

1 determination of the ~~Board of Selectmen~~ Selectboard as to whether or not they
2 are comprehensive in nature, and shall be approved by a Town meeting vote
3 with at least 25 percent of voters participating.

4 * * *

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

7 Every public utility and private interest that desires to dig up a public street
8 or alley for the purpose of laying pipes or wires shall first obtain from the
9 ~~selectmen~~ Selectboard a written permit stating the place where and the time
10 when digging may be done. Upon receipt of a permit, the digging up and
11 replacing of the street or alley shall be done under the supervision of the
12 ~~selectmen~~ Selectboard, they may complete the work at the expense of the
13 utility or private interest and recover that expense in an action of tort under
14 19 V.S.A. § 1525, in the name of the Town, with costs.

15 * * *

16 § 22. TOWN MEETING; ELECTIONS

17 * * *

18 (b) Meetings and Elections:

19 (1) Annual Town meeting:

20 (A) On the Monday preceding the first Tuesday in March, beginning
21 at 7:30 p.m. at a place designated by the ~~selectmen~~ Selectboard, the Town shall

1 start its annual meeting and may transact at that time any business not
2 involving Australian ballot. At this meeting, public discussion of ballot issues
3 and all other issues appearing on the warning, other than the election of
4 candidates, shall be permitted.

5 * * *

6 (2) Special Town meetings:

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

12 * * *

13 (3) Warnings:

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

20 (B) Contents: The warning shall contain:

21 * * *

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

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

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

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

6 * * *

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

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

12 * * *

13 (6) Postponing or continuing of Town meetings:

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

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

1 Selectboard shall, within 30 days of the election, appoint a qualified individual
2 to serve in the position until the next annual Town meeting.

3 (10) Board of Civil Authority:

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

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

10 * * *

11 § 23. LOCAL ELECTED OFFICIALS

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

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

15 * * *

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

17 * * *

18 (3) Compensation:

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

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* * *

(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.

* * *

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

2 * * *

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

7 * * *

8 (8) Vacancy:

9 * * *

10 (B) The declaration of a condition for forfeiture of office shall be
11 made by the unanimous vote of the ~~Board of Selectmen~~ Selectboard, or in the
12 case of a ~~selectmen~~ Selectboard member, by the other members of the ~~Board of~~
13 ~~Selectmen~~ Selectboard, and shall be according to procedures established in
14 3 V.S.A. chapter 25, as they pertain to contested cases, and may be appealed to
15 the Superior Court as contested cases are appealed.

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

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

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

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

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

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

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

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

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

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

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

8 * * *

9 (v) Clerk; minutes:

10 * * *

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

14 (vi) Special meetings and workshops:

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

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

20 * * *

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

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

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

8 * * *

9 (viii) Correction of irregularities: Any irregularities or defects in
10 the notice of or conduct of any meeting of the ~~Board of Selectmen~~ Selectboard
11 may be cured at any subsequent regular meeting, provided that ~~such~~ the
12 resolution is included on the agenda of a regular or special meeting and is
13 adopted by a majority of the ~~Board~~ Selectboard.

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

18 (2) Listers:

19 * * *

20 (D) Vacancies on the Board of Listers shall be filled by a majority
21 vote of the ~~Board of Selectmen~~ Selectboard, ~~said~~ the appointment to run until

1 the next annual Town meeting at which an election can be warned to fill the
2 unexpired term.

3 (3) Moderator:

4 * * *

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

8 (4) Town Constable:

9 * * *

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

12 (5) Cemetery commissioners:

13 * * *

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

17 * * *

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

1 (6) Trustees of public funds:

2 * * *

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

7 * * *

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

12 § 24. APPOINTED NONADMINISTRATIVE OFFICIALS

13 (a) General provisions applying to all appointed positions:

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

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

18 * * *

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

1 (c) Appointed boards and commissions established by charter:

2 (1) Planning Commission:

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

5 * * *

6 (2) Zoning Board of Adjustment:

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

9 * * *

10 (3) Housing Authority:

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

13 * * *

14 (4) Airport Commission:

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

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

20 * * *

1 (d) Boards, commissions, committees created by ~~Board of Selectmen~~

2 Selectboard action:

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

6 * * *

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

12 * * *

13 § 31. THE TOWN MANAGER

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

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

20 * * *

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

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

10 (f) Town Manager; evaluation: Before the ~~Board of Selectmen~~ Selectboard
11 determines the subsequent annual compensation of the Manager, the ~~Board~~
12 Selectboard and ~~manager~~ Manager shall be required to hold an evaluation
13 session in executive session, at which the ~~manager~~ Manager shall present
14 management goals for the coming year based on ~~townwide~~ town-wide goals
15 articulated by the ~~Board of Selectmen~~ Selectboard, and shall be evaluated by
16 the ~~Board of Selectmen~~ Selectboard regarding performance in relation to ~~such~~
17 the goals set out for the previous year.

18 (g) Oath and bond: Before entering into the duties of office, the Town
19 Manager shall be sworn to the impartial and faithful performance thereof, with
20 a certificate to that effect to be filed with the Town Clerk. The Manager shall
21 execute a bond in favor of the Town for the faithful performance of ~~his/her~~ his

1 or her duties in a sum determined by the ~~Board of Selectmen~~ Selectboard. The
2 premium for ~~said~~ the surety shall be paid by the Town.

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

6 * * *

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

11 (3) ~~No~~ Not less than 15 days but ~~no~~ not more than 45 days from the
12 deadline prescribed in subdivision (2) of this subsection, the ~~Board of~~
13 ~~Selectmen~~ Selectboard shall schedule a meeting or public hearing for the
14 purpose of considering the resolution.

15 * * *

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

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

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

2 * * *

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

9 * * *

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

12 (j) Responsibilities of the Town Manager and authority:

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

18 (2) Limits to authority in general:

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

20 * * *

1 required by law or ordinance regarding any and all functions under ~~his/her~~ his
2 or her supervision.

3 * * *

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

10 * * *

11 (M) To remain ultimately responsible to the ~~Board of Selectmen~~
12 Selectboard for all administrative actions under ~~his/her~~ his or her jurisdiction
13 although ~~he/she~~ he or she may hold subordinate employees, offices, or agents
14 responsible for the faithful discharge of their duties.

15 * * *

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

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* * *

(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

1 employee. Communications for the purposes of information and background
2 shall be considered proper when approved by the Manager.

3 § 32. ADMINISTRATIVE DEPARTMENTS

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

10 * * *

11 (d) Creation, reorganization, consolidation, or abolition of administrative
12 departments: Departments within the administrative service can only be
13 created, reorganized, consolidated, or abolished by formal action of the ~~Board~~
14 ~~of Selectmen~~ Selectboard.

15 § 33. ADMINISTRATIVE CODE

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

20 * * *

1 (b) Distribution and availability:

2 * * *

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

6 * * *

7 § 34. ADMINISTRATIVE AND POLICY FUNCTIONS PRESCRIBED BY
8 CHARTER

9 (a) Department of Assessment:

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

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

16 * * *

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

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

21 * * *

1 * * *

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

6 (c) Personnel system:

7 * * *

8 (2) Personnel Director:

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

13 * * *

14 (3) Personnel merit system ordinance:

15 * * *

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

18 * * *

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

21 * * *

1 (4) Personnel rules and regulations employee handbook:

2 * * *

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

6 * * *

7 (5) Town charter and collective bargaining agreements:

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

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

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

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

21 * * *

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

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

9 (d) Drafting of administration’s proposed budget:

10 (1) Unified administrative request: The Manager shall, upon
11 consultation with department heads, draft a unified, proposed operating budget
12 for submission to the ~~Board of Selectmen~~ Selectboard, reflecting a single
13 request from the administration for each department.

14 * * *

15 (3) Budget-contents, format:

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

20 * * *

21 (E) The budget shall include in separate sections:

1 * * *

2 (e) Subsidiary budgets for utilities:

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

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

11 § 43. CAPITAL EXPENDITURE PROGRAM

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

16 * * *

17 § 44. CAPITAL RESERVE FUNDS AND EQUIPMENT FUNDS

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

21 * * *

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

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

4 ~~Board review:~~

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

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

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

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

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

17 § 46. SPECIAL APPROPRIATIONS

18 In response to a request, or upon its own initiative, should the ~~Board of~~
19 ~~Selectmen~~ Selectboard judge, the appropriation relative to a special element
20 of Town business may be placed on the warning as a special appropriation by a

1 majority vote of the Board. In taking action, the ~~Board of Selectmen~~
2 Selectboard shall maintain the right to reject, alter, or reduce a request.

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

5 Citizen participation plan; public notice:

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

10 (2) Contents:

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

14 * * *

15 § 48. APPROPRIATION-TOWN BUDGET

16 (a) Gross appropriation fixed and levy:

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

21 * * *

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

2 IMPROVEMENTS

3 * * *

4 (b) An article requesting authorization to incur long-term debt can only be
5 placed on the warning by a vote of four ~~selectmen~~ Selectboard members,
6 ~~which~~ that indicates that the cost of the improvement will be too great to be
7 paid out of the annual income or revenues of the Town.

8 * * *

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

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

13 CHAPTER 151. TOWN OF ST. JOHNSBURY

14 * * *

15 § 2. ASSETS TRANSFERRED; LIABILITIES; TAXATION; SPECIAL

16 SERVICES; DOWNTOWN IMPROVEMENT DISTRICT

17 (a) All assets of the Village of St. Johnsbury on the date Act No. 345 of the
18 Acts of 1957, as amended, becomes effective shall become the property of the
19 Town of St. Johnsbury, except that those assets shall be subject to the debts of
20 the Village of St. Johnsbury to the extent provided by law on that date. The
21 Village of St. Johnsbury shall remain in existence so far as necessary to

1 complete payment of its indebtedness and other obligations to which it was
2 subject on that date. The taxpayers residing in the Village of St. Johnsbury as
3 it was bounded just prior to that date shall be subject to a tax on their grand list
4 to be assessed annually by the ~~selectmen~~ Selectboard of the Town of St.
5 Johnsbury in an amount sufficient to pay off any such indebtedness according
6 to its terms.

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

14 (c) For the purpose of providing special services to a portion of the Town,
15 the warning for any annual or special meeting may contain appropriate articles
16 under which the legal voters in that area may vote for ~~such~~ the special services
17 as they desire. The Town shall furnish to each area ~~such~~ the special services as
18 ~~that are so voted~~ approved by voters, and the cost in each area, including the
19 cost of all equipment, replacements, maintenance, salaries, and other operating
20 expenses, shall be paid by a tax on the grand list of each taxpayer ~~therein~~ in
21 that area for his or her ratable share ~~thereof~~ of the costs, to be assessed

1 annually by the ~~selectmen~~ Selectboard to be collected at the same time and in
2 the same manner as the Town votes to have its other taxes collected, and ~~such~~
3 the tax assessed upon the grand list shall be a lien ~~thereon~~ with the same
4 priority as other taxes lawfully assessed ~~thereon~~ on real property.

5 * * *

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

13 (1) Commission-Creation; Membership: A St. Johnsbury Downtown
14 Improvement District Commission (Commission) is created consisting of
15 seven members appointed by the Selectboard. Five members shall be, at the
16 time of appointment and during their terms, natural persons who are owners of
17 property, managers, proprietors, operators, officers, or directors of businesses
18 located within the District who shall be appointed to serve for a term of five
19 years and until their successors are appointed and qualified, except that the
20 terms of the first five commissioners shall be from the date of appointment
21 until one year, two years, three years, four years, and five years after April 1,

1 1997, respectively. One member shall be a member at large who shall be, at
2 the time of appointment and during his or her term, a legal resident of the
3 Town of St. Johnsbury, who shall be appointed to serve for the term of five
4 years commencing the first day of April and until the member's successor is
5 appointed and qualified. One member shall be a ~~Selectman~~ member of the
6 Selectboard, or an employee of the Town of St. Johnsbury, who shall be
7 appointed to serve for a term of one year commencing the first day of April
8 and until the member's successor is appointed and qualified. The Commission
9 shall have a Chair and Vice Chair elected by the Commission members. Any
10 vacancy shall be filled by the appointing authority for the remainder of the
11 unexpired term. Commissioners may be removed by unanimous vote of the
12 Selectboard.

13 (2)(A) Purposes and Powers: The Commission is created for the general
14 purpose of maintaining and improving the economic, cultural, and
15 environmental vitality and quality of the Town of St. Johnsbury and, in
16 particular, the District created by this subsection; to promote the Town and the
17 District as a regional retail, commercial, and service center; and to serve as an
18 advocate for orderly development of the District in order to encourage
19 expansion of the retail, commercial, and service base of the District and the
20 Town by attracting new business and investment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Commission, notwithstanding section 8 of the charter, or amends the order or
2 ordinance.

3 * * *

4 (4) Common Area Fees:

5 * * *

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

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

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

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(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.

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§ 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~~

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

11 § 10. PENALTIES

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

1 against his or her body with a certificate of ~~such the~~ findings endorsed ~~thereon~~
2 on the execution; and ~~such the~~ execution with ~~such the~~ certificate ~~thereon~~ shall
3 have the same effect as an execution issued on a judgment founded upon tort
4 having a like certificate ~~endorsed thereon~~.

5 * * *

6 § 12. OFFICERS

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

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

13 MEMBERS UPON MERGER

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

1 applicable and appropriate, except as repealed, amended, altered, or modified
2 by the ~~selectmen~~ Selectboard of the Town of St. Johnsbury, and as respects
3 only that part of the Town of St. Johnsbury comprised within the limits of the
4 Village of St. Johnsbury, as defined by No. 179 of the Acts of 1927.

5 * * *

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

7 CHAPTER 203. VILLAGE OF ALBURGH

8 * * *

9 § 802. EMINENT DOMAIN AUTHORITY

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

17 § 803. PROCEDURES FOR EMINENT DOMAIN AUTHORITY

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

1 shall give a description of the land, property, or rights to be taken and used. At
2 ~~such the~~ hearing the trustees shall determine the question of convenience and
3 necessity and decide the question of damages and shall pay or tender the
4 amount of ~~such the~~ damages to the person or persons entitled to the same, in
5 the same manner as is provided by law for ~~selectmen~~ a legislative body in
6 taking lands for highways and ~~in~~ awarding damage ~~therefor~~ for the taking of
7 lands. A person aggrieved by any act of the trustees in the taking of lands,
8 rights, or property for the foregoing purposes and in the awarding of damages
9 therefor may have the same right of appeal, and in the case of ~~such the~~ appeal
10 proceedings shall be had in the same manner as is provided for appeals from
11 acts of ~~selectmen~~ legislative bodies in taking land and awarding damages for
12 highway purposes.

13 * * *

14 § 809. FUNDS FOR SIDEWALK AND CURBING REPAIRS

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

1 sidewalks and curbs within the Village of Alburgh; and thereafter the Village
2 of Alburgh shall assume all ~~such~~ Town liabilities. But the Town of Alburgh
3 shall not be relieved from ~~such~~ the liability except upon the payment of the
4 10 percent.

5 * * *

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

7 CHAPTER 207. VILLAGE OF BELLOWS FALLS

8 * * *

9 § 23. STREETS AND SIDEWALKS

10 * * *

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

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§ 27. DRAINS AND SEWERS

The Board of Trustees of ~~said the~~ the corporation may lay out, grade, alter, maintain, and discontinue any sewers or drains in ~~said the~~ 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~~ 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~~ the Village, upon application in writing of 20 or more freeholders and legal voters of ~~said the~~ the

1 Village are ~~hereby~~ authorized and empowered to lay, make, and maintain ~~such~~
2 a common sewer or main drain and repair the same sewer or drain when
3 necessary, from time to time;

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

11 (c) Each person or corporation whose particular drain shall enter into ~~such~~
12 the main drain or sewer, or who in the opinion of the ~~said~~ trustees shall receive
13 benefit thereby for draining the premises of ~~such~~ the person or corporation
14 shall be liable to contribute a just share toward the expense of laying and
15 constructing and maintaining of ~~such~~ the sewer or drain, and shall be assessed
16 ~~therefor~~ by ~~said~~ the trustees ~~such~~ the just share; ~~and at.~~ At least 10 days' notice
17 of the time and place of ~~such~~ the assessment for ~~said~~ the contribution shall be
18 given to ~~such~~ the person or corporation, its agent, tenant, or lessee, and a
19 certificate of ~~such~~ the assessment shall be left with the Clerk of ~~said~~ the
20 Village, and recorded by ~~said~~ the Clerk, and when ~~so~~ recorded the amount ~~so~~

1 assessed shall be and remain a lien, in the nature of a tax upon the lands and
2 premises ~~so~~ assessed until the same shall be paid;

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

12 * * *

13 § 902. ASSESSMENT OF TAX

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

21 * * *

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

2 CHAPTER 235. VILLAGE OF LUDLOW

3 * * *

4 § 52. HIGHWAY TAXES

5 * * *

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

13 * * *

14 § 76. APPEAL OF DAMAGE AND COMPENSATION

15 DETERMINATIONS

16 When any person shall be dissatisfied with the award of the ~~water~~
17 ~~commissioners so made~~ Water Commissioners, in any of the cases mentioned
18 in section 75 of this charter, ~~such~~ the person may petition the Windsor County
19 Court for a reassessment and award of damages, and ~~such~~ the proceeding shall
20 be had in ~~said~~ the Court ~~the court~~ on ~~said~~ the petition as are provided by law for
21 the assessment of damages for land taken for highways, except that the

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

12 * * *

13 § 81. CONSTRUCTION OF SEWERS

14 Whenever the public health or convenience shall require the construction of
15 a common sewer or sewers in the Village of Ludlow, the ~~said~~ the Village of
16 Ludlow is hereby authorized and empowered to ~~sø~~ construct ~~said~~ sewers and to
17 repair the ~~same~~ sewers from time to time when necessary, and for ~~such purpose~~
18 the purposes described in this section may take the land of individuals and
19 corporations on making compensation for the lands ~~sø~~ taken, and the trustees
20 of ~~said the~~ the Village shall proceed in the same manner as is prescribed by law for
21 ~~selectmen~~ Selectboard in taking land for public highways and in awarding

1 damages ~~therefor~~, and the ~~said~~ trustees shall make a ~~return~~ report of their
2 doings to the office of the Clerk of ~~said~~ the Village who shall record the same
3 in the records of the Village, and ~~said~~ the Village may also lay pipes along and
4 across the streets, alleys, lanes, and highways in ~~said~~ the Village and Town.

5 * * *

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

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

1 completing ~~said~~ the electric light plant, reservoirs, lines, and appurtenances
2 ~~thereof~~, and using ~~said~~ the water powers and lands after their award shall have
3 been made and the amount ~~thereof~~ the damages tendered by them.

4 * * *

5 § 101. ESTABLISHING AND DISCONTINUING STREETS

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

16 * * *

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

18 CHAPTER 237. VILLAGE OF LYNDONVILLE

19 * * *

1 § 21. TOWN HIGHWAY DISTRICT

2 (a) All of the territory embraced within the limits of ~~said the~~ Village ~~is~~
3 ~~hereby constituted~~ shall constitute a highway district of the Town of Lyndon,
4 and all of the highway taxes assessed upon the ratable estate ~~thereof~~ within the
5 district shall be paid in money, and the ~~selectmen~~ Selectboard of the Town of
6 Lyndon shall make out a tax bill ~~thereof~~ and deliver the ~~same~~ bill seasonably
7 as required by law with a warrant for its collection to the Collector of ~~said the~~
8 Village, who shall collect the ~~same~~ tax bill as other taxes of ~~said the~~ Village
9 are collected, and shall pay the ~~same~~ collected taxes over to the Treasurer of
10 ~~said the~~ Village, ~~which moneys~~.

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

19 § 22. HIGHWAY TAXES

20 The trustees shall have power to direct the expenditure of highway taxes
21 assessed upon the ratable estate within the limits of the Village of Lyndonville;

1 ~~said~~ the trustees shall have the same power to lay out, alter, maintain, and
2 discontinue any street, highway, lane, or walk within the Village limits and
3 appraise and settle damages ~~therefor~~ as is given by law to the ~~selectmen~~
4 legislative bodies of towns, causing their proceedings to be recorded in the
5 office of the Town Clerk of the Town of Lyndon, ~~provided that any.~~ Any
6 person aggrieved by ~~such~~ the proceedings shall have the same opportunities
7 and rights to appeal and to apply to the courts for redress as is ~~or may be~~
8 allowed to those aggrieved by the proceedings of ~~the selectmen~~ legislative
9 bodies in similar cases.

10 § 23. LICENSES

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

15 * * *

16 § 39. SEWER SYSTEM

17 (a) Whenever the public health or convenience may require, a common
18 sewer or main drain may be laid, constructed, maintained, altered, repaired, or
19 replaced for use of ~~said~~ the Village. Upon written application of five or more
20 freeholders and legal voters of ~~said~~ the Village, the trustees shall be authorized
21 and empowered to lay, construct, maintain, alter, repair, or replace ~~said~~ the

1 common sewer or main drain, and for this purpose from time to time when
2 necessary they may take any land whatever on making compensation paying
3 damages therefor, provided ~~such~~ the use of any ~~such~~ public way, or other
4 property, does not unreasonably interfere with public travel; ~~the~~. The trustees
5 shall proceed in the same manner as is prescribed by law for ~~selectmen~~
6 legislative bodies taking land for public highways and in awarding damages
7 ~~therefor~~ for the taking of lands, and ~~said~~ the trustees shall make a report of
8 their action ~~which~~ that shall be recorded by the Clerk of the Village in the
9 records of the Village.

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

18 (c) A certificate of ~~such~~ the assessment shall be left with the Clerk of ~~said~~
19 the Village to be recorded by him or her in the records of ~~said~~ the Village; ~~;~~
20 ~~when so~~ When recorded the amount ~~so~~ assessed shall be a lien in the nature of
21 a tax on the ~~land so~~ assessed land until the ~~same~~ assessment shall be paid, and

1 if the owner of ~~such~~ the land shall neglect for the period of six months after the
2 decision of ~~said~~ the trustees, or in case of appeal to the County Court, to pay to
3 the Treasurer of ~~said~~ the Village the amount of ~~such~~ the assessment, ~~said~~ the
4 trustees shall issue their warrant for the collection of the same directed to the
5 Collector of ~~said~~ the Village who shall have authority to sell at public auction
6 ~~so much~~ any portion of ~~said~~ the land, or personalty, of ~~such~~ the person as will
7 satisfy ~~such~~ the assessment and all legal fees; ~~said~~. The Collector shall
8 proceed in the same manner as Collectors of Taxes are required by law to
9 proceed in selling real estate or personalty of ~~such~~ delinquents at auction for
10 the collection of town taxes.

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

19 (2) ~~Such~~ The petition shall be served on the Clerk of said Village within
20 60 days next after ~~said~~ the award of damages or compensation shall be filed in
21 the office of ~~said~~ the Clerk. ~~Such~~ The proceedings shall be had in the County

1 Court on ~~said the~~ petition as ~~are provided for the reassessment of damages for~~
2 ~~land taken for highways by sections 4768, 4769, and 4770 of the public laws~~
3 ~~pursuant to 19 V.S.A. chapter 7, except as herein provided in this charter. and~~
4 ~~the~~ The commissioners appointed by the County Court to ~~re-examine~~
5 reexamine any assessment shall notify the Clerk of ~~said the~~ Village of the time
6 and place when they will hear the matter.

7 * * *

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

9 CHAPTER 249. VILLAGE OF NEWFANE

10 * * *

11 § 502. SEWERS

12 ~~Said corporation~~ The Village is empowered to construct a system of sewers
13 and repair the ~~same sewer system~~, and for that purpose may take ~~such the~~ lands
14 as that are necessary, ~~and in.~~ In taking lands for ~~such these~~ purposes, ~~said the~~
15 corporation and its Board of Trustees shall proceed in the manner prescribed
16 for towns ~~and selectmen~~ in taking lands for highway purposes, and ~~said~~
17 ~~corporation~~ the Village may borrow ~~such the~~ sums of money to defray the
18 expenses of ~~such the~~ sewers as it may by vote determine, and for that purpose
19 may issue bonds with coupons attached on ~~such~~ terms and in ~~such the~~ manner
20 as ~~said corporation~~ the Village may prescribe. If ~~said the~~ Village votes to
21 construct a sewer, it may make and establish bylaws regulating the manner of

1 construction, the raising of the money ~~therefor~~, and all other matters of detail
2 ~~relating thereto~~.

3 § 503. STREETS AND WALKS

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

14 § 504. WATER PIPES

15 The trustees, or a majority of them, may lay water pipes, within the limits of
16 ~~said the~~ Village, and may, for that purpose enter upon the lands of any land
17 owner in ~~said the~~ Village, and lay and maintain water pipes through ~~such the~~
18 land, and repair the ~~same~~ pipes when necessary, upon payment or tender of
19 payment of ~~such~~ compensation as damages ~~therefor~~ as the ~~said~~ trustees shall
20 award to ~~such the~~ land owner, and to any tenant or occupant of ~~such the~~ land to
21 the amount that the individual's interests are affected ~~thereby~~. Any party

1 aggrieved shall be entitled to the same redress as is provided in case of taking
2 of land by ~~selectmen~~ a town for highway purposes.

3 * * *

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

5 CHAPTER 285. VILLAGE OF WELLS RIVER

6 * * *

7 § 25. ROADS, WALKWAYS, AND SEWERS

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

16 (b)(1) The ~~trustees~~ Trustees in making, altering, or repairing sidewalks,
17 culverts, sewers, or drains shall have power, subject to the bylaws and
18 ordinances of the Village on giving 12 days' notice to the interested parties
19 ~~interested~~ of the time and place of hearing to assess the owner or occupant of
20 the land or lands benefited ~~thereby, so much~~ the share of the expense of
21 making, altering, or repairing the ~~same~~ sidewalks, culverts, sewers, or drains as

1 the ~~trustees~~ Trustees shall judge ~~such~~ the land to be benefited ~~thereby~~, not to
2 exceed one half of ~~such~~ the expense.

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

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

1 (2) Whenever any person or persons owning ~~such~~ a building in the
2 Village shall fail or neglect to construct and maintain a proper sewer or drain
3 from the building to the main sewer, it shall be the duty of ~~trustees~~ Trustees to
4 give the person or persons owning or having an interest in the building and
5 premises reasonable notice to build and construct an adequate sewer or drain
6 from the building and premises to the main sewer. ~~In case such~~

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

17 (4) Whenever a person or persons fail or neglect to pay the ~~same~~
18 amounts due pursuant to subdivision (3) of this subsection upon demand, the
19 ~~trustees~~ Trustees may bring an action against the persons ~~so~~ notified to recover
20 ~~such~~ the expense in the name of the Village, and the premises shall be holden
21 for the payment of ~~such~~ the expense in building the sewer or drain and no

1 homestead or interest of any mortgagee shall be exempt from attachment and
2 execution in a suit brought to recover ~~such~~ the expense.

3 * * *

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

5 CHAPTER 505. WILLIAMSTOWN FIRE DISTRICT ~~CHARTER~~

6 * * *

7 § 2. BODY CORPORATE AND CORPORATE LIMITS

8 * * *

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

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

16 * * *

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

18 CHAPTER 703. CHAMPLAIN WATER DISTRICT

19 * * *

20 § 6. ORGANIZATION AND ADMINISTRATION

21 * * *

1 (c) All officers and commissioners of the existing Champlain Water
2 District shall hold office for their existing terms and until others are elected
3 and qualified following the first annual meeting. The ~~selectmen~~ legislative
4 body of each town may appoint an alternative ~~water commissioner~~ Water
5 Commissioner for each ~~commissioner~~ Commissioner elected from that Town,
6 whose duty shall be to serve in place of the elected ~~commissioner~~
7 Commissioner if the latter is unable to serve and to serve in that
8 ~~commissioner's~~ Commissioner's place if that ~~commissioner~~ Commissioner
9 resigns or is unable to proceed while in office.

10 * * *

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

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* * *

* * * 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.

* * *

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

10 * * *

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

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

20 * * *

1 § 315. COMPENSATION OF CITY OFFICIALS

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

3 * * *

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

9 * * *

10 § 401. APPOINTMENT AND QUALIFICATIONS

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

1 § 402. REMOVAL

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

6 (b)(1) Notwithstanding the above, the Council may adopt a resolution
7 stating its intention to remove the Manager and the reasons therefore, a copy of
8 which shall be served forthwith on the Manager who may, within 10 days,
9 demand a public hearing. Upon or after passage of such resolution, the
10 Council may suspend ~~him or her~~ the Manager from duty, but ~~his or her~~ the
11 Manager's pay shall continue until ~~his or her~~ the date of removal.

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

16 § 403. MANAGER'S ABSENCE

17 The City Manager may designate a qualified administrative officer of the
18 municipality to perform ~~his or her~~ the Manager's duties during ~~his or her~~ any
19 temporary absence or disability. In the event of ~~his or her~~ the Manager's
20 failure to ~~make such designation~~ designate an administrative officer, the
21 Council may, by resolution, appoint an officer of the City to perform the duties

1 of the Manager during such absence or disability, until ~~he or she~~ the Manager
2 shall return or ~~his or her~~ the Manager's disability shall cease.

3 § 404. DUTIES AND RESPONSIBILITIES

4 The City Manager shall:

5 * * *

6 (c)(1) Appoint and remove all department heads and all other officers,
7 subordinates, and assistants and fix their salary or compensation, for whose
8 selection or removal no other method is provided in this act, except that ~~he or~~
9 ~~she~~ the Manager may authorize the head of a department to appoint and
10 remove subordinates in ~~such~~ the department;

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

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

14 * * *

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

20 * * *

1 § 406. BUDGET

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

7 * * *

8 § 409. DUTIES

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

20 (b) The Mayor shall preside at all meetings of the City Council and shall
21 have a voice and vote in its proceedings. ~~He or she~~ The Mayor shall be

1 recognized as head of the municipal government for all ceremonial purposes
2 and by the Governor for the purposes of military law. In the event of ~~his or her~~
3 the Mayor's inability to act, ~~his or her~~ absence, or disability, the Council shall
4 designate one of its members to act as Mayor during ~~his or her~~ the Mayor's
5 absence or disability.

6 § 410. DUTIES

7 * * *

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

14 * * *

15 § 413. ~~SCHOOL DISTRICTS~~

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

19 § 414. DUTIES AND RESPONSIBILITIES

20 The City Attorney shall be corporation counsel for the City. ~~He or she~~ The
21 City Attorney may prosecute and defend in behalf of the City all suits in which

1 the City is interested. ~~He or she~~ The City Attorney is authorized to file
2 information and complaints in criminal causes involving violation of an
3 ordinance of the City, and shall prosecute the same. ~~A~~ The City Attorney shall
4 file a copy of all his or her written opinions shall be filed by him or her any
5 City Attorney written opinion in the office of the City Clerk.

6 § 415. DUTIES AND RESPONSIBILITIES

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

12 § 416. APPOINTMENT

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

21 * * *

1 § 419. DUTIES

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

5 * * *

6 § 421. DUTIES

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

11 * * *

12 § 516. ~~POWERS AND DUTIES~~

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

20 ~~(b) The Board of School Commissioners shall have the care and custody of~~
21 ~~all the property belonging to, or used for, the public schools located in the City.~~

1 ~~Payments due or to become due on bonds and interest thereon, used by the City~~
2 ~~of Barre for school purposes, shall be paid by the City of Barre School District.~~

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

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

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

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

21 * * *

1 § 604. NOTICE OF TAX DUE

2 The City Treasurer shall upon ~~delivery to him or her~~ receipt of the tax rate,
3 publish at least three times in a newspaper with the general circulation in the
4 City a notice calling upon the taxpayer to pay their respective taxes on the
5 dates provided in section 601, and to mail to each taxpayer, at ~~his or her~~ the
6 taxpayer's last known address, a tax bill stating the amount of the ~~grant~~ grand
7 list, the amount of taxes due, and when those taxes are payable.

8 * * *

9 * * * Effective Date * * *

10 Sec. 26. EFFECTIVE DATE

11 This act shall take effect on passage.